

# ARTICLES 1 (1), 1 (3-4), 2 (1-3), 2 (5)

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### TEXT OF ARTICLE 1 (1), 1 (3-4)

The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

. . .

3. To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and

4. To be a center for harmonizing the actions of nations in the attainment of these common ends.

#### TEXT OF ARTICLE 2 (1), 2 (2), 2 (3) and 2 (5)

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.

2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the present Charter.

3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

...

5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

#### INTRODUCTORY NOTE

1. In this Supplement, Article 1 (2) and Article 2 (4), as well as paragraphs 6 and 7 of Article 2, are treated as separate studies. Consequently, the present study is confined to the practice of United Nations organs relating to paragraphs 1, 3 and 4 of Article 1, and paragraphs 1, 2, 3 and 5 of Article 2. The original headings established in the previous Repertory studies of Articles 1 and 2 have accordingly been revised.

2. As before, the decisions of United Nations organs taken under other Articles of the Charter are dealt with in the studies of those Articles, although, from a constitutional point of view, they also implement or bear upon Articles 1 and 2. This implies a two-fold limitation on the scope of the present study. In the first place, this study does not include the decisions of the Security Council, the Economic and Social Council and the Trusteeship Council, which are treated under the Articles that give further expression to the Purposes and Principles of the Charter. <sup>1/</sup> Second, since many decisions of the General Assembly are treated fully under the other Articles to which they are directly related, the present study is confined to an examination (a) of the general features of the practice of the General Assembly in making reference to the

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<sup>1/</sup> For the relationship between specific Purposes and Principles and other Articles of the Charter, see Repertory, vol. I, under Articles 1 and 2 (1-5), paras. 4-6, and Repertory, Supplement No. 1, vol. I, under Articles 1 and 2 (1-5), paras. 4-6.

Purposes and Principles of the Charter and (b) of certain decisions of the General Assembly as the organ with the widest ranging functions and responsibilities under the Charter.

3. The relevant provisions of the resolutions adopted by the General Assembly during the period under review are set out as tabulations in two annexes to the present study.

### SUMMARY OF PRACTICE

4. During the period under review, United Nations organs continued their practice of relying on the Purposes and Principles of the Charter as a whole, or on a particular provision of Article 1 or Article 2, as a basis for dealing with varied subject matter. The general practice summarized in the Repertory study of Articles 1 and 2 (1-5) 2/ remained unaltered.

#### The Practice of the General Assembly

##### 1. *The Purposes and Principles as a whole*

5. In the period covered by this Supplement, the General Assembly based decisions relating to peaceful and neighbourly relations among States on the Purposes and Principles of the Charter. Thus, in its resolution 1236 (XII), the General Assembly, "realizing the need ... to fulfil the purposes and principles of the Charter", called upon all States to make every effort to strengthen international peace and to develop friendly and co-operative relations and settle disputes by peaceful means. This resolution was given further expression by the General Assembly at its thirteenth session. In its resolution 1301 (XIII), the General Assembly, recognizing "that in the observance of the purposes and principles of the United Nations lies the best basis of ensuring the conditions essential for the nations and peoples of the world to live and to assist each other in mutual tolerance and understanding for the benefit of all", reaffirmed the Purposes and Principles of the Charter and called upon Member States to take effective steps towards the implementation of principles of peaceful and neighbourly relations.

6. The General Assembly in its decisions also related the Purposes and Principles of the Charter to the following matters: (a) the question of Cyprus; 3/ (b) the question of Algeria; 4/ (c) the question of South West Africa; 5/ (d) the attainment of self-government or independence by Trust Territories; 6/ (e) the situation in Hungary; 7/ (f) the question of race conflict in South Africa resulting from the policies of apartheid of the Government of the Union of South Africa; 8/ (g) the treatment of people of Indian origin in the Union of South Africa; 9/ (h) questions considered by the Security Council at its 838th meeting, relating to the situation in Jordan and Lebanon; 10/ and (i) recommendations concerning international respect for the right of peoples and nations to self-determination. 11/

2/ See Repertory, vol. I, under Articles 1 and 2 (1-5), paras. 8-15.

3/ G A resolution 1013 (XI).

4/ G A resolution 1184 (XII).

5/ G A resolutions 1143 (XII) and 1243 (XIII).

6/ G A resolution 1064 (XI).

7/ G A resolution 1133 (XI).

8/ G A resolution 1178 (XII).

9/ G A resolutions 1179 (XII) and 1302 (XIII).

10/ G A resolution 1237 (ES-III).

11/ G A resolution 1188 (XII)

## 2. Article 1 (1)

7. No explicit reference was made to Article 1 (1) in decisions of United Nations organs during the period under review. 12/

## 3. Article 1 (3)

8. Article 1 (3) was twice invoked by the General Assembly in its decisions during the period under review.

9. In resolution 1007 (ES-II) on the situation in Hungary, adopted on 9 November 1956 at its second emergency special session, the General Assembly, "convinced that humanitarian duties can be fulfilled most effectively through the international co-operation stipulated in Article 1, paragraph 3, of the Charter of the United Nations", decided to undertake "immediate aid for the affected territories", called upon all Member States to participate in this relief action, requested the Secretary-General to undertake necessary measures and appealed to all countries concerned to assist the Secretary-General in this task. A cablegram 13/ dated 12 November 1956 from the Acting Minister for Foreign Affairs of Hungary to the Secretary-General stated that the Hungarian Government accepted the humane resolutions of the General Assembly "which are in conformity with Article 1, paragraph 3, of the United Nations Charter and aim to assist the Hungarian people".

10. In a resolution 14/ adopted on 12 December 1958, the General Assembly decided to continue the Committee on Information from Non-Self-Governing Territories for a further period of three years and again instructed the Committee to examine, "in the spirit of Article 1, paragraphs 3 and 4, and of Article 55 of the Charter", the summaries and analyses of information transmitted under Article 73 e.

11. During this period other General Assembly decisions bearing on Article 1 (3) related to the following items: (a) the question of race conflict in South Africa resulting from the policies of apartheid of the Government of the Union of South Africa, 15/ (b) treatment of people of Indian origin in the Union of South Africa, 16/ (c) racial discrimination in Non-Self-Governing Territories 17/ and (d) international cultural and scientific co-operation. 18/

12/ Article 1 (1) was referred to by representatives in debates on the following items: (a) the question of Algeria (G A (XI), 1st Com., 830th mtg., para. 5; 838th mtg., para. 15); (b) the situation created by the invasion of Egypt (G A (ES-I), Plen., 561st mtg., para. 139; G A (XI), Plen., 597th mtg., paras. 129 and 138; 640th mtg., para. 96); (c) draft international covenants on human rights (G A (XII), 3rd Com., 781st mtg., para. 41); (d) the question of defining aggression (G A (XII), 6th Com., 517th mtg., paras. 4 and 11; 521st mtg., para. 16; 524th mtg., paras. 37, 38 and 41; 530th mtg., para. 17; 532nd mtg., para. 12); (e) the situation in Hungary (G A (ES-II), Plen., 571st mtg., para. 89); and (f) declaration concerning the peaceful coexistence of States (G A (XII), 1st Com., 936th mtg., paras. 1 and 60).

13/ G A (XI), Annexes, vol. II. a.i. 67, p. 4, A/3341.

14/ G A resolution 1332 (XIII).

15/ G A resolutions 1016 (XI), 1178 (XII) and 1248 (XIII).

16/ G A resolution 1179 (XII).

17/ G A resolution 1328 (XIII).

18/ G A resolutions 1043 (XI) and 1164 (XII).

## 4. Article 1 (4)

12. Article 1 (4) was invoked by the General Assembly in resolution 1332 (XIII), as described in paragraph 10 above.

## 5. Article 2 as a whole

13. The following are examples of the decisions of the General Assembly which referred to the principles without mentioning the purposes of the Charter. With respect to the question of Algeria, 19/ the General Assembly expressed the hope that a solution would be found "in conformity with the principles of the Charter of the United Nations". In dealing with the question of South West Africa, 20/ the General Assembly requested the Secretary-General to take steps with a view to finding a satisfactory solution "in line with the principles of the Charter of the United Nations and the advisory opinion of the International Court of Justice". In a decision 21/ relating to Trust Territories, the General Assembly took into account that, "in accordance with the principles of the Charter of the United Nations", one of the basic objectives of the International Trusteeship System was the progressive development of the populations of Trust Territories towards self-government or independence. In establishing the United Nations Special Fund, the General Assembly laid down certain guiding principles and criteria, one of which stated 22/ that "in accordance with the principles of the Charter of the United Nations", the assistance furnished by the Special Fund should not be a means of foreign economic and political interference in the internal affairs of the country or countries concerned and should not be accompanied by any conditions of a political nature.

## 6. Article 2 (1)

14. The principle of the sovereign equality of all the Members of the United Nations was invoked by the General Assembly in the preamble of a resolution 23/ dealing with the situation in Hungary during its second emergency special session. Article 2 (1) was also referred to by the General Assembly in its decision 24/ concerning international co-operation in the peaceful uses of outer space.

15. After the admission to the United Nations of sixteen new Member States during the tenth session of the General Assembly, the Secretary-General addressed letters 25/ to these States requesting them to inform him whether they were responsible for the administration of any Territories referred to in Article 73 of the Charter. In the meetings of the Fourth Committee, during the eleventh session of the General Assembly, the reply from Portugal 26/ that it did not administer any such Territories became a subject of discussion. A draft resolution 27/ was submitted which would set up an ad hoc committee to study the application of the provisions of Chapter XI of the Charter in the case of Members newly admitted to the United Nations and make recommendations to the General Assembly after taking into account any explanations

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19/ G A resolution 1012 (XI).

20/ G A resolution 1059 (XI).

21/ G A resolution 1064 (XI).

22/ G A resolution 1240 (XIII), part B I 2 (g).

23/ G A resolution 1004 (ES-II).

24/ G A resolution 1348 (XIII).

25/ G A (XI), Annexes, vol. I, a.1. 34, p. 8, A/C.4/331 and Add.1 and 2.

26/ G A (XI), Annexes, vol. I, a.1. 34, p. 8, A/C.4/331 and Add.1 and 2, para. 2.

