

# BERICHTE UND URKUNDEN

## VÖLKERRECHT

### Vereinte Nationen

#### **I. Entschließung der Generalversammlung vom 21. November 1947 über die Bildung einer „International Law Commission“<sup>1)</sup>**

*The General Assembly,*

*Recognizing* the need for giving effect to Article 13, paragraph 1, sub-paragraph a, of the Charter, stipulating that the General Assembly shall initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification;

*Having studied* the report of the Committee directed by resolution 94 (I) of the General Assembly of 11 December 1946 to study:

- a) The methods by which the General Assembly should encourage the progressive development of international law and its eventual codification;
- b) Methods of securing the co-operation of the several organs of the United Nations to this end;
- c) Methods of enlisting the assistance of such national or international bodies as might aid in the attainment of this objective;

*Recognizing* the desirability of establishing a commission composed of persons of recognized competence in international law and representing as a whole the chief forms of civilization and the basic legal systems of the world;

*Resolves* to establish an "International Law Commission", the members of which shall be elected at the third regular session of the General Assembly, and which shall be constituted and shall exercise its functions in accordance with the provisions of the annexed statute.

*Hundred and twenty-third plenary meeting, 21 November 1947.*

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<sup>1)</sup> General Assembly Resolution 174 (II): Establishment of an International Law Commission. - U.N. Doc. A/519, 8 January 1948, S. 105 ff.

## 2. Statut der International Law Commission<sup>1)</sup>

*Art. 1.* (1) The International Law Commission shall have for its object the promotion of the progressive development of international law and its codification.

(2) The Commission shall concern itself primarily with public international law, but is not precluded from entering the field of private international law.

### *Chapter I. Organization of the International Law Commission*

*Art. 2.* (1) The Commission shall consist of fifteen members who shall be persons of recognized competence in international law.

(2) No two members of the Commission shall be nationals of the same State.

(3) In case of dual nationality a candidate shall be deemed to be a national of the State in which he ordinarily exercises civil and political right.

*Art. 3.* The members of the Commission shall be elected by the General Assembly from a list of candidates nominated by the Governments of States Members of the United Nations.

*Art. 4.* Each Member may nominate for election not more than four candidates, of whom two may be nationals of the nominating State and two nationals of other States.

*Art. 5.* The names of the candidates shall be submitted, in writing by the Governments to the Secretary-General by 1 June of the year in which an election is held, provided that a Government may in exceptional circumstances substitute for a candidate whom it has nominated before 1 June another candidate whom it shall name not later than thirty days before the opening of the General Assembly.

*Art. 6.* The Secretary-General shall as soon as possible communicate to the Governments of States Members the names submitted, as well as any curricula vitae of candidates that may have been submitted by the nominating Governments.

*Art. 7.* The Secretary-General shall prepare the list referred to in article 3 above, comprising in alphabetical order the names of all the candidates duly nominated, and shall submit this list to the General Assembly for the purposes of the election.

*Art. 8.* At the election the electors shall bear in mind that the persons to be elected to the Commission should individually possess the qualifications required and that in the Commission as a whole representation of the main forms of civilization and of the principal legal systems of the world should be assured.

*Art. 9.* (1) The fifteen candidates who obtain the greatest number of votes and

<sup>1)</sup> Anlage zu der oben S. 381 abgedruckten Resolution 174 (II), a. a. O., S. 105–110.

at least a majority of the votes of the Members present and voting shall be elected.

(2) In the event of more than national of the same State obtaining a sufficient number of votes for election, the one who obtains the greatest number of votes shall be elected, and, if the votes are equally divided, the elder or eldest candidate shall be elected.

*Art. 10.* The members of the Commission shall be elected for three years. They shall be eligible for re-election.

*Art. 11.* In the case of a vacancy, the Commission itself shall fill the vacancy having due regard to the provisions contained in articles 2 and 8 above.

*Art. 12.* The Commission shall sit at the headquarters of the United Nations. The Commission shall, however, have the right to hold meetings at other places after consultation with the Secretary-General.

*Art. 13.* Members of the Commission shall be paid travel expenses and shall also receive a *per diem* allowance at the same rate as the allowance paid to members of commissions of experts of the Economic and Social Council.

*Art. 14.* The Secretary-General shall, so far as he is able, make available staff and facilities required by the Commission to fulfil its task.

