

THE FUNDAMENTAL PRINCIPLES GOVERNING INTERNATIONAL RELATIONS



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role of the principles in the legal system

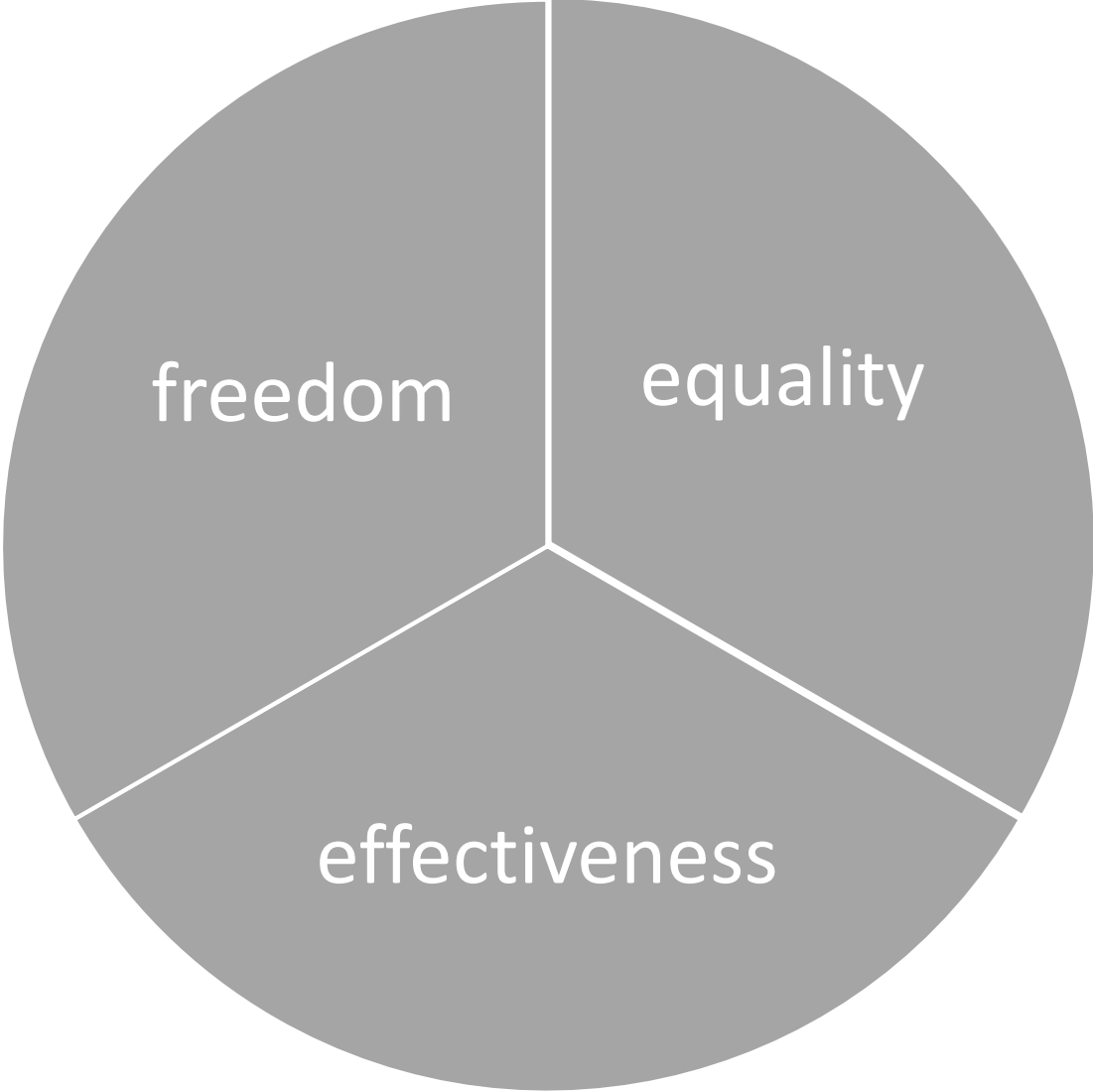
ROLE OF THE PRINCIPLES IN THE LEGAL SYSTEM

- regulate social intercourse
- serve as basic guidelines for the life of the whole community
- set out the policy lines and the basic goals of State agencies
- can be drawn upon for the construction of legal provisions, whenever rules on interpretation prove insufficient



