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Proposals submitted to, and decisions of, various United Nations organs, relating to the question of State responsibility: Supplement to document A/CN.4/165, prepared by the Secretariat

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Proposals submitted to, and decisions of, various United Nations organs relating to the question of State responsibility:
supplement prepared by the Secretariat to document A/CN.4/165 *

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* *Yearbook of the International Law Commission, 1964, vol. II, p. 125.*

Introduction

To assist the International Law Commission in its work on the question of State responsibility, the Secretariat has prepared the following supplement to document A/CN.4/165 which was prepared in 1964 at the request of the Commission. It consists of proposals submitted to, and decisions of, various organs of the United Nations between 1964 and 1968, having a bearing on the question of State responsibility.

I. PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY RELATIONS AND CO-OPERATION AMONG STATES

1. The General Assembly, in resolution 1815 (XVII) of 18 December 1962, recognized:

... the paramount importance, in the progressive development of international law and in the promotion of the rule of law among nations, of the principles of international law concerning friendly relations and co-operation among States and the duties deriving therefrom, embodied in the Charter of the United Nations which is the fundamental statement of those principles, notably:

(a) The principle that States shall refrain in their international relations from that 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.

In the same resolution, the Assembly resolved:

... to undertake, pursuant to Article 13 of the Charter, a study of the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter with a view to their progressive development and codification, so as to secure their more effective application.

It accordingly decided to study the first, second, third and sixth principles at its eighteenth session. At that session, the Assembly, by resolution 1966 (XVIII) of 16 December 1963, decided to establish a Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States.¹ The Com-

mittee was to "draw up a report containing, for the purpose of the progressive development and codification of the [first, second, third and sixth] principles so as to secure their more effective application, the conclusions of its study and its recommendations...", and the Assembly itself would, at its nineteenth session, consider the report of the Special Committee and study the other three principles.

2. In resolution 2103 A (XX) of 20 December 1965, the Assembly noted the report of the 1964 Special Committee and reconstituted it "in order to complete the consideration and elaboration of the seven principles set forth in General Assembly resolution 1815 (XVII)". The Committee was requested to "submit a comprehensive report on the results of its study of the seven principles... including its conclusions and recommendations, with a view to enabling the General Assembly to adopt a declaration containing an enunciation of these principles". The Assembly, by resolution 2181 (XXI) of 12 December 1966, took note of the report of the 1966 Special Committee, of its formulations concerning the principles of the peaceful settlement of disputes and sovereign equality, and of its decision that with regard to the principle on non-intervention it would abide by resolution 2131 (XX) of 21 December 1965,² and asked the Committee to continue its work. More specifically, it requested the Committee to complete the formulations of the principles of the non-use of force, the duty to co-operate, equal rights and self-determination, and good-faith fulfilment of obligations; to consider proposals on the principle of non-intervention "with the aim of widening the area of agreement already expressed in General Assembly resolution 2131 (XX)"; "to examine any additional proposals with a view to widening the areas of agreement expressed in the formulations of the 1966 Special Committee concerning 'the principle of peaceful settlement of disputes and sovereign equality'"; and to submit "a comprehensive report on the principles entrusted to it for study and a draft declaration on the seven principles". By resolution 2327 (XXII) of 18 December 1967, the Assembly noted the report of the 1967 Special Committee, and asked it to continue its work. In particular, it requested the Committee to complete the formulation of the principles of the non-use of force and equal rights and self-determination; to "consider proposals compatible with General Assembly resolution 2131 (XX)" on the principle of non-intervention "with the aim of widening the area of agreement already expressed in that resolution" and, to submit to the Assembly at its twenty-third session "a comprehensive report on the principles entrusted to it". By resolution 2463 (XXIII) of 20 December 1968, the Assembly noted the report of the 1968 Special Committee, asked it to continue and to complete its work, and requested it "to endeavour to resolve, in the light of General Assembly resolution 2327 (XXII), all relevant questions relating to the formulation of the seven principles, in

¹ The reports of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States appear in the following documents:

1964 report—*Official Records of the General Assembly, Twentieth Session, Annexes*, agenda items 90 and 94, document A/5746.

1966 report—*Ibid.*, *Twenty-first Session, Annexes*, agenda item 87, document A/6230.

1967 report—*Ibid.*, *Twenty-second Session, Annexes*, agenda item 87, document A/6799.

1968 report—*Ibid.*, *Twenty-third Session*, agenda item 87, document A/7326.

² Report of the 1966 Special Committee, paras. 248, 272, 341, 403 and 413. See also on the principle of sovereign equality, report of the 1964 Special Committee, para. 339; on the principle of non-intervention, see paras. 20-23 below.

order to complete its work as far as possible, and to submit to the General Assembly at its twenty-fourth session a comprehensive report”.

3. As noted, the Special Committee in 1966 adopted formulations concerning the principles of the peaceful settlement of disputes and sovereign equality of States and adopted a resolution relating to the principle of non-intervention.³ In 1967 it took note of texts adopted by its Drafting Committee on the principle on the duty of States to co-operate with one another in accordance with the Charter and on the principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter.⁴ And in 1968 the Committee adopted the report of its Drafting Committee on the principle of the non-use of force.⁵

4. Since the work on the principles is still in progress and since the principles are closely interrelated, members of the Special Committee and of the Sixth Committee have from time to time reserved their position in relation to particular texts, statements and resolutions, pending the final completion of the work. Relevant decisions reached, and proposals made, concerning the principles of the non-use of force, non-intervention, sovereign equality and good-faith fulfilment and obligations appear below under appropriate headings.⁶

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*

5. *International wrongful act.* In 1968 the Committee adopted its Drafting Committee's report which, under the heading “Consequences and corollaries of the prohibition of the threat or use of force”, contained the following agreed statement:

A war of aggression constitutes a crime against the peace, for which there is responsibility under international law.⁷

³ See foot-note 2.

⁴ Report of the 1967 Special Committee, paras. 161, 285 and 474. In addition, the Working Group of the Drafting Committee submitted a report relating to the principles of peaceful settlement of disputes and sovereign equality. The Drafting Committee took note of the report and transmitted it to the Special Committee, which, in turn, took note of the Drafting Committee's report and transmitted it to the General Assembly (*Ibid.*, paras. 438 and 474).

⁵ Report of the 1968 Special Committee, paras. 111 and 134.

⁶ See also para. 31 below where decisions and proposals relating to one aspect of the principles of non-intervention, equal rights and self-determination and sovereign equality are discussed.