## *Chapter II. Functions of the International Law Commission*

*Art. 15.* In the following articles the expression "progressive development of international law" is used for convenience as meaning the preparation of draft conventions on subjects which have not yet been regulated by international law or in regard to which the law has not yet been sufficiently developed in the practice of States. Similarly, the expression "codification of international law" is used for convenience as meaning the more precise formulation and systematization of rules of international law in fields where there already has been extensive state practice, precedent and doctrine.

### *A. Progressive development of international law*

*Art. 16.* When the General Assembly refers to the Commission a proposal for the progressive development of international law, the Commission shall follow in general a procedure on the following lines:

- a) It shall appoint one of its members to be Rapporteur;
- b) It shall formulate a plan of work;
- c) It shall circulate a questionnaire to the Governments, and shall invite them to supply, within a fixed period of time, data and information relevant to items included in the plan of work;
- d) It may appoint some of its members to work with the Rapporteur on the preparation of drafts pending receipt of replies to this questionnaire;

e) It may consult with scientific institutions and individual experts; these experts need not necessarily be nationals of Members of the United Nations. The Secretary-General will provide, when necessary and within the limits of the budget, for the expenses of these consultations of experts;

f) It shall consider the drafts proposed by the Rapporteur;

g) When the Commission considers a draft to be satisfactory, it shall request the Secretary-General to issue it as a Commission document. The Secretariat shall give all necessary publicity to this document which shall be accompanied by such explanations and supporting material as the Commission considers appropriate. The publication shall include any information supplied to the Commission in reply to the questionnaire referred to in sub-paragraph (c) above;

h) The Commission shall invite the Governments to submit their comments on this document within a reasonable time;

i) The Rapporteur and the members appointed for that purpose shall reconsider the draft, taking into consideration these comments, and shall prepare a final draft and explanatory report which they shall submit for consideration and adoption by the Commission;

j) The Commission shall submit the draft so adopted with its recommendations through the Secretary-General to the General Assembly.

*Art. 17.* (1) The Commission shall also consider proposals and draft multilateral conventions submitted by Members of the United Nations, the principal organs of the United Nations other than the General Assembly, specialized agencies, or official bodies established by inter-governmental agreement to encourage the progressive development of international law and its codification, and transmitted to it for that purpose by the Secretary-General.

(2) If in such cases the Commission deems it appropriate to proceed with the study of such proposals or drafts, it shall follow in general procedure on the following lines:

a) The Commission shall formulate a plan of work, and study such proposals or drafts and compare them with any other proposals and drafts on the same subjects;

b) The Commission shall circulate a questionnaire to all Members of the United Nations and to the organs, specialized agencies and official bodies mentioned above which are concerned with the question, and shall invite them to transmit their comments within a reasonable time;

c) The Commission shall submit a report and its recommendations to the General Assembly. Before doing so, it may also, if it deems it desirable, make an interim report to the organ or agency which has submitted the proposal or draft;

d) If the General Assembly should invite the Commission to proceed with its work in accordance with a suggested plan, the procedure outlined in article 16 above shall apply. The questionnaire referred to in paragraph (c) of that article may not, however, be necessary.

*B. Codification of international law*

*Art. 18.* (1) The Commission shall survey the whole field of international law with a view to selecting topics for codification, having in mind existing drafts, whether governmental or not.

(2) When the Commission considers that the codification of a particular topic is necessary and desirable, it shall submit its recommendations to the General Assembly.

(3) The Commission shall give priority to requests of the General Assembly to deal with any question.

*Art. 19.* (1) The Commission shall adopt a plan of work appropriate to each case.

(2) The Commission shall, through the Secretary-General, address to Governments a detailed request to furnish the texts of laws, decrees, judicial decisions, treaties, diplomatic correspondence and other documents relevant to the topic being studied and which the Commission deems necessary.

*Art. 20.* The Commission shall prepare its drafts in the form of articles and shall submit them to the General Assembly together with a commentary containing:

a) Adequate presentation of precedents and other relevant data, including treaties, judicial decisions and doctrine;

b) Conclusions defining:

i) The extent of agreement on each point in the practice of States and in doctrine;

ii) Divergencies and disagreements which exist, as well as arguments invoked in favour of one or another solution.