27/ Ibid., p. 14, A/3531 and Add.1, para. 40 (A/C.4/L.467).

that might be given by the new Member States as to the status of Territories under their administration. A contention advanced by several delegations was that the draft resolution ran counter to the principle of the sovereign equality of all Members, since it discriminated against new Members and proposed a procedure which had not been applied either to the original Members of the United Nations or to Members admitted between 1947 and 1955. <sup>28/</sup> It was further argued that Portugal, like any other State, was entitled to declare that it did not administer Territories falling within the category of Non-Self-Governing Territories and to have its statement accepted by the United Nations without discussion; a denial of that right would infringe on Article 2, paragraph 1, of the Charter. <sup>29/</sup> Supporters of the draft resolution maintained, on the other hand, that the General Assembly was competent to study the application of Chapter XI of the Charter. <sup>30/</sup>

16. After discussion, the draft resolution was adopted <sup>31/</sup> by the Fourth Committee by 35 votes to 33, with 4 abstentions. It was rejected <sup>32/</sup> by the General Assembly in plenary meeting, by 35 votes to 35, with 5 abstentions.

#### 7. Article 2 (2)

17. A decision of the General Assembly recommending observance by a Member State of its obligations under the Charter was by implication based on Article 2 (2). An example of such decisions taken in the period under review was resolution 1016 (XI), on the question of race conflict in South Africa. In this resolution, the General Assembly deplored that the Government of the Union of South Africa had "not yet observed its obligations under the Charter" and called upon that Government to reconsider its position and revise its policies "in the light of its obligations and responsibilities under the Charter".

#### 8. Article 2 (3)

18. The principle of the peaceful settlement of international disputes was implied in a number of resolutions adopted by the General Assembly, of which resolutions 1236 (XII) and 1301 (XIII), relating to peaceful and neighbourly relations among States, are examples. The practice of United Nations organs with respect to the peaceful settlement of disputes is treated in the present Supplement under Articles 11, 14, 33, 34 and 35, which give fuller expression to the principle contained in Article 2 (3).

#### 9. Article 2 (5)

19. The following are examples of decisions of the General Assembly having a direct bearing on Article 2 (5). In its resolution 997 (ES-I) on the situation created by the invasion of Egypt, the General Assembly urged the parties to cease fire and to withdraw all forces behind the armistice lines, and recommended that "all Member States refrain from introducing military goods in the area of hostilities and in general

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<sup>28/</sup> G A (XI), 4th Com., 619th mtg., para. 14; 621st mtg., para. 1; 622nd mtg., para. 26; 623rd mtg., para. 27; G A (XI), Plen., vol. II, 657th mtg., paras. 121, 131 and 151.

<sup>29/</sup> G A (XI), 4th Com., 617th mtg., para. 14; 620th mtg., para. 3; 623rd mtg., paras. 31 and 36; G A (XI), Plen., vol. II, 657th mtg., para. 160.

<sup>30/</sup> For a discussion of the competence of the General Assembly in this connexion, see this Supplement, under Article 73.

<sup>31/</sup> G A (XI), 4th Com., 623rd mtg., para. 34. For text, see G A (XI), Annexes, vol. I, a.i. 34, p. 14, A/3531 and Add.1, para. 63, draft resolution VI.

<sup>32/</sup> G A (XI), Plen., vol. II, 657th mtg., para. 236.

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refrain from any acts which would delay or prevent the implementation" of the resolution. Having established a United Nations Command by resolution 1000 (ES-I) for an emergency international force to secure and supervise the cessation of hostilities, the General Assembly, in resolution 1001 (ES-I), requested "all Member States to afford assistance as necessary to the United Nations Command in the performance of its functions".

ANNEX I

Tabulation of decisions of the General Assembly referring to  
the Purposes and Principles of the Charter as a whole

(1 September 1956 - 31 August 1959)

<u>Resolution No.</u>	<u>Title</u>	<u>Charter reference</u>
1012 (XI)	Question of Algeria	The General Assembly expressed the hope that, in a spirit of co-operation, a peaceful, democratic and just solution would be found, through appropriate means, "in conformity with the principles of the Charter of the United Nations".
1013 (XI)	Question of Cyprus	The General Assembly expressed the earnest desire that a peaceful, democratic and just solution would be found "in accordance with the purposes and principles of the Charter of the United Nations".
1016 (XI)	Question of race conflict in South Africa resulting from the policies of <u>apartheid</u> of the Government of the Union of South Africa	The General Assembly was convinced that a conciliatory approach "in accordance with the principles of the Charter" was necessary for progress towards a solution of this problem.
1059 (XI)	Solution of the question of South West Africa	The General Assembly requested the Secretary-General to explore ways and means of solving satisfactorily the question of South West Africa and to take whatever steps he should deem necessary with a view to finding such a solution "in line with the principles of the Charter of the United Nations" and the advisory opinion of the International Court of Justice.



<u>Resolution No.</u>	<u>Title</u>	<u>Charter reference</u>
1064 (XI)	Attainment of self-government or independence by Trust Territories	The General Assembly took into account that, "in accordance with the principles of the Charter of the United Nations", one of the basic objectives of the International Trusteeship System was the progressive development of the populations of Trust Territories towards self-government or independence.
1133 (XI)	Question considered by the second emergency special session of the General Assembly from 4 to 10 November 1956	The General Assembly considered that further efforts must be made to achieve the objectives of the United Nations in regard to Hungary "in accordance with the Purposes and Principles of the Charter" and the pertinent resolutions of the General Assembly.
1143 (XII)	Establishment of a Good Offices Committee on South West Africa	The General Assembly considered that the Charter of the United Nations made it incumbent on each Member State to pursue every available means of negotiation and conciliation for the settlement of international problems "on the basis of respect for the purposes and principles of the Charter".
1178 (XII)	The question of race conflict in South Africa resulting from the policies of <u>apartheid</u> of the Government of the Union of South Africa	The General Assembly appealed to the Government of the Union of South Africa, "in the interests of the common observance by Member States of the high purposes and principles enshrined in the Charter of the United Nations, to which the Government of the Union of South Africa has also subscribed and is as much committed as any other Member, to revise its policy in the light of those purposes and principles and of world opinion and to inform the Secretary-General of its response".

ANNEX I (continued)

<u>Resolution No.</u>	<u>Title</u>	<u>Charter reference</u>
1179 (XII)	Treatment of people of Indian origin in the Union of South Africa	The General Assembly appealed to the Government of the Union of South Africa to participate in negotiations with the Governments of India and of Pakistan with a view to solving this problem "in accordance with the purposes and principles of the United Nations Charter" and the Universal Declaration of Human Rights.
1184 (XII)	The question of Algeria	The General Assembly expressed the wish that, in a spirit of effective co-operation, <u>pourparlers</u> would be entered into, and other <u>appropriate</u> means utilized, with a view to a solution, "in conformity with the purposes and principles of the Charter of the United Nations".
1188 (XII)	Recommendations concerning international respect for the right of peoples and nations to self-determination	The General Assembly reaffirmed the principles embodied in its resolution 545 (VI), that all States, including those having responsibility for the administration of Non-Self-Governing Territories, should promote the realization of that right, "in conformity with the purposes and principles of the United Nations".
1236 (XII)	Peaceful and neighbourly relations among States	The General Assembly, realizing the need to promote the fundamental objectives of the Charter and "to fulfil the purposes and principles of the Charter", called upon all States to strengthen international peace, develop friendly relations and settle disputes by peaceful means.

<u>Resolution</u> <u>No.</u>	<u>Title</u>	<u>Charter reference</u>
1237 (ES-III)	Questions considered by the Security Council at its 838th meeting on 7 August 1958	The General Assembly requested the Secretary-General, in consultation with the Governments concerned and in accordance with the Charter, to make such practical arrangements as would adequately help "in upholding the purposes and principles of the Charter" in relation to Jordan and Lebanon in the existing circumstances, and thereby facilitate the early withdrawal of foreign troops from the two countries.
1240 (XIII)	Establishment of the Special Fund	In establishing the United Nations Special Fund, the General Assembly prescribed for the guidance of the Managing Director and the Governing Council certain principles and criteria, one of which read: "In accordance with the principles of the Charter of the United Nations, the assistance furnished by the Special Fund shall not be a means of foreign economic and political interference in the internal affairs of the country or countries concerned and shall not be accompanied by any conditions of a political nature".
1243 (XIII)	Report of the Good Offices Committee on South West Africa	The General Assembly requested the Committee to renew discussions with the Government of the Union of South Africa in order to find a basis for an agreement which would continue to accord to the Mandated Territory of South West Africa as a whole an international status, "and which would be in conformity with the purposes and principles of the United Nations".
1301 (XIII)	Measures aimed at the implementation and promotion of peaceful and neighbourly relations among States	The General Assembly, realizing that "in the observance of the purposes and principles of the United Nations lies the best basis of ensuring the conditions essential for the nations and peoples of the world to live and to assist each other in mutual tolerance and

ANNEX I (continued)

<u>Resolution No.</u>	<u>Title</u>	<u>Charter reference</u>
1301 (XIII) (cont'd)		understanding for the benefit of all", reaffirmed "the purposes and principles of the United Nations".
1302 (XIII)	Treatment of people of Indian origin in the Union of South Africa	The General Assembly regretted that the Government of the Union of South Africa had not yet agreed to confer with the Governments of India and of Pakistan with a view to arriving at a solution of the problem "in accordance with the purposes and principles of the United Nations Charter and the Universal Declaration of Human Rights"; and invited Member States to use their good offices to bring about negotiations in accordance with the desires expressed by the General Assembly at previous sessions.