⁷ Report of the 1968 Special Committee, paras. 111 and 134. For the relevant proposals and discussions see reports of the 1964 Special Committee, paras. 27, 68-72 and 106; 1966 Special Committee, paras. 25-27, 29, 77-81 and 156; 1967 Special Committee, paras. 22-24, 26, 27, 58-61 and 107; and 1968 Special Committee, paras. 22-24, 26, 27, 55-57, 114, 117, 119, 121 and 124.

For discussions in the Sixth Committee see the relevant reports of that Committee for 1965 (*Official Records of the General Assembly, Twentieth session, Annexes*, agenda items 90 and 94, document A/6165, para. 22); 1967 (*Ibid.*, *Twenty-second Session, Annexes*, agenda item 87, document A/6955, para. 42), and 1968 (*Ibid.*, *Twenty-*

The Special Committee has not reached agreement on the following more detailed provision:

The planning, preparation, initiation and waging of wars of aggression constitute international crimes against peace, giving rise to political and material responsibility of States...⁸

6. *Imputability.* In 1968, the Committee adopted its Drafting Committee's report which, under the heading “Consequences and corollaries of the prohibition of the threat or use of force”, contained the following agreed statement:

In accordance with the purposes and principles of the United Nations States have the duty to refrain from propaganda for wars of aggression.⁹

Some proposals would go beyond this statement and would prohibit all propaganda for war and for preventive war, or propaganda which encourages the threat or use of force.¹⁰ Another proposal would prohibit “in the light of each country's constitutional system” such propaganda,¹¹ while another would provide that Members of the United Nations should “take appropriate steps to discourage propaganda against peace”.¹²

7. In 1968, the Committee adopted the report of its Drafting Committee, which, under the heading “Organization of armed bands”, contained the following agreed statement:

Every State has the duty to refrain from organizing or encouraging the organization of irregular or volunteer forces or armed bands, including mercenaries, for incursion into the territory of another State.¹³

third Session, Annexes, agenda item 87, document A/7429, paras. 24 and 25).

See also General Assembly resolution 2160 (XXI), para. 1 (a), which, after reaffirming Article 2 (4) of the Charter, states:

“Accordingly, armed attack by one State against another or the use of force in any other form contrary to the Charter of the United Nations constitutes a violation of international law giving rise to international responsibility” (see further, *Official Records of the General Assembly, Twenty-first Session, Annexes*, agenda item 92.)

⁸ Reports of the 1966 Special Committee, para. 25; the 1967 Special Committee, para. 22; and the 1968 Special Committee, para. 22. See also the report of the 1964 Special Committee, para. 27.

⁹ Report of the 1968 Special Committee, paras. 111 and 134. For the relevant proposals and discussions see reports of the 1964 Special Committee, paras. 27, 94-97 and 106; 1966 Special Committee, paras. 25, 26, 28, 29, 82-89 and 156; 1967 Special Committee, paras. 22, 25-27, 58-62, 114, 117, 119, 121, 127, 132 and 133.

¹⁰ Reports of the 1964 Special Committee, para. 27; the 1966 Special Committee, paras. 25, 26 and 28; the 1967 Special Committee, paras. 22 and 26; and the 1968 Special Committee, paras. 22 and 26.

¹¹ Reports of the 1967 Special Committee, para. 27; and the 1968 Special Committee, para. 27. See also the report of the 1966 Special Committee, para. 29.

¹² Report of the 1968 Special Committee, para. 25.

For discussions in the Sixth Committee see the relevant reports of that Committee for 1965 (*Official Records of the General Assembly, Twentieth Session, Annexes*, agenda items 90 and 94, document A/6165, para. 27); 1966 (*Ibid.*, *Twenty-first Session, Annexes*, agenda item 87, document A/6547, para. 40); 1967 (*Ibid.*, *Twenty-second Session, Annexes*, agenda item 87, document A/6955, para. 42); and 1968 (*Ibid.*, *Twenty-third Session, Annexes*, agenda item 87, document A/7429, para. 26).

¹³ Report of the 1968 Special Committee, para. 111.

There was also agreement in principle that every State has the duty to refrain from involvement in civil strife and terrorist acts in another State.¹⁴ A number of the proposals submitted to the Committee would go further and require States not to tolerate, connive at, or acquiesce in, activities of a terrorist or subversive nature directed against another State.¹⁵

8. *Circumstances in which an act is not wrongful: Self-defence.* The proposals submitted raise, *inter alia*, the following issues relevant to self-defence:

- (a) the priority principle,¹⁶
- (b) the limitation of action in self-defence to cases of the use of armed force;¹⁷
- (c) proportionality,¹⁸ and
- (d) the right of a State which is subject to subversive or terrorist acts to take reasonable and appropriate measures to safeguard its institutions.¹⁹

The Committee has not yet reached any agreement on these issues.

9. *Sanctions.* In 1968 the Committee adopted the report of its Drafting Committee, which included the following passage:

States have a duty to refrain from acts of reprisal involving the use of force.²⁰

¹⁴ *Ibid.*, para. 134. For the relevant proposals and discussions see reports of the 1964 Special Committee, paras. 29, 31, 42-45 and 106; the 1966 Special Committee, paras. 26-29, 60-63 and 156; the 1967 Special Committee, paras. 23, 24, 26, 27, 47-50 and 107; and the 1968 Special Committee, paras. 23, 24, 26, 27, 28, 46-48, 114, 117, 119, 120 and 123.

¹⁵ Report of the 1964 Special Committee, para. 29; the 1966 Special Committee, para. 27; the 1967 Special Committee, paras. 23, 24 and 27; and the 1968 Special Committee, paras. 23, 24 and 27.

For discussions in the Sixth Committee see the relevant reports of that Committee for 1966 (*Official Records of the General Assembly, Twenty-first Session, Annexes*, agenda item 87, document A/6547, para. 37); 1967 (*Ibid.*, *Twenty-second Session, Annexes*, agenda item 87, document A/6955, para. 40); and 1968 (*Ibid.*, *Twenty-third Session, Annexes*, agenda item 87, document A/7429, para. 30).

¹⁶ See the reports of the 1964 Special Committee, paras. 27, 28, 31, 81, 82 and 106; the 1966 Special Committee, paras. 25, 26, 28, 130-135 and 156; the 1967 Special Committee, paras. 22, 26, 27, 97-99 and 107; and the 1968 Special Committee, paras. 22, 26, 27, 97-101 and 131.

