

資料 2

ICJ ニカラグア判決 ICJ Reports 1986. 判例 p. 501

[p. 108] [T]he principle [of non-intervention] forbids all States or groups of States to intervene directly or indirectly in internal or external affairs of other States. A prohibited intervention must accordingly be one bearing on matters in which each States is permitted, by the principle of State sovereignty, to decide freely. One of these is the choice of a political, economic, social and cultural system, and the formulation of foreign policy. Intervention is wrongful when it uses methods of coercion in regard to such choices, which must remain free ones. The element of coercion... defines, and indeed forms the very essence of, prohibited intervention...

[p. 124] [T]he United States intended, by its support of the contras, to coerce the Government of Nicaragua in respect of matters in which each State is permitted, by the principle of State sovereignty, to decide freely... and... the intention of the contras themselves was to overthrow the present Government of Nicaragua... The Court considers that in international law, if one State, with a view to the coercion of another State, supports and assists armed bands in that State whose purpose is to overthrow the government of that State, that amounts to an intervention by the one State in the internal affairs of the other, whether or not the political objective of the State giving such support and assistance is equally far-reaching...

The Court therefore finds that the support given by the United States, up to the end of September 1984, to the military and paramilitary activities of the contras in Nicaragua, by financial support, training, supply of weapons, intelligence and logistic support, constitutes a clear breach of the principle of non-intervention.

There can be no doubt that the provision of strictly humanitarian aid to persons or forces in another country, whatever their political affiliations or objectives, cannot be regarded as unlawful intervention, or as in any other way contrary to international law.

[p. 126] The Court's attention has been drawn in particular to the cessation of economic aid in April 1981; the 90 per cent reduction in the sugar quota for United States imports from Nicaragua in April 1981; and the trade embargo adopted on 1 May 1985...

[T]he Court has... to say that it is unable to regard such action on the economic plane as is here complained of as a breach of the customary-law principle of non-intervention.

干渉行為の内容

田畑茂二郎『国際法 』（有斐閣、新版、1973） pp. 382-383.

干渉とは……、国家または国家群が、一定の状態を維持または変更するために、その意思を他国に対して強制的に押しつけることだ……。……強力措置、たとえば、外交や通商関係の断絶などの意向をほのめかしてある申出をする場合はもちろん、そうした強力措置を伴わないでも、何らかの不利益な結果を予想させるような仕方で、一定の措置を要求する場合などは、当然干渉になるというべきであろう。

不干渉宣言 国連総会決議 1965.12.21. UN.Doc. A/RES/2131. 藤田 p. 198

1. No State has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. Consequently, armed intervention and all other forms of interference or attempted threats against the personality of the State or against its political, economic and cultural elements, are condemned.

2. No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights or to secure from it advantages of any kind. Also, no State shall organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the régime of another State, or interfere in civil strife in another State.

天安門事件

1990.5.10. 朝日新聞朝刊東京版 p. 3.

中国訪問中の社会党代表団（団長、山口書記長）は19日、北京市内の釣魚台迎賓館で、中国共産党の朱良対外連絡部長らと会談、昨年6月の天安門事件を中心に意見を交換した。山口氏は、事件について「人権問題に国境はない。極めて残念だった」「事件の経過を見て、中国と人民解放軍に対する夢が崩れた」などと、強い調子で批判的な見解を述べた。これに対し、朱良氏は「人権は尊重しているが、人権問題で国家主権が侵されてはならない」と反論、「緊迫した雰囲気の中のやりとり」（日本側同席者）となった。

…… [朱良氏は]「内政不干渉の原則」に言及し、「どこの国でも、政治体制は人民が決める。中国の社会体制について外国に強要してもらう必要はない」などと反論。山口氏の人権重視の立場からの批判に対しても「人権は尊重しているが、国家主権を考えねばならず、人権問題で国家主権が侵されてはならない」と突っぱねた。