*Art. 21.* (1) When the Commission considers a draft to be satisfactory, it shall request the Secretary-General to issue it as a Commission document. The Secretariat shall give all necessary publicity to the document, including such explanations and supporting material as the Commission may consider appropriate. The publication shall include any information supplied to the Commission by Governments in accordance with article 19. The Commission shall decide whether the opinions of any scientific institution or individual experts consulted by the Commission shall be included in the publication.

(2) The Commission shall request Governments to submit comments on this document within a reasonable time.

*Art. 22.* Taking such comments into consideration, the Commission shall prepare a final draft and explanatory report, which it shall submit with its recommendations through the Secretary-General to the General Assembly.

*Art. 23.* (1) The Commission may recommend to the General Assembly:

a) To take no action, the report having already been published;

b) To take note of or adopt the report by resolution;

c) To recommend the draft to Members with a view to the conclusion of a convention;

d) To convoke a conference to conclude a convention.

(2) Whenever it deems it desirable, the General Assembly may refer drafts back to the Commission for reconsideration or redrafting.

*Art. 24.* The Commission shall consider ways and means for making the evidence of customary international law more readily available, such as the collection and publication of documents concerning State practice and of the decisions of national and international courts on questions of international law, and shall make a report to the General Assembly on this matter.

### *Chapter III. Co-operation with Other Bodies*

*Art. 25.* (1) The Commission may consult, if it considers necessary, with any of the organs of the United Nations on any subject which is within the competence of that organ.

(2) All documents of the Commission which are circulated to Governments by the Secretary-General shall also be circulated to such organs of the United Nations as are concerned. Such organs may furnish any information or make any suggestions to the Commission.

*Art. 26.* (1) The Commission may consult with any international or national organizations, official or non-official, on any subject entrusted to it if it believes that such a procedure might aid it in the performance of its functions.

(2) For the purpose of distribution of documents of the Commission, the Secretary-General, after consultation with the Commission, shall draw up a list of national and international organizations concerned with questions of international law. The Secretary-General shall endeavour to include on this list at least one national organization of each Member of the United Nations.

(3) In the application of the provisions of this article, the Commission and the Secretary-General shall comply with the resolutions of the General Assembly and the other principal organs of the United Nations concerning relations with Franco Spain and shall exclude both from consultations and from the list, organizations which have collaborated with the nazis and the fascists.

(4) The advisability of consultation by the Commission with inter-governmental organizations whose task is the codification of international law, such as those of the Pan-American Union, is recognized.

### **3. Entwurf einer Erklärung über die Rechte und Pflichten der Staaten, ausgearbeitet von der International Law Commission**

#### V o r b e m e r k u n g

Die Völkerrechtswissenschaft hat sich seit jeher bemüht, einen Katalog von Rechten und Pflichten der Staaten aufzustellen, die als Grundlage der Völkerrechtsordnung universelle und unabdingbare<sup>1)</sup> Geltung beanspruchen

könnten. Ob es bei dem soziologisch bedingten stetigen Wandel der Anschauungen über die Stellung des Staates innerhalb der Völkerrechtsordnung möglich und wünschenswert ist, einen derartigen Katalog von Rechten und Pflichten der Staaten zu kodifizieren, ist zumindest zweifelhaft. Auch könnte eine solche Kodifikation mit neueren Bestrebungen eines Abbaus der Souveränitätsrechte zugunsten überstaatlicher Organisationen in Widerstreit geraten.

Die Völkerrechtspraxis hat sich dem Problem der Formulierung grundlegender Rechte und Pflichten der Staaten erst seit dem Einsetzen der Bestrebungen zur Kodifikation des Völkerrechts nach dem ersten Weltkrieg zugewandt. Auf der 9. Tagung der Völkerbundsversammlung 1928 wurde das *Committee of Experts for the Progressive Codification of International Law* beauftragt, Möglichkeit und Zweckmäßigkeit einer solchen Kodifikation zu prüfen<sup>2)</sup>, ohne daß ein Ergebnis bekannt geworden wäre. Dagegen lagen der 6. panamerikanischen Konferenz in Havanna im Jahre 1928 bereits mehrere Entwürfe der panamerikanischen Juristen-Kommission vor, die gewisse grundlegende Rechte und Pflichten der Staaten zu kodifizieren versuchten. Jedoch erst auf der 7. panamerikanischen Konferenz in Montevideo 1933 wurde eine *Convention on Rights and Duties of States*<sup>3)</sup> unterzeichnet und von sechzehn amerikanischen Staaten<sup>4)</sup> ratifiziert. Der Inhalt dieser Konvention wurde 1948 ohne wesentliche Änderung in die auf der neunten panamerikanischen Konferenz in Bogotá ausgearbeitete *Charter of the Organization of American States* übernommen<sup>5)</sup>.