¹⁷ See the reports of the 1964 Special Committee, paras. 28, 31, 53-54, 82 and 106; the 1966 Special Committee, paras. 25, 26, 28, 70, 132-135 and 156; the 1967 Special Committee, paras. 22, 26, 27, 97-99 and 107; and the 1968 Special Committee, paras. 22, 26, 27, 97-101 and 116.

¹⁸ See the reports of the 1964 Special Committee, para. 82; and the 1968 Special Committee, para. 101.

¹⁹ See the reports of the 1966 Special Committee, paras. 28, 130, 132 and 156; the 1967 Special Committee, paras. 27, 97, 99 and 107; and the 1968 Special Committee, paras. 27, 97 and 116.

For discussions in the Sixth Committee see the relevant reports of that Committee for 1965 (*Official Records of the General Assembly, Twentieth Session, Annexes*, agenda items 90 and 94, document A/6165, paras. 25, 30 and 40); 1966 (*Ibid.*, *Twenty-first Session, Annexes*, agenda item 87, document A/6547, paras. 39, 43 and 58); 1967 (*Ibid.*, *Twenty-second Session, Annexes*, agenda item 87, document A/6955, para. 47); 1968 (*Ibid.*, *Twenty-third Session, Annexes*, agenda item 87, document A/7429, paras. 36 and 39).

²⁰ Report of the 1968 Special Committee, paras. 111 and 134.

There is as yet no agreement whether this statement applies only to reprisals by the use of armed force.²¹

10. Several of the proposals would provide that territorial acquisitions or special advantages obtained by force or by other means or coercion will not be recognized. The Committee has not reached agreement on any of these proposals.²²

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

11. Since the adoption by the General Assembly, in resolution 2131 (XX) of 21 December 1965, of the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty,²³ discussion in the Special Committee of the above principle has centred around the Declaration.²⁴ In 1966 the Committee adopted by a vote of 22 in favour, 8 against, with 1 abstention, a resolution containing the following preambular and operative paragraphs:

*The Special Committee,
Bearing in mind:*

...

(c) That the General Assembly, in its resolution 2131 (XX) of 21 December 1965, adopted a Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty which, by virtue of the number of States which voted in its favour, the scope and profundity of its contents and, in particular, the absence of opposition, reflects a

²¹ *Ibid.*, paras. 64, 114, 117, 119, 121, 131 and 133. For the relevant proposals and discussions see reports of the 1964 Special Committee, paras. 31, 42, 46 and 106; the 1966 Special Committee, paras. 25, 27-29, 90, 91 and 156; the 1967 Special Committee, paras. 22-24, 27, 66, 67 and 107; and the 1968 Special Committee, paras. 22-24, 27, 63, 64, 114, 117, 119, 121, 131 and 133.

For discussions in the Sixth Committee see the relevant reports of that Committee for 1965 (*Official Records of the General Assembly, Twentieth Session, Annexes*, agenda items 90 and 94, document A/6165, para. 43); 1966 (*Ibid.*, *Twenty-first Session, Annexes*, agenda item 87, document A/6547, para. 58); 1967 (*Ibid.*, *Twenty-second Session, Annexes*, agenda item 87, document A/6955, para. 92); 1968 (*Ibid.*, *Twenty-third Session, Annexes*, agenda item 87, document A/7429, para. 29).

²² See the reports of the 1964 Special Committee, paras. 28, 31, 90-93 and 106; the 1966 Special Committee, paras. 26, 28, 98-103 and 156; the 1967 Special Committee, paras. 26, 27, 75-77 and 107; and the 1968 Special Committee, paras. 26, 27, 71-76, 111, 116, 123, 127, 129 and 130.

For discussions in the Sixth Committee, see the reports of the Committee on the relevant agenda items for 1965 (*Official Records of the General Assembly, Twentieth Session, Annexes*, agenda items 90 and 94, document A/6165, para. 27); 1967 (*Ibid.*, *Twenty-second Session, Annexes*, agenda item 87, document A/6955, para. 44); and 1968 (*Ibid.*, *Twenty-third Session, Annexes*, agenda item 87, document A/7429, paras. 28, 32 and 33).

One of the proposals submitted to the Special Committee on the question of defining aggression contained, in a preambular paragraph, a similar proposal. The proposal was not voted on, see report of the Special Committee (*Ibid.*, *Twenty-third Session*, agenda item 86, document A/7185/Rev.1, para. 7).

²³ See also section II below.

²⁴ See report of the 1966 Special Committee, chap. IV (especially paras. 292-300) and chap. IX; see also report of the 1967 Special Committee, chap. III and chap. VI, paras. 457 and 474.

universal legal conviction which qualifies it to be regarded as an authentic and definite principle of international law,

1. *Decides* that with regard to the principle of non-intervention the Special Committee will abide by General Assembly resolution 2131 (XX) of 21 December 1965;²⁵

12. At its twenty-first session the General Assembly in resolution 2181 (XXI) of 12 December 1966 took note of this decision and requested the Committee to consider proposals on the principle of non-intervention "with the aim of widening the area of agreement already expressed in General Assembly resolution 2131 (XX)".²⁶ The Committee was unable to do this,²⁷ and at its twenty-second session the Assembly, in resolution 2327 (XXII), requested it to consider proposals compatible with resolution 2131 (XX) "with the aim of widening the area of agreement already expressed in" it. The Committee did not have sufficient time to consider this question in 1968.²⁸ Relevant proposals submitted to the Special Committee are reproduced below under appropriate headings.

13. *Imputability.* Most of the substantive proposals would require States not to tolerate or permit subversive or terrorist activities against another State.²⁹ (See also paragraph 22 below concerning operative paragraph 2 of 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)).

14. *Circumstances in which an act is not wrongful: Self-defence.* One proposal submitted to the Committee in 1966 and 1967 would provide that "The right of States in accordance with international law to take appropriate measures to defend themselves individually or collectively against intervention is a fundamental element of the inherent right of self-defence".³⁰

15. *Sanctions.* Proposals submitted in 1964 and 1966 to the Committee would have required States not to recog-

nize territorial acquisitions or special advantages obtained by duress of any kind by another State.³¹

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

16. *International wrongful act.* One of the proposals put to the Committee in 1967 would provide that any State which fails to perform the obligations binding on it in accordance with the Charter should be deemed to have incurred international liability in accordance with the relevant provisions of the Charter. The agreed text on the above principle contains no relevant provision.³²

17. *Circumstances in which an act is not wrongful.* In 1967 the Drafting Committee of the Special Committee submitted a report to the Special Committee containing the following provisions:

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

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

The Special Committee took note of the report and transmitted it to the General Assembly.³³ A number of the proposals submitted to the Committee would have stated that the free conclusion of, and the equality of the parties to, an international agreement were essential to its good-faith fulfilment.³⁴ There was some disagreement within the Special Committee whether this proposal was, or should be, included in paragraph 3 above.^{35, 36} Other proposals would have denied States the right to avoid their obligations on the grounds of their incompatibility with national law or national policy.³⁷

²⁵ Report of the 1966 Special Committee, para. 341.