international relations

principles governing international relations



PRINCIPLES GOVERNING INTERNATIONAL RELATIONS: art. 2 of the Charter of the United Nations

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

- 1. The Organization is based on the principle of **the sovereign equality of all its Members**.*
- 2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall **fulfill in good faith the obligations** assumed by them in accordance with the present Charter.*
- 3. All Members shall **settle their international disputes by peaceful means** in such a manner that international peace and security, and justice, are not endangered.*
- 4. All Members 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. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall **refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action**.*
- 6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.*
- 7. **Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state** or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.*

PRINCIPLES GOVERNING INTERNATIONAL RELATIONS: the 1970 UN Declaration on Friendly Relations (resolution 2625 (XXV))

1. 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
2. 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
3. The principle concerning the **duty not to intervene in matters within the domestic jurisdiction of any State**, in accordance with the Charter
4. The principle concerning the **duty of States to co-operate with one another** in accordance with the Charter
5. The principle of **equal rights and self-determination of peoples**
6. The principle of **sovereign equality of States**
7. The principle that States shall **fulfil in good faith the obligations** assumed by them in accordance with the Charter

FACTORS INFLUENCING ESTABLISHMENT OF
INTERNATIONAL LAW'S PRINCIPLES
international practice

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international practice

- international treaties
- the General Assembly of the United Nations' resolutions
- declarations of States
- statements by government representatives in the United Nations
- diplomatic practice
- case law

THE MAIN PRINCIPLES GOVERNING INTERNATIONAL RELATIONS

- I. the sovereign equality of States
- II. non-intervention in the internal or external affairs of other States
- III. prohibition of the threat or use of force
- IV. peaceful settlement of disputes
- V. respect for human rights
- VI. self-determination of peoples

- I. fulfilment of obligations in the good faith
- II. duty of States to co-operate with one another

WORK IN GROUPS

- notion
- history
- legal basis
- main characteristic
- rights and duties
- possible derogations



the sovereign equality of States

non-intervention in the internal or external
affairs of other States

prohibition of the treat or use of force

peaceful settlement of dispute

respect for human rights

self-determination of peoples

COMMON CHARACTERISTIC TO ALL FUNDAMENTAL
PRINCIPLES OF INTERNATIONAL LAW

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4. are legally binding to all members of the **international community, which are entitled to exact their observance** –
 - any relevant international subject can claim compliance by any other subject, whether or not non-compliance has damaged the former subject
 - e.g. any State can demand respect for the ban of the use of force by any other State – in case of violation it is entitled to insist on its cessation or demand reparation

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5. **belong to category of *ius cogens* norms***
peremptory norms - rules and principles accepted by the international community as standards from which no derogation is permitted

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6. **rely heavily for their implementation and enforcement on the United Nations**

CONNECTIONS BETWEEN FUNDAMENTAL PRINCIPLES OF INTERNATIONAL LAW

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respect for human
rights

The diagram consists of two dark grey arrows pointing towards each other. The left arrow points right and contains the text 'respect for human rights'. The right arrow points left and contains the text 'non-intervention in the internal affairs of other States'.

non-intervention in
the internal affairs
of other States

self-determination
of peoples

The diagram consists of two dark grey arrows pointing towards each other. The left arrow points right and contains the text 'self-determination of peoples'. The right arrow points left and contains the text 'the sovereign equality of States'.

the sovereign
equality of States