Annexes  
Articles 1 (1), 1 (3 - 4), 2 (1 - 3), 2 (5)

ANNEX II

Tabulation of decisions of the General Assembly referring to  
specific Purposes and Principles of the Charter

(1 September 1956 - 31 August 1959)

<u>Resolution No.</u>	<u>Title</u>	<u>Extract of provision</u>	<u>Charter Article</u>
997 (ES-I)	Question considered by the Security Council at its 749th and 750th meetings, held on 30 October 1956	<p><u>"The General Assembly,</u></p> <p><u>"Noting</u> the disregard on many occasions by parties to the Israel-Arab armistice agreements of 1949 of the terms of such agreements, and that the armed forces of Israel have penetrated deeply into Egyptian territory in violation of the General Armistice Agreement between Egypt and Israel of 24 February 1949,</p> <p><u>"Noting</u> that armed forces of France and the United Kingdom of Great Britain and Northern Ireland are conducting military operations against Egyptian territory,</p> <p><u>"Noting</u> that traffic through the Suez Canal is now interrupted to the serious prejudice of many nations,</p> <p><u>"Expressing its grave concern</u> over these developments,</p> <p><u>"1. Urges</u> as a matter of priority that all parties now involved in hostilities in the area agree to an immediate cease-fire and, as part thereof, halt the movement of military forces and arms into the area;</p> <p><u>"2. Urges</u> the parties to the armistice agreements promptly to withdraw all forces behind the armistice lines, to desist from raids across the armistice lines into neighbouring territory, and to observe scrupulously the provisions of the armistice agreements;</p>	2 (5)

Articles 1 (1), 1 (3 - 4), 2 (1 - 3), 2 (5)

Annexes

ANNEX II (continued)

<u>Resolution No.</u>	<u>Title</u>	<u>Extract of provision</u>	<u>Charter Article</u>
997 (ES-I) (cont'd)		<p>"3. <u>Recommends</u> that all Member States refrain from introducing military goods in the area of hostilities and in general refrain from any acts which would delay or prevent the implementation of the present resolution;</p> <p>"4. <u>Urges</u> that, upon the cease-fire being effective, steps be taken to reopen the Suez Canal and restore secure freedom of navigation;</p> <p>"5. <u>Requests</u> the Secretary-General to observe and report promptly on the compliance with the present resolution to the Security Council and to the General Assembly, for such further action as they may deem appropriate in accordance with the Charter;</p> <p>"6. <u>Decides</u> to remain in emergency session pending compliance with the present resolution."</p>	
1001 (ES-I)	Question considered by the Security Council at its 749th and 750th meetings, held on 30 October 1956	<p><u>"The General Assembly,</u></p> <p><u>"Recalling</u> its resolution 997 (ES-I) of 2 November 1956 concerning the cease-fire, withdrawal of troops and other matters related to the military operations in Egyptian territory, as well as its resolution 998 (ES-I) of 4 November 1956 concerning the request to the Secretary-General to submit a plan for an emergency international United Nations Force,</p> <p><u>"Having established</u> by its resolution 1000 (ES-I) of 5 November 1956 a United Nations Command for an emergency international Force, having appointed the Chief of Staff of the United Nations Truce Supervision Organization as Chief of the Command with authorization to him to begin the recruitment of officers for the Command, and having invited the</p>	2 (5)

Annexes  
Articles 1 (1), 1 (3 - 4), 2 (1 - 3), 2 (5)

<u>Resolution No.</u>	<u>Title</u>	<u>Extract of provision</u>	<u>Charter Article</u>
1001 (ES-I) (cont'd)		<p>Secretary-General to take the administrative measures necessary for the prompt execution of that resolution,</p> <p>".....</p> <p>"10. <u>Requests</u> all Member States to afford assistance as necessary to the United Nations Command in the performance of its functions, including arrangements for passage to and from the area involved."</p>	
1004 (ES-II)	The situation in Hungary	<p><u>"The General Assembly,</u></p> <p><u>"Considering</u> that the United Nations is based on the principle of the sovereign equality of all its Members,</p> <p><u>"Recalling</u> that the enjoyment of human rights and of fundamental freedom in Hungary was specifically guaranteed by the Peace Treaty between Hungary and the Allied and Associated Powers signed at Paris on 10 February 1947, and that the general principle of these rights and this freedom is affirmed for all peoples in the Charter of the United Nations,</p> <p>".....</p> <p>"7. <u>Requests</u> the Secretary-General in consultation with the heads of appropriate specialized agencies to inquire, on an urgent basis, into the needs of the Hungarian people for food, medicine and other similar supplies, and to report to the General Assembly as soon as possible;</p> <p>"8. <u>Requests</u> all Members of the United Nations, and invites national and international humanitarian organizations to co-operate in making available such supplies as may be required by the Hungarian people."</p>	<p>2 (1), 1 (3), 2 (5)</p>

Articles 1 (1), 1 (3 - 4), 2 (1 - 3), 2 (5)

Annexes

ANNEX II (continued)

<u>Resolution No.</u>	<u>Title</u>	<u>Extract of provision</u>	<u>Charter Article</u>
1007 (ES-II)	The situation in Hungary	<p><u>"The General Assembly,</u></p> <p><u>"Considering the extreme suffering to which the Hungarian people are subjected,</u></p> <p><u>"Urgently wishing effectively to eliminate this suffering,</u></p> <p><u>"Convinced that humanitarian duties can be fulfilled most effectively through the international co-operation stipulated in Article 1, paragraph 3, of the Charter of the United Nations,</u></p> <p><u>"1. Resolves to undertake on a large scale immediate aid for the affected territories by furnishing medical supplies, foodstuffs and clothes;</u></p> <p><u>"2. Calls upon all Member States to participate to the greatest extent possible in this relief action;</u></p> <p><u>"3. Requests the Secretary-General to undertake immediately the necessary measures;</u></p> <p><u>"4. Urgently appeals to all countries concerned to give full assistance to the Secretary-General in the implementation of this task."</u></p>	<p>1 (3), 2 (5)</p>
1016 (XI)	Question of race conflict in South Africa resulting from the policies of <u>apartheid</u> of the Government of the Union of South Africa	<p><u>"The General Assembly,</u></p> <p><u>"Recalling its previous resolutions on the question of race conflict in South Africa resulting from the policies of <u>apartheid</u> of the Government of the Union of South Africa,</u></p>	<p>2 (2), 1 (3)</p>



Resolution  
No.

Title

Extract of provision

Charter  
Article

1016 (XI) (cont'd)

"Recalling in particular paragraph 6 of General Assembly resolution 917 (X) of 6 December 1955 calling upon the Government of the Union of South Africa to observe its obligations under the Charter of the United Nations,

"Noting that resolution 616 B (VII) of 5 December 1952 declared, inter alia, that governmental policies which are designed to perpetuate or increase discrimination are inconsistent with the Charter,

".....

"1. Deplores that the Government of the Union of South Africa has not yet observed its obligations under the Charter and has pressed forward with discriminatory measures which would make the future observance of those obligations more difficult;

"2. Affirms its conviction that perseverance in such discriminatory policies is inconsistent not only with the Charter but with the forces of progress and international co-operation in implementing the ideals of equality, freedom and justice;

"3. Calls upon the Government of the Union of South Africa to reconsider its position and revise its policies in the light of its obligations and responsibilities under the Charter and in the light of the principles subscribed to and the progress achieved in other contemporary multi-racial societies;

"4. Invites the Government of the Union of South Africa to co-operate in a constructive approach to this question, more particularly by its presence in the United Nations;".

Articles 1 (1), 1 (3 - 4), 2 (1 - 3), 2 (5)

Annexes

ANNEX II (continued)

<u>Resolution No.</u>	<u>Title</u>	<u>Extract of provision</u>	<u>Charter Article</u>
1043 (XI)	International cultural and scientific co-operation	<p><u>"The General Assembly,</u></p> <p><u>"Bearing in mind the provisions of the Charter of the United Nations expressly stressing the importance of the development of international co-operation in the field of culture and education,</u></p> <p><u>".....</u></p> <p><u>"1. Invites all States to promote, by mutual agreements and other means, wider cultural and scientific international co-operation and to spare no effort in trying to achieve the implementation of these peaceful objectives;</u></p> <p><u>"2. Invites the United Nations Educational, Scientific and Cultural Organization and the other specialized agencies concerned to include in their annual reports to the Economic and Social Council a statement of their views and activities in the field of international cultural and scientific co-operation, and requests the Council to give special attention to such statements."</u></p>	1 (3)
1164 (XII)	Development of international co-operation in the fields of science, culture and education	<p><u>"The General Assembly,</u></p> <p><u>"Recalling its resolution 1043 (XI) of 21 February 1957 on international cultural and scientific co-operation,</u></p> <p><u>".....</u></p> <p><u>"1. Reiterates the view expressed in its resolution 1043 (XI) of 21 February 1957 that wider international cultural and scientific co-operation should be promoted by mutual agreements or by other means, and that no effort should be spared in trying to achieve the implementation of these peaceful objectives;</u></p>	1 (3)

<u>Resolution No.</u>	<u>Title</u>	<u>Extract of provision</u>	<u>Charter Article</u>
1164 (XII) (cont'd)		<p>"2. <u>Urges</u> all States Members of the United Nations or members of the specialized agencies to develop further all measures for the encouragement of exchanges and co-operation among peoples in the fields of science, culture and education, which is one of the basic purposes of the United Nations;</p> <p>"3. <u>Invites</u> the United Nations Educational, Scientific and Cultural Organization and the other specialized agencies concerned to include in their annual reports to the Economic and Social Council a statement of their views and activities and any information which they may have as to the views and activities of Governments in the field of international educational, scientific and cultural co-operation;"</p>	
1178 (XII)	The question of race conflict in South Africa resulting from the policies of <u>apartheid</u> of the Government of the Union of South Africa	<p>"<u>The General Assembly,</u></p> <p>"<u>Recalling</u> its previous resolutions, in particular resolution 1016 (XI) of 30 January 1957, on the question of race conflict in South Africa resulting from the policies of <u>apartheid</u> of the Government of the Union of South Africa,</p> <p>"<u>Recalling in particular</u> paragraph 6 of its resolution 917 (X) of 6 December 1955, calling upon the Government of the Union of South Africa to observe its obligations under the Charter of the United Nations,</p> <p>"<u>Noting</u> that the General Assembly, in resolution 616 B (VII) of 5 December 1952, declared, <u>inter alia,</u> that governmental policies which are designed to perpetuate or increase discrimination are inconsistent with the Charter,</p>	1 (3)

ANNEX II (continued)

<u>Resolution No.</u>	<u>Title</u>	<u>Extract of provision</u>	<u>Charter Article</u>
1178 (XII) (cont'd)		<p>"Further noting that resolutions 395 (V) of 2 December 1950, 511 (VI) of 12 January 1952 and 616 A (VII) of 5 December 1952 have successively affirmed that a policy of "racial segregation" (apartheid) is necessarily based on doctrines of racial discrimination,</p> <p>"1. Deplores that the Government of the Union of South Africa has not yet responded to the call and invitation conveyed in paragraphs 3 and 4 of General Assembly resolution 1016 (XI) of 30 January 1957;</p> <p>"2. Again draws the attention of the Government of the Union of South Africa to that resolution and, in particular, to paragraphs 3 and 4 thereof;"</p>	
1332 (XIII)	<p>Question of the renewal of the Committee on Information from Non-Self-Governing Territories</p>	<p>"<u>The General Assembly,</u></p> <p>".....</p> <p>"5. Instructs the Committee to examine, in the spirit of Article 1, paragraphs 3 and 4, and of Article 55 of the Charter, the summaries and analyses of information transmitted under Article 73 e of the Charter on economic, social and educational conditions in the Non-Self-Governing Territories, including any papers prepared by the specialized agencies and any reports or information on measures taken in pursuance of the resolutions adopted by the General Assembly concerning economic, social and educational conditions in the Non-Self-Governing Territories;"</p>	<p>1 (3), 1 (4)</p>

<u>Resolution No.</u>	<u>Title</u>	<u>Extract of provision</u>	<u>Charter Article</u>
1348 (XIII)	Question of the peaceful use of outer space	<p><u>"The General Assembly,</u></p> <p>".....</p> <p>"Bearing in mind the provision of Article 2, paragraph 1, of the Charter of the United Nations, which states that the Organization is based on the principle of the sovereign equality of all its Members".</p>	2 (1)

Articles 1 (1), 1 (3 - 4), 2 (1 - 3), 2 (5)

Annexes



# ARTICLE 1 (2)

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TEXT OF ARTICLE 1 (2)

The Purposes of the United Nations are:

.....