²⁶ See also paras. 52-58 of the report of the Sixth Committee (*Official Records of the General Assembly, Twenty-first Session, Annexes*, agenda item 87, document A/6547).

²⁷ Report of the 1967 Special Committee, chap. III, and chap. VI, paras. 457-474.

²⁸ Report of the 1968 Special Committee, chap. III. See further General Assembly resolution 2463 (XXIII) and the report of the Sixth Committee (*Official Records of the General Assembly, Twenty-third Session, Annexes*, agenda item 87, document A/7429, paras. 55-63).

²⁹ See the reports of the 1964 Special Committee, paras. 204, 208, 209, 241, 270-274 and 292; the 1966 Special Committee, paras. 276, 277, 279, 310 and 311, 341, 353 and 355; and the 1967 Special Committee, paras. 303, 306, 349-351 and 355.

For discussions in the Sixth Committee see the relevant reports of the Committee for 1965 (*Official Records of the General Assembly, Twentieth Session, Annexes*, agenda items 90 and 94, document A/6165, para. 43); 1966 (*Ibid.*, *Twenty-first Session, Annexes*, agenda item 87, document A/6547, para. 58); and 1967 (*Ibid.*, *Twenty-second Session, Annexes*, agenda item 87, document A/6955, para. 92).

³⁰ See the reports of the 1966 Special Committee, paras. 279, 280, 325-328, 341, 353 and 355; and the 1967 Special Committee, paras. 303, 305 and 365.

³¹ See the reports of the 1964 Special Committee, paras. 209, 285 and 292, and the 1966 Special Committee, paras. 277, 278, 318-320, 341, 353 and 355.

³² See the report of the 1967 Special Committee, paras. 241 and 285.

³³ Report of the 1967 Special Committee, paras. 285 and 474. For the relevant proposals and discussions see the reports of the 1966 Special Committee, paras. 523-525, 554-558, 560-563 and 566; and of the 1967 Special Committee, paras. 237-240, 242, 269-282, 285, 287-295 and 297-299.

³⁴ Reports of the 1966 Special Committee, paras. 523 and 524; and the 1967 Special Committee, paras. 237, 238 and 242.

³⁵ See the report of the 1967 Special Committee, paras. 269-273, 287-295 and 297-299.

³⁶ In discussions in the Special Committee other possible limits on the obligation of States to fulfil their obligations in good faith have been mentioned: the conclusion of the agreement in bad faith, report of the 1966 Special Committee, para. 559; the incompatibility of an agreement with a peremptory norm, report of the 1967 Special Committee, paras. 275-278, and the doctrine of *rebus sic stantibus*, *ibid.*, paras. 283 and 284.

³⁷ See the reports of the 1966 Special Committee, paras. 525, 548 and 566; and the 1967 Special Committee, paras. 239, 240, 291, 296 and 297.

For discussions in the Sixth Committee see the relevant reports of that Committee for 1965 (*Official Records of the General Assembly, Twentieth Session, Annexes*, agenda items 90 and 94, docu-

D. *The principle of sovereign equality of States*³⁸

18. *International wrongful act: necessity of fault.* In connexion with the above principle, proposals have been submitted to the effect that States have no right to conduct any experiment or to resort to any action which is capable of having harmful effects on other States or endangering their security.³⁹ The texts accepted in 1964 and 1966 by the Special Committee contained none of these proposals. In 1967 the Drafting Committee noted the report of its Working Group which contained the following passage:

Although there was no agreement on the specific proposal that no State has the right to conduct any experiment or resort to any action which is capable of having harmful effects on other States, there was agreement that this concept might become an acceptable element to be added to the consensus text if certain modifications were made to the text of the proposal.⁴⁰

The Special Committee took note of the report and transmitted it to the Assembly.⁴¹

19. *Circumstances in which an act is not wrongful: Self-defence.* In 1964 the Committee took no action on a suggestion that the principle that the right of each State to protect itself and to live its own life does not authorize it to commit unjust acts against another State should be included in its text.⁴²

II. THE INADMISSIBILITY OF INTERVENTION IN THE DOMESTIC AFFAIRS OF STATES AND THE PROTECTION OF THEIR INDEPENDENCE AND SOVEREIGNTY

20. In resolution 2131 (XX) of 21 December 1965, the General Assembly adopted the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty. The Declaration was reaffirmed by the Assembly in its resolution 2225 (XXI) of 19 December 1966 and has been considered at length in the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States (see paragraphs 11 to 15 above). Relevant passages of the Declaration and proposals submitted

ment A/6165, paras. 64 and 65); 1966 (*Ibid.*, *Twenty-first Session, Annexes*, agenda item 87, document A/6547, para. 75); and 1967 (*Ibid.*, *Twenty-second Session, Annexes*, agenda item 87, document A/6955, paras. 75-79).

³⁸ For a discussion of this principle, in so far as it concerns permanent sovereignty over natural resources, see para. 31 below.

³⁹ See the reports of the 1964 Special Committee, para. 339; the 1966 Special Committee, paras. 362, 364, 393-396, 403, 409-411 and 413; and the 1967 Special Committee, paras. 413, 415, 436, 438 and 474.

⁴⁰ Reports of the 1964 Special Committee, para. 339; and the 1966 Special Committee, para. 403; and see the report of the 1967 Special Committee, paras. 438 and 474.

⁴¹ Report of the 1967 Special Committee, paras. 438 and 474. For discussions in the Sixth Committee see the relevant reports of the Committee for 1965 (*Official Records of the General Assembly, Twentieth Session, Annexes*, agenda items 90 and 94, document A/6165, para. 45); and 1966 (*Ibid.*, *Twenty-first Session, Annexes*, agenda item 87, document A/6547, para. 62).

