

Proceedings of the Colloquium
on the Five Principles
of Peaceful Coexistence and
the Development of International Law

和平共处五项原则与国际法的发展

**中国国际法年刊
2014年专辑**

中华人民共和国外交部条约法律司
中国国际法学会

Compiled by
Department of Treaty and Law,
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Chapter 1 : Summary of the Colloquium

Chair's Summary of the Colloquium on The Five Principles of Peaceful Coexistence and the Development of International Law

Mr. Xu Hong, Director-General of the Department
of Treaty and Law, Ministry of Foreign Affairs
of China
(May 27 , 2014)

I. The Ministry of Foreign Affairs of the People's Republic of China and the Chinese Society of International Law jointly held a colloquium on international law on May 27, 2014, to commemorate the 60th anniversary of the debut of the Five Principles of Peaceful Coexistence (hereinafter, "the Five Principles"), jointly enunciated and championed by China, India and Myanmar in 1954. H. E. Mr. Liu Zhenmin, Vice Minister of the Ministry of Foreign Affairs of China, H. E. Mr. LI Shishi, President of the Chinese Society of International Law, H. E. Mr. Serpa Soares, Under Secretary General and Legal Counsel of the United Nations attended the colloquium and delivered keynote speeches. The colloquium was chaired by Mr. XU Hong, Director-General of the Department of Treaty and Law, the

Ministry of Foreign Affairs of China. The Panel discussions were chaired respectively by H. E. Mr. Serpa Soares, Under Secretary General and Legal Counsel of the United Nations and Professor Rahmat Mohamad, Secretary General of Asian-African Legal Consultative Organization.

II. Over 70 participants from China, India, Myanmar, Indonesia, Pakistan, Russia, Bangladesh, Brunei, Cambodia, Laos, Nepal, Thailand, the Secretariat of the United Nations, the International Court of Justice, the Asian-African Legal Consultative Organization, Asian Society of International Law, African Institute of International Law, American Society of International Law, European Society of International Law, International Committee of Red Cross, Asian-Pacific Space Cooperation Organization, Chinese Society of Space Law and others were present at the colloquium.

III. As the host, China highlighted the significance of holding this colloquium to commemorate the 60th anniversary of the Five Principles. China stressed that the Five Principles have always been the cornerstone of China's independent foreign policy of peace, and will continue to play an ever greater role in promoting the development of a harmonious world and a community of common destiny for all mankind.

IV. The participants, focusing on the theme "The Five Principles of Peaceful Coexistence and the Development of International Law", discussed the historic contributions of the Five Principles to international law and international relations, their application in state practice, and their contemporary relevance as fundamental principles of international law. Such views were expressed and exchanged as follows:

1. The principles of mutual respect for sovereignty and territorial

integrity, non-aggression, non-interference in each other's internal affairs, equality and mutual benefit, and peaceful coexistence embody the essential tenets of international law, accord with the common interests of States and the international community, and epitomize the purposes and principles of the Charter of the United Nations.

The Five Principles have been incorporated into the Ten Principles of Bandung enunciated in the Final Communiqué of the 1955 Asian-African Conference of Bandung, the United Nations General Assembly Resolution 1236 of 1957 on Peaceful and Neighbourly Relations among States, the 1970 Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, the 1974 Charter of Economic Rights and Duties of States and a large number of bilateral treaties and other instruments. Widely recognized and followed by the international community, the Five Principles have become part of the basic norms of international relations and fundamental principles of international law, and made significant contributions to the peace, stability and development of Asia and the world at large.

