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**No. 007/96**

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**

**DRAFT  
RECOMMENDATION**

**OF THE VENICE COMMISSION  
ON THE LEGAL FOUNDATION  
FOR FOREIGN POLICY**

1. States<sup>1</sup> are obliged to respect and to implement international law in good faith: rules of *jus cogens*, treaties binding them, customs, general principles of law, binding acts of international organisations.

In particular:

In the exercise of their foreign policy, States shall respect the three fundamental principles of the international legal order, that is the resolution of international disputes by exclusively peaceful means, not resorting to the use of force or the threat of doing so in international relations and the respect of United Nations Security Council resolutions in the context of collective security;

States shall act, in their relations with each other, in accordance with the principles and rules of neighbourly relations, which must guide their actions on the international level, particularly at a local and regional level.

*Version I:* States shall inform individuals, as widely as possible, of the broad lines of their foreign policy, as well as of the procedures available to individuals for the defence of their rights before international tribunals. (Suggestion of Mr Economides)

*Version II:* Governments shall not hinder or in any way manipulate the free flow of fair and objective information regarding foreign affairs, the international position of the country, its relations with the rest of the world and particularly any criticism by relevant international fora regarding the level of democracy in the country or the state of protection of Human Rights. They shall make a positive effort to ensure – if necessary, with the assistance of international organisations – as broad as possible dissemination of full information on international mechanisms for the protection of Human Rights and Fundamental Freedoms and the protection of the rights of minorities. (Suggestion of Mr Nick)

2. States, in determining their foreign policy, shall take due account of the essential values on which they are founded, that is democracy, the rule of law and the protection of human rights.

3. Parliamentary interest in the foreign policy of their country is, at first glance, a positive phenomenon, which should be approved of and encouraged. In particular, Parliaments must be informed about such policy and examine it periodically in order to participate in determining its essential tendencies.

4. The judiciary and especially high courts should, in particular as regards the application of international law in the domestic legal system, ensure the respect of the <above-mentioned> essential principles of foreign policy.

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<sup>1</sup> The term 'State' refers to Member States of the Council of Europe, as well as all other States which share the same values and democratic ideals.