⁴² Report of the 1964 Special Committee, para. 339.

during its elaboration by the First Committee of the Assembly are reproduced below under appropriate headings.

21. *International wrongful act.* The Declaration contains the following provision:

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

One of the draft resolutions submitted to the First Committee would have warned

those States which, in defiance of the Charter of the United Nations, are engaged in intervention in the domestic affairs of other States that, in so doing, they are assuming a heavy burden of international responsibility before all peoples.⁴³

Suggested amendments to the draft would have deleted this provision.⁴⁴

22. *Imputability.* The Declaration "solemnly declares", in paragraph 2, that

No State shall...tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the régime of another State....⁴⁵

23. *Sanctions.* The Declaration reads in paragraph 4:

... the practice of any form of intervention not only violates the letter and spirit of the Charter of the United Nations but also leads to the creation of situations which threaten international peace and security.⁴⁶

A further proposal, not included in the Declaration, would have endorsed

... the provisions embodied in the Charter of the Organization of American States, as well as in the Declaration of the Second Conference of Heads of State or Government of Non-Aligned Countries and the resolution adopted by the Organization of African Unity on...the non-recognition of territorial acquisitions obtained by force.⁴⁷

III. THE QUESTION OF DEFINING AGGRESSION

24. On 18 December 1967 the General Assembly adopted resolution 2330 (XXII) establishing a Special Committee on the Question of Defining Aggression and instructing the Committee to consider all aspects of the question so that an adequate definition of aggression might be

⁴³ *Official Records of the General Assembly, Twentieth Session, Annexes*, agenda item 107, document A/C.1/L.343/Rev.1.

See also paragraph (d) of a draft resolution submitted to the twenty-first session (*Ibid.*, *Twenty-first Session, Annexes*, agenda item 96, document A/6598; para. 5). The resolution finally adopted—General Assembly resolution 2225 (XXI)—contains no relevant provision.

⁴⁴ See *Official Records of the General Assembly, Twentieth Session, Annexes*, agenda item 107, document A/C.1/L.350, para. 12, and document A/C.1/L.351.

⁴⁵ *Ibid.*, documents A/C.1/L.349/Rev.2 and A/C.1/L.351.

⁴⁶ *Ibid.*, documents A/C.1/L.349 and Rev.1 and 2. See also General Assembly resolution 2225 (XXI), para. (b).

⁴⁷ See *Official Records of the General Assembly, Twentieth Session, Annexes*, agenda item 107, document A/C.1/L.354, para. 7.

prepared. The Committee considered the question in 1968 but did not reach any decisions on the three substantive proposals submitted to it.⁴⁸

25. *International wrongful act.* The first two draft proposals put to the Committee contained no provision relating to the liability of those responsible for acts of aggression.⁴⁹ The third proposal contained the following:

9. Armed aggression as defined herein, and the acts enumerated above, shall constitute crimes against international peace, giving rise to international liability and responsibility.⁵⁰

26. *Circumstances in which an act is not wrongful.* Proposals and discussions in the Special Committee related to the following relevant aspects of the right of self-defence:

- (a) the priority principle;⁵¹
- (b) the restriction of action in self-defence to cases of the use of armed force;⁵²
- (c) proportionality;⁵³
- (d) self-defence in the case of subversive and terrorist acts threatening a State's existence and institutions.⁵⁴

IV. PERMANENT SOVEREIGNTY OVER NATURAL RESOURCES⁵⁵

27. The Second Committee of the General Assembly considered the item "Permanent Sovereignty over Natural Resources" at the twentieth,⁵⁶ twenty-first⁵⁷ and twenty-third sessions.⁵⁸

⁴⁸ For the report of the Special Committee, see *Official Records of the General Assembly, Twenty-third Session*, agenda item 86, document A/7185/Rev.1. See also foot-note 22 above. The Committee is meeting again in 1969, see General Assembly resolution 2420 (XXIII).

⁴⁹ See *Official Records of the General Assembly, Twenty-third Session*, agenda item 86, document A/7185/Rev.1, paras. 7 and 8.

⁵⁰ *Ibid.*, para. 9; see also para. 107.

⁵¹ *Ibid.*, paras. 54, 55, 83, 84 and 104; see also the report of the Sixth Committee (*Ibid.*, *Twenty-third Session, Annexes*, agenda item 86, document A/7402, paras. 15, 17 and 19).

⁵² See the three substantive proposals submitted to the Committee, report of the Special Committee (*Official Records of the General Assembly, Twenty-third Session*, agenda item 86, document A/7185/Rev.1, paras. 7-9 and 56-59); see also the report of the Sixth Committee (*Ibid.*, *Twenty-third Session, Annexes*, agenda item 86, document A/7402, paras. 15 and 17).

⁵³ Report of the Special Committee (*Ibid.*, *Twenty-third Session*, agenda item 86, document A/7185/Rev.1, para. 8 (relating to action against subversive and terrorist acts) and paras. 9 and 57; see also the report of the Sixth Committee (*Ibid.*, *Twenty-third Session, Annexes*, agenda item 86, document A/7402, para. 18).

⁵⁴ Report of the Special Committee (*Ibid.*, *Twenty-third Session*, agenda item 86, document A/7185/Rev.1, paras. 8, 9, 92, 93 and 106).

⁵⁵ For developments up to 1963 see *Yearbook of the International Law Commission, 1964*, vol. II, document A/CN.4/165, pp. 131 and 132, paras. 44-54.

⁵⁶ See *Official Records of the General Assembly, Twentieth Session, Annexes*, agenda item 45. The question was deferred; for relevant proposals see the report of the Second Committee (*Ibid.*, document A/6196, paras. 5-10).

⁵⁷ *Ibid.*, *Twenty-first Session, Annexes*, agenda item 45; see further paras. 28 and 29 below.

⁵⁸ *Ibid.*, *Twenty-third Session, Annexes*, agenda item 39. The resolution adopted—General Assembly resolution 2386 (XXIII) of 19 November 1968—does not bear directly on the question of state responsibility.

28. At its twenty-first session the General Assembly, in resolution 2158 (XXI) of 25 November 1966, reaffirmed

the inalienable right of all countries to exercise permanent sovereignty over their natural resources in the interest of their national development, in conformity with the spirit and principles of the Charter of the United Nations and as recognized in General Assembly resolution 1803 (XVII);

and recognized

the right of all countries, and in particular of the developing countries, to secure and increase their share in the administration of enterprises which are fully or partly operated by foreign capital and to have a greater share in the advantages and profits derived therefrom on an equitable basis, with due regard to mutually acceptable contractual practices, and [called] upon the countries from which such capital originates to refrain from any action which would hinder the exercise of that right.