1990.7.1 朝日新聞朝刊東京版 p 2

中国の李鉄映国務委員（共産党政治局員）兼国家教育委員会主任が30日に来日し、同日夜、都内の料理屋で坂本官房長官と会談した。.....李氏は「中国としては平和5原則にのっとり、西側諸国を含む世界の国々との友好関係を築き上げる方針に変わりはない」としながら、「内政不干渉の原則は守られるべきだ。国権（国の権利）が守られて、初めて人権が守られる」と、天安門事件をめぐる各国からの批判に対し不快感を示した。

アメリカ合衆国による人権状況の批判に対する中国の反批判

中国外務省報道官 2001年2月20日 <http://www.fmprc.gov.cn/eng/5338.html>

Q: The US State Department released on 27th February its annual human rights report for year 2000, which includes criticisms of China's human rights situation. Do you have any comment?

A: The Chinese Government has all along respected the universal principle of human rights and worked vigorously for the protection and promotion of human rights and fundamental freedom of the people in accordance with the national conditions of China... Falun Gong has proved to be an out-and-out cult organization, specializing in fooling, controlling and endangering people, which has created very grave social consequences. No responsible government will adopt a laissez-faire attitude toward this kind of cults. The Chinese Government has banned and cracked down the cult of Falun Gong precisely for the purpose of safeguarding and protecting the basic human rights and freedom of the Chinese citizens, with the firm endorsement of the Chinese people across the country and popular support from the international community...

It is common knowledge that there are human rights violations within the United States. Yet while refraining from talking about it, the US Government is making willful distortions of human rights situations in other countries and uninvited remarks on the internal affairs of other countries, even to the point of openly defending cults that endanger mankind... We demand that the US side respect the basic norms governing international relations, correct its mistakes, and stop interfering in China's internal affairs through the so-called question of human rights.

注 Falun Gong=法輪講

ペルーFujimori 大統領3選 2000年5月28日

- 問題点
- ・ペルー憲法は3選を禁止。Fujimori 大統領は、「1期目就任後に現行憲法が発効した」ことを理由に、自身の3選は現憲法の制約に服しないと主張。憲法違反とした最高裁判事を罷免。
 - ・選挙開票過程で不正がなされたのではないかと疑問。

アメリカ合衆国

2001年5月30日(共同)

ペルー大統領選挙の決選投票について米務省は二十九日夕(日本時間三十日午前)開票の完了前に「選挙は欠陥があり合法性に欠ける」と異例の声明を出し、ペルー中央選管発表の選挙結果を公式に否定。フジモリ政権側の選挙「強行」に対し制裁も辞さない厳しい対立姿勢を示した。

日本

6月9日(共同)

木谷隆・駐ペルー大使は七日、フジモリ大統領を大統領官邸に訪ね、日本政府がペルー支援の政策を今後も続けることを伝えた。

五月二十八日に行われた大統領選挙の決選投票で三期連続当選を決めたフジモリ大統領に対し、日本政府が外交ルートを通じて事実上の三選支持を表明したことになる。

フランス・スペイン

5月28日(30日付日経)

欧州でも「選挙が公正に行われた保証はない」(ピケ・スペイン外相)や「投票が行われた環境は十分ではなかった」(フランス外務省報道官)など批判が相次いでいる。

米州機構(OAS)

5月31日(共同)

公正さに疑いが持たれたペルー大統領選挙をめぐる米州機構(OAS)の緊急常設理事会(大使級)は三十一日、外相による特別会合開催で一致したが、米国の強硬姿勢への支持はなく、制裁など厳しい措置は当面、見送られる見通しとなった。

6月5日(6月6日付日経)

カナダのウィンザーで開いた米州機構(OAS)総会は五日にペルー大統領選挙への対応を盛り込んだ決議を採択した。しかし、その内容はペルーへの視察団派遣という穏健なものにとどまり、経済制裁を含む強硬策を働き掛けてきた米国の戦略は事実上挫折した。内政干渉の排除で一致する中南米諸国の団結の強さを示した格好だ。