2. At present, as the multi-polarization of the world and economic globalization intensify and global challenges and non-conventional threats grow, States are becoming an interdependent community of common destiny, with shared risks and opportunities. This calls for cooperative and joint efforts in advancing development and progressiveness. Against this backdrop, it is of practical significance to further apply and develop the Five Principles:

(a) The principle of mutual respect for sovereignty and territorial integrity is the foundation of international law and the cornerstone

for the stability of international relations. Each State has the right to freely choose its political, legal, economic, social and cultural systems, as well as the obligation to respect the diversity of civilizations and modes of development in the world. States enjoy their rights on the basis of independence and equality, and assume their obligations and responsibilities of their own accord and on the basis of mutual respect. States have the right to participate in the making of, interpreting and applying international law on an equal footing, and the obligation to comply with international law in good faith, promote international equality and justice, and apply international law on the basis of the purposes and principles of the Charter of the United Nations in a coherent and consistent manner. States shall, in accordance with the Charter of the United Nations and other international treaties, respect, protect and promote individual and collective human rights, including safeguarding the right to development. Peoples who remain under colonial domination and foreign occupation have the right to self-determination in accordance with international law. States have the right to take lawful measures within its own territory to defend its territorial integrity and to provide for its preservation and prosperity.

(b) The principle of non-aggression is the fundamental guarantee for international peace and security. Unless authorized by the Security Council of the United Nations or in exercise of the right of self-defense, all States shall refrain, in their international relations, from the threat or use of force, in particular any form of aggression, against the sovereignty, territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations. States shall lend their full support to the system of collective security where the Security Council plays the central role, promote the security concept featuring mutual trust, mutual

benefit, equality and cooperation, and seek common security, comprehensive security, cooperative security and sustainable security. The international community may take collective action, through the Security Council, in accordance with the Charter of the United Nations (including Chapter VII), on a case-by-case basis, to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

(c) The principle of non-interference in each other's internal affairs is a solid shield to safeguard the independence of States and fend off hegemonism and power politics. No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. No State shall organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the regime of another State, or interfere in civil strife in another State. All States, in fighting against terrorism, shall comply with international law and refrain from double standards. Every State shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of any other State or country. It is not against the principle of non-interference in each other's internal affairs that States and international organizations, with the authorization of the Security Council in accordance with the Charter of the United Nations or the consent of a State, intervene in the affairs of that State.

(d) The principle of equality and mutual benefit is the framework for intercourse and cooperation among States. Regardless of their political, economic and social systems, all States, big or small, rich or poor, strong or weak, are equal, and shall give full respect to each other and handle international affairs through consultation in

democratic manner. In the pursuit of national interests, States should pay due regard to the interests of other States and protect and promote the common interests of the international community, and seek mutual benefit with a win-win approach. States should strengthen international cooperation in all fields, especially under the framework of the United Nations and regional arrangements. States should also improve international mechanisms and legislations in common response to global challenges and non-conventional security threats, in particular regarding cyberspace, polar regions, the international seabed area, outer space and climate change, with the view to promoting sustainable development.

(e) The principle of peaceful coexistence is necessary for a stable international order and smooth cooperation. States shall settle international disputes by peaceful means in accordance with international law, commit themselves to settling disputes relating to State sovereignty and security, including issues left over from history, through negotiations and consultations, and mutually respect each other's free choice of peaceful means for dispute settlement. States shall uphold the central role of the United Nations in maintaining international peace and security and safeguarding economic and social stability and development. As a necessary supplement, States are encouraged to establish rule-based regional arrangements. States should discard "zero-sum game" thinking or "rising power seeking hegemony" mindset, uphold the notions of peace, cooperation and win-win, and seek to build a new pattern of inter-state relations and achieve a harmonious world of common development and enduring peace.

V. All participants firmly believe that the Five Principles, together with the other principles of the United Nations, with all their universal applicability and vitality, will continue to evolve and adapt

to the ever changing circumstances.

VI. Participants are grateful to the Ministry of Foreign Affairs of the People's Republic of China and the Chinese Society of International Law for the warm invitation and kind hospitality. They are of the view that the comprehensive and rigorous discussions at the colloquium will play an important role in enhancing the compliance with fundamental principles of international law and promoting the international rule of law.