29. This second provision, in its original non-amended form, would have recognized

the right of the developing countries to secure and increase their share in the administration, advantages and profits derived from the exploitation of their natural resources when it is carried out fully or partly by foreign capital.⁵⁹

One amendment to this proposal would have recognized

the rights of all countries, and in particular of the developing countries, to secure and increase their share on an equitable basis in the administration of enterprises which are fully or partly operated by foreign capital and to a greater share in the advantages and profits derived therefrom on an equitable basis to be determined in the light of the development needs and objectives of the peoples concerned without prejudice to any obligation arising out of international economic co-operation, based upon the principle of mutual benefit, and international law.⁶⁰

30. This question has also been considered in the context of the Covenants on Human Rights. Earlier in the drafting of the Covenants it was decided that they should contain a provision reading as follows:

All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.⁶¹

This provision is now contained in article 1, paragraph 2, of the Covenant on Economic, Social and Cultural Rights and article 1, paragraph 2, of the Covenant on Civil and Political Rights.⁶² When the Third Committee was considering the implementation provisions of the two Covenants in 1966, the following additional provision was suggested:

Nothing in the present Covenant shall be interpreted as impairing

⁵⁹ Report of the Second Committee (*Official Records of the General Assembly, Twenty-first Session, Annexes*, agenda item 45, document A/6518, para. 4).

⁶⁰ *Ibid.*, para. 6. See also paras. 5, 13 and 16.

⁶¹ See *Official Records of the General Assembly, Tenth Session, Annexes*, agenda item 28, part 1, document A/3077, para. 77. See also General Assembly resolution 545 (VI).

⁶² General Assembly resolution 2200 A (XXI), annex.

the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.⁶³

This provision was adopted as article 25 of the Covenant on Economic, Social and Cultural Rights and article 47 of the Covenant on Civil and Political Rights.⁶⁴

31. The matter has also been considered by the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States,⁶⁵ mainly in the context of the principle of sovereign equality of States.⁶⁶ In 1964 and 1966 the Special Committee adopted a consensus text which included as an element of sovereign equality "the right [of each State] freely to choose and develop its political, social, economic and cultural systems".⁶⁷ In 1967 the Working Group of the Drafting Committee agreed to maintain the 1964 and 1966 consensus text and agreed in principle

on the desirability of including a provision covering the concept of the right of every State freely to dispose of its national wealth and natural resources, but no agreement was reached on the text of such a provision.⁶⁸

Some proposals would simply permit each State to dispose freely of its national wealth and natural resources, while others would require States exercising the right to pay due regard to the applicable rules of international law and to the terms of agreements validly entered into.⁶⁹ The Drafting Committee took note of the report of the Working Group and passed it for information to the Special Committee which in turn took note of it and transmitted it to the General Assembly.⁷⁰

⁶³ Report of the Third Committee (*Official Records of the General Assembly, Twenty-first Session, Annexes*, agenda item 62, document A/6546, paras. 95-101 and 553-556).

⁶⁴ General Assembly resolution 2200 A (XXI), annex.

⁶⁵ See paras. 1-4 above concerning the tentative and conditional nature of the decisions reached in the Special Committee.

⁶⁶ It has also been raised in relation to the principle of non-intervention and the principle of equal rights and self-determination. See the reports of the 1964 Special Committee, paras. 204, 208, 278-282 and 292; the 1966 Special Committee, paras. 457, 480 and 481, 492, 493 and 521; the 1967 Special Committee, paras. 172 and 229; and the 1968 Special Committee, para. 135.

⁶⁷ Reports of the 1964 Special Committee, para. 339; and the 1966 Special Committee, paras. 403 and 413.

⁶⁸ Report of the 1967 Special Committee, para. 438.

⁶⁹ Reports of the 1964 Special Committee, paras. 294, 295 and 297; the 1966 Special Committee, paras. 358, 362-364; and of the 1967 Special Committee, paras. 411 and 413-416. See also the reports of the 1964 Special Committee, paras. 328-331, 339, 341, 343 and 351; the 1966 Special Committee, paras. 359, 375-379, 403, 406 and 409-412; and the 1967 Special Committee, paras. 425-429, 438, 448, 450, 451 and 474.

⁷⁰ Report of the 1967 Special Committee, paras. 438 and 474.

For discussions in the Sixth Committee of the General Assembly of the above aspect of the principle of sovereign equality, see the relevant reports of the Committee for 1965 (*Official Records of the General Assembly, Twentieth Session, Annexes*, agenda items 90 and 94, document A/6165, para. 46); 1966 (*Ibid.*, *Twenty-first Session, Annexes*, agenda item 87, document A/6547, paras. 61 and 70), and for 1967 (*Ibid.*, *Twenty-second Session, Annexes*, item 87, document A/6955, para. 100).

V. PEACEFUL USES OF OUTER SPACE ⁷¹

32. Articles VI, VII and IX of the Treaty on Principles governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (done at Moscow, London and Washington on 27 January 1967) read as follows:

Article VI

States Parties to the Treaty shall bear international responsibility for national activities in outer space, including the Moon and other celestial bodies, whether such activities are carried on by governmental agencies or by non-governmental entities, and for assuring that national activities are carried out in conformity with the provisions set forth in the present Treaty. The activities of non-governmental entities in outer space, including the Moon and other celestial bodies, shall require authorization and continuing supervision by the appropriate State Party to the Treaty. When activities are carried on in outer space, including the Moon and other celestial bodies, by an international organization, responsibility for compliance with this Treaty shall be borne both by the international organization and by the States Parties to the Treaty participating in such organization.

Article VII

Each State Party to the Treaty that launches or procures the launching of an object into outer space, including the Moon and other celestial bodies, and each State Party from whose territory or facility an object is launched, is internationally liable for damage to another State Party to the Treaty or to its natural or juridical persons by such object or its component parts on the Earth, in air space or in outer space, including the Moon and other celestial bodies.