2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

.....

INTRODUCTORY NOTE

1. As noted in the preceding study, 1/ paragraph 2 of Article 1 is treated separately in this Supplement. Article 1 (2), 2/ defining one of the Purposes of the United Nations, conceives the development of friendly relations among nations by the United Nations as an appropriate means of strengthening universal peace on the basis of the principle of equal rights and self-determination of peoples.

2. The words of paragraph 2 of Article 1, "friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples", also appear in Article 55 of the Charter. In the introductory sentence of the latter, the creation of conditions of stability and well-being is termed necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights

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1/ See the study under Articles 1 (1), 1 (3), 1 (4), 2 (1), 2 (2), 2 (3) and 2 (5) in this Supplement.

2/ In the French text of the Charter, paragraph 2 of Article 1 reads as follows:  
"2. Développer entre les nations des relations amicales fondées sur le respect du principe de l'égalité de droits des peuples et de leur droit à disposer d'eux-mêmes, et prendre toutes autres mesures propres à consolider la paix du monde;"



and self-determination of peoples. Article 55 states that, with a view to the creation of such conditions, the United Nations "shall promote" defined objectives in the economic and social sphere and in the field of human rights.

3. This study under Article 1 (2) does not touch on the practice of the United Nations in promoting the objectives just mentioned; treatment of such practice is found in the study of Article 55. The present study is confined to the consideration by the General Assembly of the general question of the implementation of Article 1 (2) and the bearing of this Article on specific political questions.

4. The General Survey reviews the decisions taken on the occasions when Article 1 (2) was invoked in the General Assembly. The decisions and constitutional discussions of the General Assembly bearing on Article 1 (2) are presented in the Analytical Summary of Practice.

5. In the discussion concerning Article 1 (2), two fundamentally different points of view were expressed: arguments centred, on the one hand, on the thesis that the principle of self-determination stated in Article 1 (2) had the nature of a legal right, created legal claims and imposed legal obligations; on the other hand, it was maintained that the principle of self-determination was not a right but a political principle. These basic differences of view determined the course of debate.

6. During the period under review, paragraph 2 of Article 1 was considered in connexion with the following agenda items:

- A. Recommendations concerning international respect for the right of peoples and nations to self-determination
- B. The question of Algeria
- C. The question of Cyprus
- D. The question of West Irian (West New Guinea)
- E. The situation in Hungary.

7. The following questions bearing on the provisions of Article 1 (2) arose in the proceedings relating to these agenda items; they are treated in the Analytical Summary of Practice.

- A. The question of the effect of the reference in Article 1 (2) to respect for the principle of equal rights and self-determination of peoples
- B. The question of the appropriate means of implementing the principle of equal rights and self-determination of peoples
- C. The question of the scope of the application of the principle of equal rights and self-determination of peoples
- D. The question of the relationship between the principle of equal rights and self-determination of peoples and the maintenance of international peace and security
- E. The question of the relationship between the principle of "equal rights and self-determination of peoples" and "permanent sovereignty" of peoples "over their natural wealth and resources".

## I. GENERAL SURVEY

8. The decisions of the General Assembly in connexion with the five agenda items listed in the Introductory Note are summarized briefly below.

A. Recommendations concerning international respect for the right of peoples and nations to self-determination <sup>3/</sup>

9. At its twelfth session, the General Assembly referred the above item to the Third Committee, which had before it three draft resolutions transmitted by the Economic and Social Council in resolution 586 D (XX). These included two draft resolutions prepared by the Commission on Human Rights and one prepared by the Council itself, as well as a fourth draft resolution <sup>4/</sup> submitted by Afghanistan, Panama, Philippines, Saudi Arabia and Uruguay, to defer consideration of the item until the thirteenth session of the General Assembly.

10. The Third Committee recommended the latter, as amended, for adoption, and the General Assembly adopted it without change as resolution 1188 (XII). It read as follows:

"The General Assembly,

"Recalling that one of the purposes and principles of the United Nations is to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples,

"Recalling further its resolution 545 (VI) of 5 February 1952 in which it decided to include in the International Covenants on Human Rights an article which should provide: 'All peoples shall have the right of self-determination',

"Reaffirming the principles embodied in the above-mentioned resolution that all States, including those having responsibility for the administration of Non-Self-Governing Territories, should promote the realization of that right, in conformity with the purposes and principles of the United Nations,

"Considering that disregard for the right to self-determination not only undermines the basis of friendly relations among nations as defined in the Charter of the United Nations but also creates conditions which may prevent further realization of the right itself,

"Believing that such a situation is contrary to the purposes and principles of the United Nations,

"1. Reaffirms that it is of international importance that, in accordance with the purposes and principles of the Charter of the United Nations:

"(a) Member States shall, in their relations with one another, give due respect to the right of self-determination;

<sup>3/</sup> For the previous history of this question, see Repertory, vol. III, under Article 55, para. 220.

<sup>4/</sup> G A (XII), Annexes, a.i. 32, A/3775, paras. 9 and 10, A/C.3/L.659/Rev.1.

"(b) Member States having responsibility for the administration of Non-Self-Governing Territories shall promote the realization and facilitate the exercise of this right by the peoples of such Territories;

"2. Decides to consider further at its thirteenth session the item 'Recommendations concerning international respect for the right of peoples and nations to self-determination', including the proposals contained in Economic and Social Council resolution 586 D (XX) of 29 July 1955".

11. At its thirteenth session, the General Assembly again referred the item to the Third Committee, which had before it the three draft resolutions transmitted in Economic and Social Council resolution 586 D (XX).

12. The first draft resolution, prepared by the Commission on Human Rights, sought to establish a commission to conduct a full survey of the status of the right of peoples and nations to permanent sovereignty over their natural wealth and resources, and to make necessary recommendations to strengthen that right.

13. The second, also prepared by the Commission on Human Rights, looked to the establishment of a commission to examine any situation resulting from the alleged denial or inadequate realization of the right of self-determination falling within the scope of Article 14 of the Charter, to which the commission's attention might be drawn by any ten Members of the United Nations; to provide its good offices; and to report to the General Assembly if no adjustment of the situation could be effected.

14. The draft resolution prepared by the Economic and Social Council proposed to establish an Ad Hoc Commission on Self-Determination to conduct a thorough study of the concept of equal rights and self-determination. The study was to cover the concept of peoples and nations; the essential attributes and applicability of the principle of equal rights and of self-determination, including the rights and duties of States under international law; the relationship between this principle and other Charter principles; and the economic, social and cultural conditions which would facilitate its application.

15. The first draft resolution, as amended, was approved by the Third Committee, and adopted 5/ by the General Assembly without change as resolution 1314 (XIII). It read as follows:

"The General Assembly,

"Noting that the right of peoples and nations to self-determination as affirmed in the two draft Covenants completed by the Commission on Human Rights includes 'permanent sovereignty over their natural wealth and resources',

"Believing it necessary to have full information at its disposal regarding the actual extent and character of this sovereignty,

"1. Decides to establish a Commission composed of Afghanistan, Chile, Guatemala, the Netherlands, the Philippines, Sweden, the Union of Soviet Socialist Republics, the United Arab Republic and the United States of America to conduct a full survey of the status of this basic constituent of the right

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5/ G A (XIII), Plen., 788th mtg., para. 56. The President appointed Afghanistan, Chile, Guatemala, Netherlands, Philippines, Sweden, USSR, United Arab Republic and United States as members of the Commission (ibid., para. 55).

to self-determination, with recommendations, where necessary, for its strengthening, and further decides that, in the conduct of the full survey of the status of the permanent sovereignty of peoples and nations over their natural wealth and resources, due regard shall be paid to the rights and duties of States under international law and to the importance of encouraging international co-operation in the economic development of under-developed countries;

"2. Invites the regional economic commissions and the specialized agencies to co-operate with the Commission in its task;

"3. Requests the Commission to report to the Economic and Social Council at its twenty-ninth session;

"4. Requests the Secretary-General to provide the Commission with the necessary staff and facilities".

16. The Third Committee approved 6/ a proposal by the representative of Yugoslavia to postpone action on the second draft resolution until the fourteenth session of the General Assembly. The Third Committee did not approve 7/ the third draft resolution, prepared by the Economic and Social Council.

#### B. The question of Algeria

17. By a letter 8/ dated 1 October 1956, fifteen Members of the United Nations requested the inclusion of the item "Question of Algeria" in the agenda of the eleventh session of the General Assembly. The General Assembly referred the item to the First Committee.

18. At the 839th meeting of the First Committee, on 8 February 1957, eighteen Powers submitted 9/ a joint draft resolution, whereby:

"The General Assembly,

".....

"Recognizing the right of the people of Algeria to self-determination according to the principles of the Charter of the United Nations;

"1. Requests France to respond to the desire of the people of Algeria to exercise their fundamental right of self-determination;

"2. Invites France and the people of Algeria to enter into immediate negotiations with a view to the cessation of hostilities and the peaceful

6/ G A (XIII), Annexes, a.i. 33, p. 4, A/4019, para. 29.

7/ Ibid., para. 26. The United States had submitted several modifications in an amendment (ibid., para. 8), which it later withdrew.

8/ G A (XI), vol. II, a.i. 62, A/3197; submitted by Afghanistan, Burma, Ceylon, Egypt, Indonesia, Iran, Iraq, Jordan, Lebanon, Libya, Pakistan, Philippines, Saudi Arabia, Syria and Yemen.