フェルナンデス・コロンビア外相とメレル・エクアドル外相は同日、フジモリ・ペルー大統領の三選が有効かどうかは議論に付されなかったと説明。さらに「(フジモリ大統領は)米州各国から

無言の認知を受けたことになる」と述べ、選挙結果を追認した。

中南米諸国

6月9日(6月10日付日経)

ペルー、ベネズエラ、コロンビアなど南米五カ国で構成するアンデス共同体の首脳会議が九日、ペルーの首都リマで開幕した。.....会議冒頭の演説で、パストラナ・コロンビア大統領は「米州機構(OAS)の決定は、内政干渉排除の原則のもと加盟国が民主主義の価値を高めることで団結していることを示した」と述べた。

チャベス・ベネズエラ大統領はこれに先立って、フジモリ大統領と会談、「OASによる非難決議を阻止できたことはペルーだけでなく中南米諸国の勝利だ」と語り、フジモリ大統領支持の姿勢を鮮明にした。

OAS 決議 1080

AG/RES. 1080 (XXI-O/91)

REPRESENTATIVE DEMOCRACY

(Resolution adopted at the fifth plenary session, held on June 5, 1999)

WHEREAS:

The Preamble of the Charter of the OAS establishes that representative democracy is an indispensable condition for the stability, peace, and development of the region;

Under the provisions of the Charter, one of the basic purposes of the OAS is to promote and consolidate representative democracy, with due respect for the principle of non-intervention;

Due respect must be accorded to the policies of each member country in regard to the recognition of states and governments;

In view of the widespread existence of democratic governments in the Hemisphere, the principle, enshrined in the Charter, that the solidarity of the American states and the high aims which it pursues require the political organization of those states to be based on effective exercise of representative democracy must be made operative;

and

The region still faces serious political, social, and economic problems that may threaten the stability of democratic governments,

THE GENERAL ASSEMBLY

RESOLVES:

To instruct the Secretary General to call for the immediate convocation of a meeting of

the Permanent Council in the event of any occurrences giving rise to the sudden or irregular interruption of the democratic political institutional process or of the legitimate exercise of power by the democratically elected government in any of the Organization's member states, in order, within the framework of the Charter, to examine the situation, decide on and convene and ad hoc meeting of the Ministers of Foreign Affairs, or a special session of the General Assembly, all of which must take place within a ten-day period.

To state that the purpose of the ad hoc meeting of Ministers of Foreign Affairs or the special session of the General Assembly shall be to look into the events collectively and adopt any decisions deemed appropriate, in accordance with the Charter and international law.

To instruct the Permanent Council to devise a set of proposals that will serve as incentives to preserve and strengthen democratic systems, based on international solidarity and cooperation, and to apprise the General Assembly thereof at its twenty-second regular session.

「悪の枢軸」

ブッシュ米大統領一般教書 2001.1.29. <http://www.whitehouse.gov/>

North Korea is a regime arming with missiles and weapons of mass destruction, while starving its citizens.

Iran aggressively pursues these weapons and exports terror, while an unelected few repress the Iranian people's hope for freedom.

Iraq continues to flaunt its hostility toward America and to support terror. The Iraqi regime has plotted to develop anthrax, and nerve gas, and nuclear weapons for over a decade...

States like these, and their terrorist allies, constitute an axis of evil, arming to threaten the peace of the world. By seeking weapons of mass destruction, these regimes pose a grave and growing danger. They could provide these arms to terrorists, giving them the means to match their hatred. They could attack our allies or attempt to blackmail the United States...

[A]ll nations should know: America will do what is necessary to ensure our nation's security.

We'll be deliberate, yet time is not on our side. I will not wait on events, while dangers gather. I will not stand by, as peril draws closer and closer. The United States of America will not permit the world's most dangerous regimes to threaten us with the world's most destructive weapons.