Bei der Gründung der Organisation der Vereinten Nationen auf der Konferenz von San Franzisko im Jahre 1945 wurde angeregt, einen Katalog der Rechte und Pflichten der Staaten in die Charta der Organisation aufzunehmen. Die Konferenz hielt es jedoch für ratsamer, eine solche Kodifikation der Organisation selbst zu überlassen<sup>6)</sup>. Auf der ersten Tagung der

1) Vgl. Art. 5 der Konvention von Montevideo 1933: "The fundamental rights of States are not susceptible of being affected in any manner whatsoever."

2) Société des Nations, Journal Officiel, Suppl. spec. No. 64, Actes de la 9e session ordinaire de l'Assemblée, Séances plénières, compte rendu des débats, Genève 1928, S. 144.

3) Text vgl. diese Zeitschrift Bd. IV (1934), S. 650 ff.

4) Brasilien, Chile, Columbien, Costa Rica, Cuba, Dominikanische Republik, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexiko, Nicaragua, Panama, Venezuela und die Vereinigten Staaten.

5) Chapt. III (Fundamental Rights and Duties of States) der Bogotá-Charta vom 29. April 1948, Text in Dep. of State Bull., Vol. XVIII (1948), S. 666. Die Bogotá-Charta ist, soweit bekannt, bisher nur von drei amerikanischen Staaten ratifiziert worden.

6) In dem Bericht des zuständigen Konferenzausschusses heißt es hierüber: "The Committee received the idea with sympathy, but decided that the Conference, if only for lack of time, could not proceed to realize such a draft in an international contract. The organization, once formed, could better proceed to consider the suggestion for such a bill

Generalversammlung der Vereinten Nationen im Jahre 1946 brachte Panama den Entwurf einer *Declaration on the Rights and Duties of States* ein, der auf den Formulierungen der Konvention von Montevideo aufbaute und diese unter Berücksichtigung der neuesten völkerrechtlichen Entwicklung, wie zum Beispiel durch Einfügung des Grundsatzes der Nichtdiskriminierung im Handelsverkehr, zu verbessern und zu erweitern versuchte<sup>7)</sup>. Die Generalversammlung beauftragte den Generalsekretär der Vereinten Nationen, von allen Mitgliedstaaten sowie von den mit Völkerrecht befaßten nationalen und internationalen Körperschaften eine Stellungnahme zu dem panamensischen Entwurf einzuholen und dem für Fragen der Entwicklung und Kodifikation des Völkerrechts gebildeten Ausschuß der Generalversammlung zuzuleiten<sup>8)</sup>. Ende 1947 übertrug die Generalversammlung die weitere Behandlung dieser Frage der neugebildeten *International Law Commission* und beauftragte den Generalsekretär mit den erforderlichen Vorarbeiten<sup>9)</sup>. Das in Ausführung dieses Auftrages vom Generalsekretär erstellte Memorandum: *Preparatory Study concerning a Draft Declaration on the Rights and Duties of States*<sup>10)</sup> enthielt neben den eingegangenen Stellungnahmen zum panamensischen Entwurf eine wertvolle Zusammenstellung der bisherigen Kodifikationsversuche der Völkerrechtspraxis und -wissenschaft. Die Beratungen in der *International Law Commission* vom 21. April bis 1. Juni 1949<sup>11)</sup> führten zu erheblichen Abänderungen des panamensischen Entwurfs, bis er in der nachstehenden endgültigen Fassung am 1. Juni 1949 mit elf gegen die zwei Stimmen von H u d s o n (Vereinigte Staaten) und K o r e t s k y (Sowjetunion) angenommen wurde<sup>12)</sup>.

Von Interesse sind die Begründungen, mit denen diese beiden Mitglieder der *International Law Commission* ihr ablehnendes Votum rechtfertigten. H u d s o n war der Ansicht, daß der Inhalt des Art. 6, der es einem Staat verbietet, bei der Behandlung seiner eigenen Staatsangehörigen die Men-

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of rights of nations and to deal effectively with it through a special commission or by some other method." (U.N.C.I.O. Doc., Vol. VI, S. 456.)