9/ G A (XI), Annexes, vol. II, a.i. 62, p. 2, A/C.1/L.165; submitted by Afghanistan, Burma, Ceylon, Egypt, Indonesia, Iran, Iraq, Jordan, Lebanon, Libya, Morocco, Nepal, Pakistan, Saudi Arabia, Sudan, Syria, Tunisia and Yemen.

settlement of their differences in accordance with the Charter of the United Nations;

"3. Requests the Secretary-General to assist the parties in conducting such negotiations and report to the General Assembly at its twelfth session."

19. In view of the rejection of operative paragraphs 1 and 2, the First Committee took no vote on operative paragraph 3, nor on the draft resolution as a whole. 10/ No reference to Article 1 (2) was made in the resolution 11/ adopted by the General Assembly.

20. The item 12/ was again included in the agenda of the General Assembly; at its twelfth session, it was again referred to the First Committee.

21. At the 924th meeting of the First Committee, on 5 December 1957, the representative of Indonesia introduced a draft resolution 13/ sponsored by seventeen States, in which the General Assembly,

"Recognizing that the principle of self-determination is applicable to the Algerian people,

".....

"Calls for negotiations for the purpose of arriving at a solution in accordance with the principles and purposes of the Charter of the United Nations".

22. At the 925th meeting of the First Committee, on 6 December 1957, Canada, Ireland and Norway submitted two amendments 14/ to the joint draft resolution. The first amendment would substitute the following for the above-quoted preambular paragraph of the seventeen-Power joint draft resolution (A/C.1/L.194):

"Recognizing that the people of Algeria are entitled to work out their own future in a democratic way".

23. The First Committee approved 15/ the amendment submitted by Canada, Ireland and Norway, by 37 votes to 36, with 7 abstentions. The joint draft resolution itself

10/ G A (XI), 1st Com., 846th mtg., paras. 11-18.

11/ G A resolution 1012 (XI), adopted without change from draft resolution A/L.220, submitted by Argentina, Brazil, Cuba, Dominican Republic, Italy, Japan, Peru, Philippines and Thailand.

12/ G A (XII), Annexes, a.i. 59, A/3617 and Add.1, submitted by Afghanistan, Burma, Ceylon, Egypt, Ethiopia, India, Indonesia, Iran, Iraq, Japan, Jordan, Lebanon, Libya, Morocco, Nepal, Pakistan, Philippines, Saudi Arabia, Sudan, Syria, Tunisia and Yemen; ibid., p. 2, A/3772, para. 2.

13/ Ibid., p. 2, A/3772, para. 4, A/C.1/L.194, sponsored by Afghanistan, Burma, Ceylon, Egypt, Ghana, Indonesia, Iraq, Jordan, Lebanon, Libya, Morocco, Nepal, Saudi Arabia, Sudan, Syria, Tunisia and Yemen.

14/ Ibid., p. 2, A/3772, para. 6, A/C.1/L.196.

15/ Ibid., p. 2, A/3772, para. 8.

failed of approval; 16/ there were 37 votes in favour and 37 against, with 6 abstentions. In the resolution 17/ adopted by the General Assembly, no reference was made to Article 1 (2).

24. The item 18/ was again included in the agenda of the General Assembly; at its thirteenth session, it was again referred to the First Committee.

25. At the 1020th meeting of the First Committee, on 12 December 1958, seventeen Powers submitted a joint draft resolution, 19/ whereby the General Assembly:

"Recognizing the right of the Algerian people to independence,

".....

"Urges negotiations between the two parties concerned with a view to reaching a solution in conformity with the Charter of the United Nations".

26. At the 1022nd meeting of the First Committee, on 13 December, the representative of Haiti submitted an amendment 20/ to substitute the following text for the preambular paragraph quoted above:

"Recognizing in virtue of Article 1, paragraph 2, of the Charter, the right of the Algerian people to decide for themselves their own destiny".

27. At the 1023rd meeting, on 13 December, the Haitian amendment was rejected 21/ by 48 votes to 13, with 19 abstentions. The above-quoted preambular paragraph of the joint draft resolution was approved 22/ by 39 votes to 15, with 23 abstentions. The joint draft resolution was approved 23/ by 32 votes to 18, with 30 abstentions.

28. At the 792nd plenary meeting of the General Assembly, on 13 December 1958, the draft resolution recommended by the First Committee was not adopted, 24/ having failed to obtain the required two-thirds majority. There were 35 votes in favour, 18 against, with 28 abstentions.

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16/ G A (XII), 1st Com., 926th mtg., para. 72.

17/ G A resolution 1184 (XII), adopted without change from draft resolution A/L.239, submitted by Argentina, Brazil, Canada, Cuba, Dominican Republic, India, Iran, Ireland, Italy, Japan, Mexico, Norway, Peru, Spain and Thailand (G A (XII), a.i. 59, p. 3).

18/ G A (XIII), Annexes, a.i. 63, A/3853, requested by Afghanistan, Burma, Ceylon, Ethiopia, Federation of Malaya, Ghana, India, Indonesia, Iran, Iraq, Japan, Jordan, Lebanon, Liberia, Libya, Morocco, Nepal, Pakistan, Saudi Arabia, Sudan, Tunisia, Turkey, United Arab Republic and Yemen.

19/ G A (XIII), Annexes, a.i. 63, p. 2, A/4075, para. 4, A/C.1/L.232, submitted by Afghanistan, Burma, Ceylon, Ghana, Indonesia, Iraq, Jordan, Lebanon, Liberia, Libya, Morocco, Nepal, Saudi Arabia, Sudan, Tunisia, United Arab Republic and Yemen.

20/ Ibid., para. 5, A/C.1/L.233.

21/ Ibid., para. 8.

22/ Ibid., para. 9 (a).

23/ Ibid., para. 9 (c).

24/ G A (XIII), Plen., 792nd mtg., para. 260.

## C. The question of Cyprus

29. By a letter 25/ dated 13 March 1956, addressed to the Secretary-General, the representative of Greece requested the inclusion in the agenda of the eleventh session of the General Assembly of the item: "Application, under the auspices of the United Nations, of the principle of equal rights and self-determination of peoples in the case of the population of the Island of Cyprus". In an explanatory memorandum, it was stated that the Government of the United Kingdom, in refusing the application of the right of self-determination in the case of the people of Cyprus, was violating paragraph 2 of Article 1. By a letter 26/ dated 12 October 1956, the representative of the United Kingdom requested the inclusion of the item entitled, "Support from Greece for terrorism in Cyprus".

30. At the 578th plenary meeting, on 15 November 1956, the General Assembly decided 27/ to include the two items in the agenda of the eleventh session as sub-items of the agenda item "Question of Cyprus", and referred the item to the First Committee.

31. At the 848th meeting of the First Committee, on 18 February 1957, Greece submitted a draft resolution 28/ in which the General Assembly,

"Recognizing the right of the people of Cyprus to self-determination in accordance with the Purposes and Principles of the Charter of the United Nations,

".....

"Expresses the wish that the people of Cyprus be given the opportunity to determine their own future by the application of their right to self-determination".

32. The First Committee approved a resolution 29/ submitted by India; the draft resolution submitted by Greece was not voted upon. At its 660th meeting, on 26 February 1957, the General Assembly adopted 30/ a resolution 31/ in which no reference was made to paragraph 2 of Article 1.

33. By letter 32/ dated 12 July 1957, the representative of Greece requested the inclusion of an item in the agenda of the twelfth session of the General Assembly, entitled, "Cyprus: (a) Application, under the auspices of the United Nations, of the principle of equal rights and self-determination of peoples in the case of the population of the Island of Cyprus; (b) Violations of human rights and atrocities by the British Colonial Administration against the Cyprians". The item, "The Cyprus question", was included in the agenda and referred to the First Committee. 33/

25/ G A (XI), Annexes, vol. II, a.i. 55, A/3120 and Add.1, para. 12 (a).

26/ Ibid., p. 4, A/3204 and Add.1.

27/ G A (XI), Plen., vol. I, 578th mtg., para. 45. G A (XI), Annexes, vol. II, a.i. 55, p. 17, A/3559, para. 3.

28/ G A (XI), Annexes, vol. II, a.i. 55, p. 16, A/C.1/L.168.

29/ G A (XI), Annexes, vol. II, a.i. 55, p. 17, A/3559, paras. 11-14, A/C.1/L.172.

30/ G A (XI), Plen., vol. II, 660th mtg., para. 4.

31/ G A resolution 1013 (XI), adopted without change from draft resolution A/C.1/L.172.

32/ G A (XIII), Annexes, a.i. 58, A/3616 and Add.1.

33/ Ibid., p. 8, A/3794, para. 2.

34. At the 927th meeting of the First Committee, on 9 December 1957, Greece submitted a draft resolution 34/ according to which the General Assembly:

"Expresses the wish that the people of Cyprus will be given the opportunity to determine their own future by the application of their right to self-determination".

35. At the 933rd meeting of the First Committee, on 12 December 1957, joint amendments 35/ were submitted by Canada, Chile, Denmark and Norway to the draft resolution submitted by Greece. One of the amendments called for the replacement of the above operative paragraph by the following text:

"Expresses its earnest hope that further negotiations and discussions between those concerned will be promptly undertaken in a spirit of co-operation with a view to finding a peaceful, democratic and just solution, in conformity with the purposes and principles of the Charter of the United Nations".

36. At the same meeting, the representative of Greece submitted a sub-amendment 36/ to the four-Power amendments, replacing the operative paragraph by the following text:

"Expresses its earnest hope that further negotiations and discussions will be undertaken in a spirit of co-operation with a view to having the right of self-determination applied in the case of the people of Cyprus".

37. At the 934th meeting, on 12 December 1957, the sub-amendment submitted by Greece was approved 37/ by 33 votes to 18, with 27 abstentions. At the same meeting, the draft resolution submitted by Greece, as amended, was approved 38/ by the First Committee by 33 votes to 20, with 25 abstentions.

38. At the 731st plenary meeting of the General Assembly, on 14 December 1957, the draft resolution recommended by the First Committee was not adopted, 39/ having failed to obtain the required two-thirds majority. The vote was 31 in favour, 23 against, with 24 abstentions.

39. The representative of Greece requested that the item "Question of Cyprus" be included in the agenda of the thirteenth session of the General Assembly. In the explanatory memorandum accompanying the request, 40/ it was stated that the Cyprus question involved the claim of self-determination by a population living in colonial bondage; the Government of the United Kingdom had continued to deny the Cypriots the exercise of their right to freedom and self-determination, thus disregarding rights deriving from paragraph 2 of Article 1. The General Assembly referred the item to the First Committee. 41/

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34/ Ibid., para. 5, A/C.1/L.197.

