PART I

COEXISTENCE, COOPERATION AND SOLIDARITY IN INTERNATIONAL LAW
THE INTERNATIONAL OBLIGATION TO COOPERATE–AN EMPTY SHELL OR A HARD LAW PRINCIPLE OF INTERNATIONAL LAW?–A CRITICAL LOOK AT A MUCH DEBATED PARADIGM OF MODERN INTERNATIONAL LAW

Jost Delbrück

A. Introduction

Fifteen years ago, Rüdiger Wolfrum contributed to the Encyclopedia of Public International Law an authoritative article on the International Law of Cooperation.1 The article was written at a point in time when–due to the rising influence of the Third World countries within and outside the United Nations, particularly in the UN General Assembly–the problem of how to cope with the growing economic and social disparities between the developed and less developed countries became the dominant focus of politicians and many international legal scholars. It stands to reason that such a gigantic task as the development of a just economic and social international order could be brought about only by a collective effort of the international community of States, i.e. by close international cooperation. And, indeed, the necessity of international cooperation as a way to reach the goal of a more just economic and social order has been continuously emphasized in a great number of universal and regional multilateral treaties–notably the Charter of the United Nations–and in solemn declarations adopted by the UN General Assembly, such as the Friendly Relations Resolution of 1970,2 the Declaration on the Establishment of a New Economic Order and the relevant Programme of Action3 and the Charter of Rights and Duties of States.4 However, the seemingly broad consensus with regard to the necessity of international cooperation does not mean that there was and is now a consensus with regard to the question whether the

---

2 GA Res. 2625 (XXV) of 24 October 1970.
3 See GA Res. 3201 and 3202 (S-VI).
4 See GA Res. 3281 (XXIX).