7) U.N. Doc. A/285. Vgl. Ziff. 23: "Every State has the right of access, on equal terms, to the trade, commodities and raw materials of the world which are necessary to its economic prosperity. It is the duty of every State to eliminate from its economic activities every artificial means tending to establish differences in the acquisition of the natural products of the soil another State, and to refrain from exercising control over means of transport, from restricting trade, or bringing about restrictions in commercial credits and currency, of another State."

8) Resolution 38 (I) vom 11. 12. 1946 – U.N. Doc. A/64/Add 1, 31. 1. 1947, S. 62–63.

9) Resolution 178 (II) vom 21. 11. 1949 – U.N. Doc. A/519, 8. 1. 1948, S. 112.

10) U.N. Doc. A/CN. 4/2, 15. 12. 1948.

11) U.N. Doc. A/CN. 4/SR. 7 bis 16, 19 bis 25.

12) U.N. Doc. A/CN. 4/SR. 25, S. 6.



schenrechte zu verletzen oder Diskriminierungen aus Gründen der Rasse, des Geschlechts, der Sprache oder der Religion vorzunehmen, über den gegenwärtigen Entwicklungsstand des Völkerrechts hinausgehe<sup>13)</sup>). K o r e t s k y lehnte den Entwurf vor allem deshalb ab, weil er – insbesondere in Art. 14 – nicht genügend Rücksicht auf die Aufrechterhaltung der Souveränität des einzelnen Staates nehme und Schutzbestimmungen gegenüber Einmischungen internationaler Organisationen in die inneren Angelegenheiten des einzelnen Staates vermissen lasse<sup>14)</sup>); Koretskys Begründung erfuhr jedoch in der Generalversammlung eine scharfe Kritik seitens des britischen Kronanwalts Sir Hartley S h a w c r o s s<sup>15)</sup>).

Die ausgedehnte Diskussion des Entwurfs der International Law Com-

<sup>13)</sup> U.N. Doc. A/CN. 4/SR. 25, S. 6.

<sup>14)</sup> U.N. Doc. A/CN. 4/SR. 22, S. 13–14: "... 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 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... The new draft, especially article 14, 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. 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... Mr. Koretsky fully recognized international law, ... but he wished to point out that the 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."

<sup>15)</sup> "We shall only make real progress towards the rule of law in international affairs when all States accept the obligations which any system of law involves in the knowledge that similar obligations are imposed equally upon all other States and that, therefore, their existence is a protection to all States against arbitrary action. Absolute sovereignty in international affairs is akin to anarchy in municipal ones – and as little to be tolerated. Those who object – as unhappily some do – that, for instance, Article 14 of the draft Declaration on the Rights and Duties of States, which says: – '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 each State is subject to the supremacy of international Law' – are seeking to put a premium upon the influence of military might in world affairs and are flying in the face of the basic principles of the Charter." (U.N. Doc. A/C. 6/SR. 159.)

mission in der Generalversammlung Ende 1949<sup>16)</sup> zeigte, daß die darin formulierten Rechte und Pflichten der Staaten, weil sie den einen zu weitgehend, den anderen zu lückenhaft erschienen, keine allgemeine Billigung fanden und keine Einigung darüber erzielt werden konnte, inwieweit sie bereits positiv geltendes Recht oder vorerst nur neue Zielsetzungen darstellen. Infolgedessen war man sich auch über die rechtliche Form, die der Entwurf erhalten sollte, nicht einig: eine unverbindliche Proklamation gewisser als wünschenswert anerkannter Grundsätze für das Verhalten der Staaten oder ein von allen Mitgliedstaaten zu ratifizierendes völkerrechtliches Abkommen. Die Generalversammlung entschloß sich daher, den Entwurf zur weiteren Prüfung bis zu ihrer nächsten Tagung Ende 1950 zurückzustellen und alle Mitgliedstaaten aufzufordern, bis zum 1. Juli 1950 nochmals dazu Stellung zu nehmen. Immerhin ging die Generalversammlung so weit, den Inhalt des Entwurfs der International Law Commission als "a notable and substantial contribution towards the progressive development of international law and its codification" anzuerkennen<sup>17)</sup>. Jaenicke

#### DRAFT DECLARATION ON RIGHTS AND DUTIES OF STATES

Prepared by the International Law Commission<sup>18)</sup>

*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 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 certain basic rights and duties of States in the light of new developments of international law and in harmony with the Charter of the United Nations,

*The General Assembly* of the United Nations adopts and proclaims this

<sup>16)</sup> Documents officiels de la 4e session de l'Assemblée générale, VIe Commission, comptes rendus, 1949, S. 175–290; Séances plénières de l'Assemblée générale, comptes rendus, 1949, S. 573–586.