35/ Ibid., para. 6, A/C.1/L.199.

36/ G A (XII), Annexes, a.i. 58, p. 8, A/3794, para. 7, A/C.1/L.200.

37/ G A (XII), 1st Com., 934th mtg., para. 31.

38/ Ibid., para. 33.

39/ G A (XII), Plen., 731st mtg., para. 138.

40/ G A (XIII), Annexes, a.i. 68, A/3874 and Add.1.

41/ Ibid., A/4029 and Add.1, para. 2.



40. At the 997th meeting of the First Committee, on 25 November 1958, the representative of Turkey submitted a draft resolution 42/ whereby the General Assembly,

"Bearing in mind the purposes and principles of the United Nations, one of which is to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples,

".....

"2. Recommends that the three Governments directly concerned resume and continue efforts in a spirit of co-operation with a view to reaching a friendly solution in application of the principle of equal rights and self-determination according to the particular circumstances of Cyprus and its peoples, in conformity with the purposes and principles of the United Nations Charter".

41. At its 1010th meeting, the First Committee approved a draft resolution 43/ submitted by Iran, and the representative of Turkey withdrew 44/ his draft resolution.

42. At the 782nd plenary meeting, on 5 December 1958, the General Assembly, without putting the draft resolution recommended by the First Committee to the vote, adopted a draft resolution 45/ submitted by Mexico, in which no reference was made to paragraph 2 of Article 1.

#### D. The question of West Irian (West New Guinea)

43. The provisions of paragraph 2 of Article 1 were cited in opposition to a change in the political status of West Irian proposed by representatives who submitted the question for consideration at the eleventh and twelfth sessions of the General Assembly. The latter adopted no resolution on the question.

44. By letters 46/ dated 8 and 17 October 1956, sixteen States requested the inclusion of the item "The question of West Irian (West New Guinea)" in the agenda of the eleventh session of the General Assembly. The General Assembly included the item in the agenda and referred it 47/ to the First Committee.

45. At its 863rd meeting, on 28 February 1957, the First Committee approved 48/ a thirteen-Power joint draft resolution, 49/ as follows:

"The General Assembly,

"Having considered the question of West Irian (West New Guinea),

42/ Ibid., para. 7, A/C.1/L.223.

43/ G A (XIII), Annexes, a.i. 68, p. 15, A/4029 and Add.1; para. 9, A/C.1/L.226/Rev.2. G A (XIII), 1st Com., 1010th mtg., para. 31.

44/ G A (XIII), 1st Com., 1010th mtg., para. 34.

45/ A/L.252, adopted without change as G A resolution 1287 (XIII). G A (XIII), Annexes, a.i. 68, p. 19.

46/ G A (XI), Annexes, vol. II, a.i. 63, A/3200 and Add.1.

47/ G A (XI), Plen., vol. II, 578th mtg., para. 103. G A (XI), Annexes, vol. II, a.i. 63, p. 3, A/3565, para. 3.

48/ G A (XI), 1st Com., 863rd mtg., para. 16.

49/ G A (XI), Annexes, vol. II, a.i. 63, p. 2, A/C.1/L.173; submitted by Bolivia, Burma, Ceylon, Costa Rica, Ecuador, Ethiopia, India, Iraq, Pakistan, Saudi Arabia, Sudan, Syria, Yugoslavia.

"Recalling its resolution 915 (X) of 16 December 1955,

"Noting that negotiations between the Governments of Indonesia and the Netherlands have so far not resolved this issue,

"1. Requests the President of the General Assembly to appoint a Good Offices Commission consisting of three members, with a view to assisting in negotiations between the Governments of Indonesia and the Netherlands in order that a just and peaceful solution of the question may be achieved, in conformity with the Principles and Purposes of the Charter of the United Nations;

"2. Requests the Good Offices Commission to report to the General Assembly at its twelfth session".

46. At its 664th plenary meeting, on 28 February 1957, the General Assembly failed to adopt 50/ the draft resolution recommended by the First Committee.

47. The item 51/ was again included 52/ in the agenda during the twelfth session of the General Assembly. The General Assembly referred the item to the First Committee, which approved 53/ a nineteen-Power joint draft resolution. 54/

48. The General Assembly failed to adopt 55/ any resolution on the question.

#### E. The situation in Hungary

49. The General Assembly considered the situation in Hungary at its second emergency special session and at its eleventh and thirteenth sessions. In the course of these sessions it adopted resolutions 1004-1008 (ES-II), resolutions 1120-1124 (XI) and resolution 1312 (XIII). No express reference to paragraph 2 of Article 1 was made in the resolutions adopted by the General Assembly in connexion with its consideration of the situation in Hungary during the period under review. However, certain of the resolutions adopted by the General Assembly contained references to the right of the Hungarian people to a government responsive to its national aspirations and to the holding of free elections in Hungary under United Nations auspices, to enable the people of Hungary to determine for themselves the form of government they wished to establish in their country. 56/ Adoption of the resolutions containing these references was preceded by considerable discussion of paragraph 2 of Article 1.

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50/ G A (XI), Plen., vol. II, 664th mtg., para. 181.

51/ G A (XII), Annexes, vol. II, a.i. 62, A/3644; submitted by Afghanistan, Burma, Ceylon, Egypt, Ethiopia, India, Indonesia, Iran, Iraq, Jordan, Lebanon, Libya, Morocco, Nepal, Pakistan, Philippines, Saudi Arabia, Sudan, Syria, Tunisia and Yemen.

52/ Ibid., p. 3, A/3757, para. 3.

53/ G A (XII), 1st Com., 912th mtg., para. 88.

54/ G A (XII), Annexes, a.i. 62, p. 2, A/C.1/L.193; submitted by Afghanistan, Bolivia, Burma, Ceylon, Egypt, Ethiopia, India, Indonesia, Iraq, Jordan, Lebanon, Libya, Morocco, Nepal, Saudi Arabia, Sudan, Syria, Tunisia and Yemen.

55/ G A (XII), Plen., 724th mtg., para. 131.

56/ G A resolutions 1004 (ES-II), 1005 (ES-II) and 1131 (XI).

## II. ANALYTICAL SUMMARY OF PRACTICE

50. The following sections summarize the discussion concerning constitutional questions related to paragraph 2 of Article 1 which arose during the debates on the five agenda items listed in the Introductory Note.

A. The question of the effect of the reference in Article 1 (2) to respect for the principle of equal rights and self-determination of peoples

*1. Recommendations concerning international respect for the right of peoples and nations to self-determination*

51. During consideration, at the twelfth and thirteenth sessions of the General Assembly, of the proposals prepared by the Commission on Human Rights and the Economic and Social Council and transmitted to the General Assembly in connexion with the above agenda item, <sup>57/</sup> it was maintained that reference in the draft resolutions of the Commission on Human Rights to a "right" of self-determination found no support in the Charter, which did not go beyond recognition of the principle of self-determination, did not contain a legal definition of the principle and did not seek to enlarge the authority of the United Nations in this domain, but left the implementation of the principle to national Governments. <sup>58/</sup> Those holding this view urged adoption of the Council's proposal to study the concept of self-determination. Such a study would be a means of resolving the difficulties of interpretation and the limits of the right of self-determination. Definition of the right was necessary in order that it might receive the agreement of all States, irrespective of their social and political systems.

52. A majority opposed the proposal to study the concept and wished only to reaffirm the right of self-determination. They emphasized that the General Assembly had already recognized self-determination as a fundamental right in resolutions adopted at previous sessions and had defined it, when approving article 1 of the draft international covenants on human rights, as the right of peoples and nations to determine their political status and pursue their economic, social and cultural development without foreign interference. Contesting the assertion that the principle of equal rights and self-determination of peoples needed precise legal definition, they asserted that the Charter supplied the framework within which action to bring about respect for the right of peoples and nations to self-determination could be taken. The Charter was a legal instrument with the force of law; the effort must therefore be made to give effect to all its Articles, even those of a general and declarative nature. Self-determination had been recognized from the outset as one of the rights upon which the activities of the United Nations must be based, and, indeed, as the foundation of all other rights.

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<sup>57/</sup> For the decisions taken on this item, see paras. 9 to 16 in the General Survey.  
<sup>58/</sup> Earlier, at the eighteenth session of the Economic and Social Council, when the transmission to the General Assembly of the recommendations of the Commission on Human Rights was considered for the first time, the position of those who favoured reconsideration by the Commission on Human Rights was that, although the Charter recognized the principle of self-determination, it did not stipulate corresponding obligations on Members of the United Nations, none of which had assumed any legally binding obligation to apply the principle of self-determination to any Territory for which it was responsible. The decision as to when the principle should be applied was essentially one for each State to make in the light of its knowledge of the special circumstances in a particular case (E/AC.7/SR.289, mimeographed).

Its enunciation in Articles 1 and 55 of the Charter made the right of peoples to self-determination one of the constitutional principles for the guidance of the international community. By including an article on self-determination in the draft covenants on human rights, the General Assembly showed that it looked on this provision of the Charter as an obligation for Member States, and considered respect for it an essential of international peace. Although self-determination had obvious limitations, the question whether it was a right or a principle seemed academic; self-determination had existed in action before it emerged as a principle, and the principle became established as a right as it was asserted and exercised. If a principle, it was a principle to be applied; if a right, the right should be recognized. Study was not needed, since the question was not an abstract one but one which involved consideration of each individual case on its merits. 59/

## 2. The question of Algeria

53. At the eleventh session of the General Assembly, in reply to denials by some representatives of the competence of the United Nations to deal with the question of Algeria, 60/ the claim was made that the situation was covered by Articles 1 (2) and 55, together with Articles 10 and 14. Article 14 included violations of the principle of equal rights and self-determination of peoples among situations which might lead to international friction; therefore the situation in Algeria could clearly no longer be viewed as a matter of domestic jurisdiction. The General Assembly had always held that it was competent to deal with any question of human rights, including the right of peoples to self-determination, especially when friendly relations between Members of the United Nations were affected. The view of the United Nations Conference on International Organization at San Francisco had been that in Article 1, paragraph 2, Members of the United Nations undertook to respect the principle of equal rights and self-determination of peoples, whether the latter were sovereign or were still only aspirants to nationhood.

