Draft Declaration on the Rights and Duties of States - As proposed by the Sub-Committee on the draft Declaration - incorporated in document A/CN.4/SR.19, footnote 2

Topic:
Fundamental rights and duties of States

Extract from the Yearbook of the International Law Commission:
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Downloaded from the web site of the International Law Commission
(http://www.un.org/law/ilc/index.htm)
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, 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 of the Commission.

Draft Declaration on the Rights and Duties of States (resumed)

SECOND READING

1. The CHAIRMAN drew attention to the draft Declaration on the Rights and Duties of States as proposed by the Sub-Committee on the Draft Declaration.\(^1\)

\(^1\) Set up at the sixteenth meeting. See A/CN.4/SR.16, paras. 112-116.

2. Mr. KERNO (Assistant Secretary-General) wished to make some general comments on the draft Declaration. Recalling that the Commission, in the choice of its own form of government. It is in this sense that States are sovereign.

"Article 4"

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

"Article 5"

"Every State has the right to equality in law with any other State.

"Article 6"

"Every State has the right to exercise jurisdiction over its territory and over all persons and things therein.

"Article 7"

"Every State has the duty to refrain from recognizing any territorial acquisition made by another State through force or the threat of force.

"Article 8"

"Every State has the duty to refrain from giving assistance to any State which has failed to perform the duty set forth in Article 8 or against which the United Nations is taking preventive or enforcement action.

"Article 9"

"Every State has the duty to carry out in good faith its obligations arising from treaties and other sources of international law and it may not invoke limitations contained in its own Constitution or its laws as an excuse for failure to perform this duty.

"Article 10"

"Every State has the duty to carry out in good faith its obligations arising from treaties and other sources of international law and it may not invoke limitations contained in its own Constitution or its laws as an excuse for failure to perform this duty.

"Article 11"

"Every State has the duty to settle its international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

"Article 12"

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

"Article 13"

"Every State has the duty to refrain from recognizing any territorial acquisition made by another State through force or the threat of force.

"Article 14"

"Every State has the duty to refrain from giving assistance to any State which has failed to perform the duty set forth in Article 8 or against which the United Nations is taking preventive or enforcement action.

"Article 15"

"Every State has the right, individually or collectively, to take legitimate measures for its own defence or for the defence of any other State.

"Article 16"

"Every State has the right to carry out in good faith its obligations arising from treaties and other sources of international law and it may not invoke limitations contained in its own Constitution or its laws as an excuse for failure to perform this duty.

"Article 17"

"Every State has the duty to see that conditions prevailing within its own territory do not menace international peace and order, and to this end it must treat its own population with respect for human rights and fundamental freedoms for all.

"Article 18"

"Every State has the duty to refrain from fomenting civil strife in the territory of another State, and the duty to prevent the organization within its territory of activities calculated to foment such civil strife.

"Article 19"

"Every State has the duty to accord asylum to persons of any nationality who request it in consequence of persecution for offences of a political character.

"Article 20"

"Every State has the duty to conduct its relations with other States in accordance with international law, and with the principle that the sovereignty of the State is subject to the supremacy of international law."