<sup>17)</sup> Resolution 375 (IV) vom 6. 12. 1949; Text unten S. 392.

<sup>18)</sup> Report of the International Law Commission, General Assembly, Official Records: 4th Session, Suppl. no. 10 (U.N. Doc. A/925, 24 June, 1949), S. 8 f.

*Declaration on Rights and Duties of States*

*Art. 1.* Every State has the right to independence and hence to exercise freely, without dictation by any other State, all its legal powers, including the choice of its own form of government.

*Art. 2.* Every State has the right to exercise jurisdiction over its territory and over all persons and things therein, subject to the immunities recognized by international law.

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

*Art. 4.* Every State has the duty to refrain from fomenting civil strife in the territory of another State, and to prevent the organization within its territory of activities calculated to foment such civil strife.

*Art. 5.* Every State has the right to equality in law with every other State.

*Art. 6.* Every State has the duty to treat all persons under its jurisdiction with respect for human rights and fundamental freedoms, without distinction as to race, sex, language, or religion.

*Art. 7.* Every State has the duty to ensure that conditions prevailing in its territory do not menace international peace and order.

*Art. 8.* Every State has the duty to settle its disputes with other States by peaceful means in such a manner that international peace and security, and justice, are not endangered.

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

*Art. 10.* Every State has the duty to refrain from giving assistance to any State which is acting in violation of article 9, or against which the United Nations is taking preventive or enforcement action.

*Art. 11.* Every State has the duty to refrain from recognizing any territorial acquisition by another State acting in violation of article 9.

*Art. 12.* Every State has the right of individual or collective self-defence against armed attack.

*Art. 13.* 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 provisions in its constitution or its laws as an excuse for failure to perform this duty.

*Art. 14.* 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 each State is subject to the supremacy of international law.

**4. Entschließung der Generalversammlung vom 6. Dezember 1949  
zum Entwurf einer Erklärung über die  
Rechte und Pflichten der Staaten<sup>1)</sup>**

*The General Assembly,*

*Having received* the draft Declaration on Rights and Duties of States prepared by the International Law Commission in pursuance of the instruction given to it by the General Assembly in resolution 178 (II) of 21 November 1947,

*Considering* that it is a responsibility of the United Nations, and more especially of the General Assembly under Article 13 of the Charter, to encourage the progressive development of international law and its codification,

*Considering* that at the present time it has encountered some difficulties in formulating basic rights and duties of States in the light of new developments of international law and in harmony with the Charter of the United Nations, and recognizing the need of continuing study with regard to this subject,

1. *Notes* the draft Declaration on Rights and Duties of States prepared by the International Law Commission and expresses to the Commission its appreciation for its work on the draft Declaration;

2. *Deems* the draft Declaration a notable and substantial contribution towards the progressive development of international law and its codification and as such commends it to the continuing attention of Member States and of jurists of all nations;

3. *Resolves* to transmit to Member States, for consideration, the draft Declaration together with all the documentation relating thereto produced during the present session of the General Assembly, and to request them to furnish their comments and suggestions at the latest by 1 July 1950;

4. *Requests* Member States to furnish at the same time comments on the following questions:

I. Whether any further action should be taken by the General Assembly on the draft Declaration;

II. If so, the exact nature of the document to be aimed at and the future procedure to be adopted in relation to it;

5. *Requests* the Secretary-General to prepare and publish the suggestions and comments furnished by Member States, for such use as the General Assembly may find desirable;

6. *Directs* that the text of the draft Declaration be annexed to the present resolution.

*270<sup>th</sup> plenary meeting, 6 December 1949.*

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<sup>1)</sup> General Assembly Resolution 375 (IV) – U.N. Doc. A/1251.