Article IX

In the exploration and use of outer space, including the Moon and other celestial bodies, States Parties to the Treaty shall be guided by the principle of co-operation and mutual assistance and shall conduct all their activities in outer space, including the Moon and other celestial bodies, with due regard to the corresponding interests of all other States Parties to the Treaty. States Parties to the Treaty shall pursue studies of outer space, including the Moon and other celestial bodies, and conduct exploration of them so as to avoid their harmful contamination and also adverse changes in the environment of the Earth resulting from the introduction of extraterrestrial matter and, where necessary, shall adopt appropriate measures for this purpose. If a State Party to the Treaty has reason to believe that an activity or experiment planned by it or its nationals in outer space, including the Moon and other celestial bodies, would cause potentially harmful interference with activities of other States Parties in the peaceful exploration and use of outer space, including the Moon and other celestial bodies, it shall undertake appropriate international consultations before proceeding with any such activity or experiment. A State Party to the Treaty which has reason to believe that an activity or experiment planned by another State Party in outer space, including the Moon and other celestial bodies, would cause potentially harmful interference with activities in the peaceful exploration and use of outer space, including the Moon and other celestial bodies, may request consultation concerning the activity or experiment.⁷²

⁷¹ For developments up to 1963, see *Yearbook of the International Law Commission, 1964*, vol. II, document A/CN.4/165, pp. 128-130, paras. 22-36.

⁷² General Assembly resolution 2222 (XXI), annex; United Nations, *Treaty Series*, vol. 610.

33. In resolution 1963 (XVIII) of 13 December 1963, the Assembly had requested the Committee on the Peaceful Uses of Outer Space, *inter alia*, to arrange for the prompt preparation of a draft international agreement on liability for damage caused by objects launched into outer space. The Working Group of the Legal Sub-Committee of the Committee reached agreement on the texts of three draft articles⁷³ which were incorporated without relevant change in the above-quoted articles of the Treaty. The General Assembly, when commending the Treaty in its resolution 2222 (XXI) of 19 December 1966, requested the Committee on the Peaceful Uses of Outer Space, *inter alia*, to continue its work on the elaboration of the agreement. The Committee and its Legal Sub-Committee have continued this work,⁷⁴ and, although there are still several important issues outstanding, the Legal Sub-Committee has reached agreement or provisional agreement on several relevant elements which are arranged below under appropriate headings.⁷⁵

34. *International wrongful act.*

The launching (respondent) State should be absolutely liable to pay compensation for damage caused on the surface of the earth and to aircraft in flight.

In the event of damage being caused to a space object of one State or to persons or property on board such a space object by the space object * of another State, the latter State shall be liable only if the damage is due to its fault or the fault of persons for whom it is responsible.

[* On the understanding that the term "space object" includes its component parts.]

35. *Imputability.* It was agreed that the definition of "launching State" should include States from whose territory or facility the space object is launched. No agreement has been reached on the question whether the liability of States members of an international organization in respect of damage caused by the space objects of that organization should be residual and arise only in the event of default by the international organization, or whether it should arise immediately.

36. *Exoneration from liability.*

Unless otherwise provided in the Convention, exoneration from absolute liability shall be granted to the extent that the respondent establishes that the damage has resulted either wholly or partially from gross negligence or from an act or omission done with intent to cause damage on the part of the claimant or of natural or juridical

⁷³ Appendix II to annex III of the report of the Committee on the Peaceful Uses of Outer Space (*Official Records of the General Assembly, Twenty-first Session, Annexes*, agenda items 30, 89 and 91, document A/6431), articles accepted on 28 July, 1 and 2 August 1966 (documents Working Group/L.2, 6 and 9 respectively).

⁷⁴ See especially the reports of the Committee for 1967 and 1968 (*Official Records of the General Assembly, Twenty-second Session, Annexes*, agenda item 32, document A/6804 and Add.1 and *ibid.*, *Twenty-third Session*, agenda item 24, document A/7285).

⁷⁵ See report of the Committee for 1967 (*Official Records of the General Assembly, Twenty-second Session, Annexes*, agenda item 32, document A/6804, annex III, para. 17), and report of the Committee for 1968 (*Ibid.*, *Twenty-third Session*, agenda item 24, document A/7285, annex III, para. 10). The latter paragraph also includes the points agreed to in 1967.

persons it represents. No exoneration whatever shall be granted in cases where the damage results from activities conducted by the respondent which are not in conformity with international law, in particular, the Charter of the United Nations and the Treaty on the Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies.

Further, the proposed convention would not apply to damage sustained by nationals of the launching State or by foreign nationals in the immediate vicinity of a planned launching or recovery area as the result of an invitation by the launching State. Finally, a claim could not be submitted in respect of the nationals of the respondent.

37. *Legal interest of claimant.* Under the proposed convention a claim for compensation could be submitted by

1. A Contracting Party which suffers damage, or whose natural or juridical persons suffer damage. . . .

2. Subject to the provision of paragraph 1, a Contracting Party. . . in respect of damage sustained by any natural or juridical person in its territory.

3. A Contracting Party. . . [in respect of] damage sustained by its permanent residents in respect of whom neither the State of nationality nor the State in which the damage was sustained has presented a claim or notified its intention of presenting a claim.

...

No agreement was reached on the question of the rights of international organizations under the convention.

38. *Exhaustion of local remedies.*

Presentation of a claim under the Convention shall not require the prior exhaustion of any local remedies that may be available to the claimant or to those whom the claimant represents.

Nothing in this Convention shall prevent a claimant or any natural or juridical person that it might represent from pursuing a claim in the courts or administrative tribunals or agencies of a respondent. A claimant shall not however be entitled to pursue claims under this Convention in respect of the same damage for which a claim is being pursued in the courts or administrative tribunals or agencies of a respondent, or under another international agreement which is binding on the claimant and the respondent.

39. *Extent of reparation.*

"Damage" means loss of life, personal injury or other impairment of health, or damage to property of States or of their persons, natural or juridical, or of international organizations.

No agreement was reached on the inclusion of indirect and delayed damage. The question of the law to be applied in assessing compensation was left open. If, however, the claimant and respondent were in agreement on the applicable law, then that law should be applied.

40. The Legal Sub-Committee noted in conclusion in 1968 that while some progress had been made there remained important elements on which rapprochement of views was necessary.⁷⁶ The Committee took note of the

⁷⁶ See report of the Committee on the Peaceful Uses of Outer Space for 1968 (*Official Records of the General Assembly, Twenty-third Session*, agenda item 24, document A/7285, annex III). For the texts of the proposals submitted to the Legal Sub-Committee see report of the Committee for 1967 (*Ibid.*, *Twenty-second Session, Annexes*, agenda item 32, document A/6804, annex III) and the report of the Committee for 1968, annex III, appendix I.

two reports of its Legal Sub-Committee.⁷⁷ At its twenty-third session, the General Assembly, having considered the report of the Committee on the Peaceful Uses of Outer Space, requested it, in General Assembly resolution 2453 B (XXIII) of 20 December 1968, "to complete urgently the preparation of a draft agreement on liability for damage caused by the launching of objects into outer space and to submit it to the General Assembly at its twenty-fourth session".