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59/ For texts of relevant statements, see G A (XII), 3rd Com., 822nd mtg.: China, para. 2; 823rd mtg.: Poland, para. 19; Saudi Arabia, paras. 15 and 16; United States, paras. 1 and 2; 824th mtg.: Bulgaria, paras. 2 and 3; Ukrainian SSR, paras. 8 and 9; United Kingdom, paras. 4 and 5; 825th mtg.: Chile, para. 52; France, paras. 11-14; Greece, paras. 11 and 12; Ireland, para. 38; Italy, paras. 32-35; Philippines, para. 22; Romania, paras. 2, 4; Syria, paras. 6, 8; USSR, para. 31; 826th mtg.: Albania, para. 43; Byelorussian SSR, para. 23; Ceylon, para. 12; Ghana, para. 7; Hungary, paras. 27-32; Philippines, para. 37; Yemen, para. 9. G A (XIII), 3rd Com., 886th mtg.: Greece, para. 8; Saudi Arabia, para. 4; 887th mtg.: Ireland, para. 10; Philippines, para. 15; Saudi Arabia, para. 32; 888th mtg.: Iran, para. 4; Poland, paras. 8, 11; 889th mtg.: Bulgaria, para. 30; Byelorussian SSR, para. 2; Indonesia, para. 10; Italy, paras. 4 and 5; Morocco, paras. 15 and 16; 890th mtg.: Albania, para. 37; Czechoslovakia, para. 14; Ghana, para. 9; Saudi Arabia, para. 41; Ukrainian SSR, para. 26; USSR, para. 6; United Arab Republic, para. 22; United Kingdom, para. 31; 891st mtg.: Austria, para. 10; Brazil, para. 7; Ceylon, para. 27; France, para. 39; India, para. 16; Philippines, para. 34; 892nd mtg.: Chile, para. 17; Hungary, para. 39; Israel, para. 9; Liberia, para. 49; New Zealand, para. 31; Tunisia, para. 52; United States, para. 21; Yugoslavia, para. 34; 893rd mtg.: Afghanistan, para. 2; Greece, para. 17; Romania, para. 10.

60/ For objections to the competence of the General Assembly with regard to the question of Algeria, see this Supplement under Article 2 (7).

54. At the twelfth session of the General Assembly, it was contended that a democratic interpretation required the right of peoples to self-determination to be construed as an individual right to be exercised freely by each member of the collective group. Interpreted in this way it might require a partition of Algeria. 61/

55. During the thirteenth session it was stated that by virtue of paragraph 2 of Article 1, independence was a natural and indisputable right of the Algerian people. Paragraph 4 of the preamble to the Seventeen-Power draft resolution 62/ reflected this. The duty of the General Assembly was limited to recognition of this right; it did not extend to fixing the date or manner of its exercise.

56. In opposition to this view, the representative of Haiti moved an amendment 63/ to strike a reference to "the right of the Algerian people to independence" and to substitute "the right of the Algerian people to decide for themselves their own destiny". Neither the letter nor the spirit of the Charter, he said, authorized the United Nations to indicate to peoples the path they should follow. What the Charter said, in effect, was that peoples had the right to decide their own destiny, whether they chose independence, self-government or even integration. The representative of Ghana, speaking for the sponsors of the resolution, would not accept the amendment because of the conviction that all peoples had a right to independence. 64/

### 3. The question of Cyprus

57. During consideration of the above item at the eleventh session of the General Assembly, several representatives contended that the question of Cyprus fell essentially within the domestic jurisdiction of the United Kingdom and that the United Nations was not competent to deal with it. In support of this contention, it was argued that there was no provision in the Charter of the United Nations concerning the right of peoples to self-determination but only the obligation of the United Nations, under Article 55, to promote human rights and fundamental freedoms "based on respect for the principle of equal rights and self-determination of peoples". The obligation to promote certain objectives based on such a principle, however, was quite different from the right of all peoples to self-determination.

58. Some representatives, while acknowledging the right of peoples to self-determination, contended that the question of the circumstances in which the principle of self-determination should be applied in any of the Territories of a Member State was an internal matter to be decided by that State itself. It was impossible for the United Nations to settle the exercise of the right of self-determination in particular cases or to decide when the time and circumstances had come for a specific people to exercise this right. If the principle of self-determination were recognized as an over-riding principle, to take precedence above all other considerations, such as geography, strategic unity, and economic and historical reality, as well as pledges of nations consecrated in international treaties, the application of this principle would be subversive of established governments everywhere and could lead only to chaos. If the United Nations intervened in this field, it would exceed its powers and would assume a task for which it was not qualified. It would thus run the risk of awakening in some ethnic groups aspirations whose realization would encounter insurmountable difficulties, and of creating new problems of violence in various regions of the world.

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61/ See paras. 74 and 75 below.

62/ See para. 25 above.

63/ See para. 26 above.

64/ For the texts of relevant statements, see G A (XIII), 1st Com., 1022nd mtg.: Argentina, para. 45; Haiti, para. 40; 1023rd mtg.: Ghana, para. 1; Mexico, para. 6.

This was precisely one of the dangers the authors of the Charter had wished to avoid by Article 2, paragraph 7.

59. Some representatives, on the other hand, referred to the provisions of Articles 1 (2) and 55 of the Charter and to General Assembly resolution 637 (VII), and declared that it was the duty of the United Nations to deal with the problem of Cyprus. The Cypriot people could not be legitimately prevented from exercising their right of self-determination. This was the inalienable and inderogable right of a people, irrespective of the historic circumstances in which they had lost their freedom. There could be no question of frustrating the right of self-determination by any interpretation of the Treaty of Lausanne. <sup>65/</sup> It was stated by one representative that the concept of domestic jurisdiction should be confined to the national limits of a State and should not be applied to the dependencies ruled by that State. Any other interpretation would preclude the liquidation of colonial possessions and the granting of fundamental rights, such as the right of self-determination, to their inhabitants.

60. It was further contended that the presence of a Turkish minority in Cyprus did not militate against the granting of self-determination to the people of Cyprus. The minority could either consider itself a Cypriot minority and could then claim equality of rights and duties under the Constitution of the country, or it must consider itself alien, in which case it could seek constitutional guarantees in accordance with the principles of the Charter and the Universal Declaration of Human Rights. Reasons of a military or a strategic or any other nature could not outweigh the application of the principle of self-determination recognized in the Charter. The question whether the people of Cyprus chose independence or union with Greece was also of little relevance from the point of view of the exercise of the right of self-determination, since it was a matter for the people alone to decide.

61. During the discussion at the thirteenth session of the General Assembly, it was stated that those who opposed recognition of the Cypriot people's right to self-determination did so on the ground that the wishes of the Turkish minority must be taken into account. In reality, however, they meant that no decision should be taken on the future of the island which was not acceptable to the Turkish minority. If it were conceded that Cyprus was a case in which the principle of self-determination applied, considerations of a military nature, for example, could not be permitted to block the application of that principle. Self-determination was a right, not a privilege to be granted or withheld depending on the donor's current interpretation of his own interests. <sup>66/</sup>

#### 4. *The question of West Irian (West New Guinea)*

62. In the discussion of this item during the twelfth session of the General Assembly, the representative of the Netherlands contended that the United Nations Charter imposed on the Netherlands, as the Power responsible for the administration of Netherlands New Guinea, the duty to recognize the principle that the interests of the Territory's inhabitants were paramount, to take due account of their political aspirations, to assist them in the progressive development of their free political institutions and

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<sup>65/</sup> Signed 24 July 1923; see League of Nations, Treaty Series, vol. XXVIII, 1924, No. 701.

<sup>66/</sup> For texts of relevant statements, see G A (XIII), 1st Com., 997th mtg.: Turkey, paras. 17, 22, 24; 1002nd mtg.: Ireland, paras. 26, 30; 1003rd mtg.: Venezuela, para. 53.

to respect their right of self-determination. If the Netherlands were to agree to transfer the Territory to Indonesia without first ascertaining whether such a transfer would be in accordance with the wishes of the inhabitants, or even if it were to enter into negotiations with Indonesia about the possibility of a change in the status of the Territory, it would be forsaking its duty to the inhabitants and to the United Nations. Further, the Netherlands had promised the Territory's inhabitants that it would grant them the opportunity to decide their own political future as soon as they were able to express their will. The view of the representative of the Netherlands was shared by others who believed that the wishes of the inhabitants were a paramount factor in the determination of the future fate of West Irian. Any transfer of West Irian to Indonesia must be preceded by ascertaining whether it was the wish of the inhabitants to accept such transfer. 67/

63. On the other hand, some representatives maintained that the argument regarding self-determination was a totally irrelevant endeavour to prolong Netherlands rule over West Irian. It was contended further that the whole of Indonesia had expressed its right of self-determination in 1945 when it had proclaimed its independence. 68/

### 5. *The situation in Hungary*

64. At the second emergency special session of the General Assembly, and at its eleventh regular session, the provisions of paragraph 2 of Article 1 were invoked both by representatives who contended that under Article 1 (2) the General Assembly was empowered to deal with the question and by those who objected to this contention. Thus, it was stated that the use of armed force by the Union of Soviet Socialist Republics in Hungary was inconsistent with the purposes of the United Nations, one of which, expressed in Article 1 (2) of the Charter, was the development of "friendly relations among nations based on respect for the principles of equal rights and self-determination of peoples". It was contended that the Soviet Union had violated the Charter right of self-determination in using its forces on Hungarian soil to overthrow the Government set up by a popular movement and to establish a régime of its own in Hungary contrary to the expressed desire of the Hungarian people. The reasons advanced by the Soviet Union to explain why it had intervened in Hungary reflected an attitude of domination in respect of a people's right to self-determination. The Charter admitted of no sovereignty which could be invoked by a national or a foreign authoritarian régime to replace the self-determination of peoples proclaimed in Article 1 (2). Thus the basic and fundamental right of self-determination repeatedly endorsed by the General Assembly was in danger.

65. Before the General Assembly, it was noted, was the important issue whether a Member State might violate the principle of self-determination in international relations. The Charter answered in the negative. The duty of the United Nations was to see that this principle was not violated. It was, therefore, for the United Nations to secure for the people of Hungary the right to determine their own affairs as a

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67/ For texts of relevant statements, see G A (XII), 1st Com., 905th mtg.: Colombia, para. 31; Cuba, paras. 20 and 21; 907th mtg.: Australia, paras. 10, 13; 910th mtg.: Australia, para. 16; 911th mtg.: China, para. 36; Ireland, paras. 45 and 46; 912th mtg.: Brazil, para. 7.

