REVIEWS

PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY RELATIONS AND COOPERATION. Edited by Milan Sahovic. Oceana Publications, New York. 1973. Pp. 450. $12.00.

THE MID nineteen-fifties witnessed a movement for change in international law demanded by the newly emergent countries of Asia and Africa. India was in the vanguard of the movement which found the support of the socialist and Latin American states.

Traditional international law was to be reinvigorated by ideas and concepts that are peace-oriented. *Panch sheel* was the contribution of India, China and other Asian nations; peaceful coexistence was the response of the socialist countries. There was a spate of scholarly writings, too, in that period analysing these conceptual developments.

The movement paid off. At the turn of the sixties an item on international law concerning friendly relations and co-operation among states was inscribed on the agenda of the General Assembly of the United Nations. Initially, the West was sceptical about the whole idea. By 1970, however, the 'Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among States' was unanimously adopted by the General Assembly. A new international law was born ! No international lawyer can now ignore this U.N. Declaration.

The United Nations chose seven principles for its codification task : (*i*) prohibition of the threat or use of force; (*ii*) peaceful settlement of disputes; (*iii*) non-intervention; (*iv*) the duty to cooperate in accordance with the charter; (*v*) equal rights and self-determination of peoples; (*vi*) sovereign equality of states; and (*vii*) fulfilment in good faith of obligations assumed under the charter. It appears that the choice of these principles was motivated by the following considerations :

(*i*) to ensure independence of all states and nations;

(*ii*) to lay down conditions necessary for the achievement of peaceful development of international relations; and

(*iii*) to develop international community consciousness.[1]

The discretion of the General Assembly to choose these seven, or any other, principles cannot be questioned; but its wisdom may be doubted. An empirical investigation of the accomplished results shows that, while the assembly made a contribution in clarifying the scope and content of the principles of the prohibition of the use of force, peaceful settlement of disputes, non-intervention, self-determination and international co-operation,

1. M. Sahovic (ed.), *Principles of International Law Concerning Friendly Relations and Cooperation* 29 (1973).

little new was added to the elaboration of the meaning of sovereign equality and good faith obligation. The United Nations, on balance, however, scored well.

No detailed review of the work of the United Nations on the seven principles will be undertaken here; instead the review will confine itself to highlighting the major developments in respect of some of the principles. Undoubtedly, the most significant development concerns the principles of the prohibition of the use of force and self-determination. By virtue of these twin principles wars of liberation are now legitimate, people fighting such wars can seek and receive support (material and military), and no forcible action can be taken by a state to deprive people of their right of self-determination and independence.[2] This development reflects the great changes that have taken place in our lifetime and imparts normative significance to what until recently has been considered as essentially political desiderata. In elaborating the principles of peaceful settlement of disputes, the United Nations postulated that the parties to a dispute shall agree upon "such peaceful means as may be appropriate to the circumstances and nature of the dispute". Such a postulate, we may add, gives a meaningful twist to article 33 directive on pacific settlement of disputes. A significant development also took place in the elaboration of the principle of non-intervention. A blanket prohibition of non-intervention has been indicated in the prescription that no state can intervene *for any reason whatever*.[3] The principle of co-operation is probably a new entrant to international law. It underlines the mutuality and interdependence of contemporary politics among nations. It forms one of the bases of international organization. Its juridical recognition heralds a new chapter in international law.

The legal techniques employed by the United Nations in the codification of the principles are equally striking. The elaboration of the principles followed a consistent model · the first paragraph sets out the general legal rule; the other paragraphs specify the constituent elements of, or the necessary corollaries, to the principle concerned.

The drafters of the 'Declaration on Principles of International Law Concerning Friendly Relations' realised that the principles are either wholly or in substantial elements interrelated. Integral interpretation is, therefore, called for. Secondly, in so far as the principles are related to the major purposes and objectives of the United Nations, they must be interpreted teleologically. Admittedly, the principles cannot derogate from the U.N. Charter. That does not mean, however, that the charter consists of a body of static principles. To be sure, the charter, like any other basic law, is an organism which has a life of its own.

The work of the United Nations in codifying principles of international law concerning friendly relations is on the whole gratifying. One question, though, remains : what is the normative significance of the 'Declaration on

2. *Id.* at 42-43.
3. Emphasis added.

Principles of International Law Concerning Friendly Relations' ? This is a complex and controversial question. It does not lend itself to simplistic answers. It would be naive to say that the assembly resolutions either are law or not law. Milan Sahovic, the editor of this monograph, rightly says that the juridical value of the General Assembly resolutions depends not so much upon their "formal nature" as upon their "material content."[4] Sahovic was wise in avoiding the formalistic approach and emphasizing what may be characterised as the sociological approach to the study of General Assembly resolutions.

Sahovic and his Yugoslav colleagues have done very well indeed in bringing out the first monograph on this subject of ever-increasing importance to all nations and peoples of the world. There is, of course, room for more studies on this topic. But future studies may as well avoid the temptation of a doctrinaire approach. By far it would be better to analyse empirically the elements of the seven principles and indicate the normative aspects of the constituent elements. Such a study or studies would be a handsome complement to the United Nations codification work on principles of international law concerning friendly relations.

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4. *Supra* note 1 at 47.

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