VI. THE PEACEFUL USES OF THE SEA-BED AND THE OCEAN FLOOR BEYOND THE LIMITS OF NATIONAL JURISDICTION

41. In the course of the examination of this question by the General Assembly and by the *Ad Hoc* Committee to Study the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, several draft statements of principle have been submitted. One of them would provide, *inter alia*, that activities in the sea-bed and ocean floor are to conform to a number of guidelines which are aimed at protecting the rightful interest of other States:

(a) No impediments shall be created to navigation and fishing nor shall there be undue interference with the laying and the maintenance of submarine cables and pipelines;

(b) Coastal States closest to the area in which any activities occur shall be consulted lest their rightful interest be harmed;

(c) Any such activity must take into account the economic interest of the developing countries so as not to be detrimental, in particular, to the activities undertaken within the national jurisdictions of those countries;

(d) Appropriate safety measures shall be adopted in all activities of exploration, use and exploitation of the area and international co-operation for assistance in case of mishap shall be facilitated;

(e) Pollution of waters of the marine environment, specially radioactive contamination, shall be avoided by means of international co-operation;

(f) No damage shall be caused to animal and plant life in the marine environment;

(g) Damages caused by any such activities shall entail liability.⁷⁸

⁷⁷ Report of the Committee for 1967 (*Ibid.*, *Twenty-second Session*, *Annexes*, agenda item 32, document A/6804, para. 14), and

42. At its twenty-third session the Assembly, in resolution 2467 A (XXIII) of 21 December 1968, established a Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction. The First Committee of the Assembly decided not to vote on the various proposals dealing with principles but it instead referred them to the new Committee.⁷⁹ The Assembly in the above resolution instructed the Committee to study, *inter alia*, the elaboration of the legal principles and norms which would promote international co-operation in the exploration and exploitation of the sea-bed and the ocean floor, and to examine proposed measures of co-operation to be adopted by the international community to prevent the marine pollution which might result from the exploration and exploitation of the resources of the area. Further, the Assembly, in resolution 2467 B (XXIII), "*Mindful of the threat to the marine environment presented by pollution and other hazardous and harmful effects which might result from exploration and exploitation...*", welcomed the adoption by States of appropriate safeguards against such pollution and other hazardous and harmful effects, and called for a study to be made by the Secretary-General to clarify all aspects of the protection of the resources of the sea-bed and ocean floor, the superjacent water and the adjacent coasts against the consequences of pollution and other hazardous and harmful effects arising from the various means of exploration and exploitation.

report of the Committee for 1968 (*Ibid.*, *Twenty-third Session*, agenda item 24, document A/7285, para. 24).

⁷⁸ Report of the First Committee (*Ibid.*, *Twenty-third Session*, *Annexes*, agenda item 26, document A/7477, para. 12 (e)); report of the *Ad Hoc* Committee to Study the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction (*Ibid.*, *Twenty-third Session*, agenda item 26, document A/7230, para. 88). For other related proposals see report of the *Ad Hoc* Committee, pp. 54-56, 58-60 and 62-64; see also paras. 37 and 61-67 of that report, and paras. 39 and 43 of the report of the Legal Working Group of the *Ad Hoc* Committee (*Ibid.*, annex II).

⁷⁹ See report of the First Committee (*Ibid.*, *Twenty-third Session*, *Annexes*, agenda item 26, document A/7477, para. 16).

ANNEX

LIST OF GENERAL ASSEMBLY RESOLUTIONS CITED

<i>Paragraphs</i>	<i>Paragraphs</i>
Resolution 545 (VI) of 5 February 1952: Inclusion in the International Covenant or Covenants on Human Rights of an article relating to the right of peoples to self-determination	30 (foot-note 61)
Resolution 1803 (XVII) of 14 December 1962: Permanent sovereignty over natural resources	28
Resolution 1815 (XVII) of 18 December 1962: Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations	1
Resolution 1963 (XVIII) of 13 December 1963: International co-operation in the peaceful uses of outer space	33
Resolution 1966 (XVIII) of 16 December 1963: Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations	1
Resolution 2103 A (XX) of 20 December 1965: Consideration of principles of international law concerning friendly relations and co-operation among	1

	<i>Paragraphs</i>		<i>Paragraphs</i>
States in accordance with the Charter of the United Nations	2	Affairs of States and the Protection of Their Independence and Sovereignty	20, 21 (foot-note 43), 23
Resolution 2131 (XX) of 21 December 1965: Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty	2, 11, 12, 13, 20-23	Resolution 2327 (XXII) of 18 December 1967: Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations	2, 12
Resolution 2158 (XXI) of 25 November 1966: Permanent sovereignty over natural resources	28	Resolution 2330 (XXII) of 18 December 1967: Need to expedite the drafting of a definition of aggression in the light of the present international situation	24
Resolution 2160 (XXI) of 30 November 1966: Strict observance of the prohibition of the threat or use of force in international relations, and of the right of peoples to self-determination	5 (foot-note 7)	Resolution 2386 (XIII) of 19 November 1968: Permanent sovereignty over natural resources	27 (foot-note 58)
Resolution 2181 (XXI) of 12 December 1966: Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations	2, 12	Resolution 2453 B (XXIII) of 20 December 1968: International co-operation in the peaceful uses of outer space	40
Resolution 2200 A (XXI) of 16 December 1966: International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights and Optional Protocol to the International Covenant on Civil and Political Rights	30 (foot-note 62 and 64)	Resolution 2420 (XXIII) of 18 December 1968: Report of the Special Committee on the Question of Defining Aggression	24
Resolution 2222 (XXI) of 19 December 1966: Treaty on Principles Concerning the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies	32, 33	Resolution 2463 (XXIII) of 20 December 1968: Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations	2, 12
Resolution 2225 (XXI) of 19 December 1966: Status of the implementation of the Declaration on the Inadmissibility of Intervention in the Domestic		Resolution 2467 (XXIII) of 21 December 1968: Examination of the question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor and the sub-soil thereof, underlying the high seas beyond the limits of national jurisdiction, and the use of their resources in the interests of mankind	42