68/ For texts of relevant statements, see G A (XII), 1st Com., 905th mtg.: Indonesia, para. 3; 906th mtg.: Ceylon, para. 16; 907th mtg.: Ukrainian SSR, para. 33; 910th mtg.: Poland, para. 23; 912th mtg.: Indonesia, paras. 23 and 24; Iraq, para. 3.

sovereign State. The task of the General Assembly was to continue its efforts to see that the Hungarian people were allowed to exercise their right of self-determination, freely choosing the Government they desired.

66. It was maintained, on the other hand, that the United Nations could not interfere in the exercise by a people of their inalienable right to determine the future of their country and to defend their democratic system against fascist elements; 69/ Soviet troops were stationed in Hungary at the request of the legal Hungarian Government and the question was thus essentially within the domestic jurisdiction of Hungary. 70/

B. The question of the appropriate means of implementing the principle of equal rights and self-determination of peoples

*Recommendations concerning international respect for the right of peoples and nations to self-determination*

67. In discussing the recommendation of the Commission on Human Rights for the establishment of a commission 71/ to "examine any situation resulting from alleged denial or inadequate realization of the right to self-determination ..." and to "provide its good offices for the peaceful rectification" of any such situation, it was maintained that this recommendation accorded with the provision in Article 1 (2) and Article 14, that the development of friendly relations was to be based on respect for the principle of equal rights and self-determination of peoples.

68. Adoption of the draft resolution would help to reduce tensions and to promote the maintenance of international peace by setting up a United Nations body which would offer its good offices whenever any Power failed to recognize the right of self-determination or to ensure proper respect for it. Since the right of self-determination was still denied to some peoples, the proposed commission, without imposing its decisions on Governments, could contribute to the rectification of situations and to the settlement of disputes involving such denial. The good offices commission would be able to act in certain cases in which the Security Council did not have jurisdiction. Examination of questions relating to self-determination by the proposed commission

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69/ For texts of relevant statements, see G A (ES-II), Plen., 564th mtg.: Argentina, paras. 86, 90; Belgium, para. 200; USSR, para. 113; United States, para. 78; 568th mtg.: Ireland, paras. 88 and 89; Sweden, para. 132; 569th mtg.: Ceylon, para. 98; Ecuador, paras. 54, 63; Mexico, para. 12; Thailand, para. 81; 571st mtg.: Argentina, para. 89. G A (XI), Plen., vol. I, 585th mtg.: Argentina, para. 169; Bolivia, para. 209; Colombia, para. 81; Peru, para. 115; 586th mtg.: Ceylon, paras. 70 and 71; India, para. 18; Lebanon, paras. 114, 125; 587th mtg.: Argentina, para. 82; Cuba, para. 15; Philippines, para. 34; 604th mtg.: Belgium, para. 119; 606th mtg.: Iraq, para. 53; 608th mtg.: Libya, para. 224; Uruguay, para. 71; 609th mtg.: Indonesia, para. 2; 613th mtg.: Italy, para. 77; 614th mtg.: Netherlands, para. 39; USSR, para. 104; 615th mtg.: Colombia, para. 28; 616th mtg.: Byelorussian SSR, para. 32; Ceylon, para. 150; Norway, para. 88; Tunisia, para. 196; Uruguay, para. 53; 617th mtg.: Burma, para. 30; G A (XI), Plen., vol. II, 618th mtg.: Peru, paras. 17, 55; 633rd mtg.: Belgium, para. 126; 634th mtg.: Australia, para. 10; Japan, para. 113; 636th mtg.: Iraq, para. 40; New Zealand, para. 2; G A (XI), Plen., vol. III, 674th mtg.: Pakistan, para. 92; 677th mtg.: Bolivia, para. 168; Indonesia, paras. 39 and 40.

70/ For objections to the competence of the General Assembly, see this Supplement under Article 2 (7).

71/ See para. 13 above.



would avoid friction. Differences of opinion on the question whether self-determination was a right could be settled by the proposed commission.

69. It was contended, on the other hand, with regard to the draft resolution, that the phrase in Article 14 "peaceful adjustment of any situation ... likely to impair the general welfare or friendly relations among nations" covered a wide variety of situations and problems, many of which were under discussion by the General Assembly; there might be some risk of duplicating the work of other United Nations organs or trespassing on their jurisdiction. It was questionable, moreover, whether a commission whose role would be to offer its good offices to the parties to a dispute would, in the event of failure, be an appropriate body to make recommendations to the General Assembly, and whether establishing a standing good offices commission was preferable to setting up ad hoc bodies as need arose. The draft resolution was in direct contravention of the provisions of Article 2 (7), for it would lead the United Nations to deal with matters essentially within the domestic jurisdiction of Member States. Since the principle of self-determination was universal, delegations which appeared to favour that proposal should consider whether it would be desirable for the domestic affairs of their countries to come under investigation at the request of ten Members of the United Nations. Far from promoting a peaceful settlement of the problems submitted to it, the proposed commission was more likely to increase international tensions by its interventions and to give rise to disputes, mainly between the great Powers.

70. Concerning the reference in the draft resolution to cases of denial or non-realization of the right of peoples to self-determination, it was asserted that it was impossible to speak of the denial of a right without having a clear idea what the right was. Since there was no general agreement on the meaning of self-determination, the terms of reference of the proposed commission inevitably lacked precision; that being so, there was no limit to what the commission might attempt. 72/

C. The question of the scope of the application of the principle of equal rights and self-determination of peoples

1. *Recommendations concerning international respect for the right of peoples and nations to self-determination*

71. Objection was raised to the distinction drawn in the draft resolutions 73/ transmitted in resolution 586 D (XX) of the Economic and Social Council between States administering Non-Self-Governing Territories, which alone were invited therein to facilitate the exercise of the right of self-determination, and other States. This was an unjustifiable distinction since all States, without exception, were expected to promote the realization of this right. The principle of self-determination should apply to all peoples who had been or might be deprived of the right of self-determination, which could be neither refused nor limited. This meant that the peoples

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72/ For texts of relevant statements, see G A (XII), 3rd Com., 825th mtg.: Ireland, para. 38; Syria, paras. 9 and 10; 826th mtg.: Albania, para. 43; 827th mtg.: Ghana, para. 7. G A (XIII), 3rd Com., 887th mtg.: Ireland, para. 10; 888th mtg.: Poland, para. 10; 889th mtg.: Bulgaria, para. 32; Indonesia, para. 14; Italy, para. 5; Morocco, para. 17; 890th mtg.: Ghana, para. 8; Saudi Arabia, para. 41; United Kingdom, para. 30; 891st mtg.: Austria, para. 9; France, para. 38; Mexico, para. 22; Pakistan, para. 42; 892nd mtg.: Israel, para. 8; New Zealand, para. 29; United States, para. 21; 893rd mtg.: Greece, para. 16.

73/ See paras. 9-16 above.

of countries other than Non-Self-Governing Territories and traditional colonies were entitled to determine their political, economic, social and cultural status; and, ultimately, to exercise the right of a nation to constitute itself an independent State and determine its own Government. All the peoples of the world were entitled to enjoy self-determination, and all States Members of the United Nations were equally bound to respect it. In contradiction of earlier decisions of the General Assembly, a distinction was being introduced between the obligations of Member States in general and those of Member States having responsibility for the administration of Non-Self-Governing or Trust Territories. General Assembly resolution 545 (VI) did not make such a distinction. The proposed text restricted the concept of self-determination far too much; the question of self-determination was not to be confined to situations relating to traditional colonialism. If the United Nations wished to promote self-determination, it must take into account dependent peoples everywhere. Moreover, relations between metropolitan countries and Non-Self-Governing Territories constituted but one aspect of the problem. Sovereign States which were Members of the United Nations were also subject to political and economic domination and, therefore, not entirely free to decide their own affairs. The suggestion that application of the principle of self-determination was a problem solely for Administering Powers involved denial of the universality of the principle of self-determination. It was further observed that although the question of the political party in power in a particular country was, generally, entirely an internal matter, if the form of government was one in which the people had no say and about which they had no means of expressing their views freely, it could not be said that the situation was one in which the question of self-determination did not arise. If the principle of self-determination applied to people in dependent Territories, it should also apply to people in independent States, not only in their relations with one another, but in respect of any internal situation in which the question of self-determination arose in connexion with the lack of provision for free elections or when the Government ignored the true interests of the people.

72. The view was also expressed that if self-determination could be exercised only by peoples under colonial rule, there was no need to formulate the right of self-determination, since the obligations of Powers responsible for dependent Territories were specified in Chapters XI, XII and XIII of the Charter. Not only dependent peoples but minority groups within nations were entitled to exercise their right of self-determination. The right applied also to peoples living under domestic dictatorship; the imposition of any form of government by a foreign Power was a violation of the right of self-determination.

73. On the other hand, it was maintained that there was no need to inquire into the meaning of the expression "the right of peoples to self-determination". Its interpretation derived from the terms of General Assembly resolution 637 (VII). If a people enjoyed national independence, the question of self-determination could not arise. The world was divided into independent States - Members of the United Nations - and dependent Territories. The fact that political systems varied from one independent State to another in no way involved the right of peoples to self-determination. Political freedom was one of the human rights and accordingly came within the purview of the United Nations, but it was different from the right of self-determination. Article 2 (7) of the Charter excluded problems of self-determination which arose within a metropolitan country from the jurisdiction of the United Nations. Dependent Territories did not qualify for membership in the United Nations. The provisions of the Charter were designed to promote their development to independence and to enable them to become Members of the United Nations. The question of self-determination was raised in the Charter, in Chapters XI, XII and XIII, only with respect to Non-Self-Governing and Trust Territories. For this reason the right of self-determination could be exercised only by the peoples of Non-Self-Governing Territories. It was also stated that the right of peoples to self-determination was essentially the right of the majority within each nation to settle all matters relating to its internal organization

and its relations with other countries. Decisions taken by the majority of a country's population concerning its form of government and national policy should therefore be respected by all other countries. Self-determination could not apply to political régimes, and it was therefore inadmissible to attempt to impose particular forms of self-determination on any nation. 74/

## 2. *The question of Algeria*

74. During discussion of the above item in the meetings of the First Committee, one representative stated that the application of the principle of self-determination in the present circumstances would split Algeria into two or more States, since the population of European origin would want to administer the areas in which it was in the majority, and the populations of the interior regions would wish to have autonomous status.

75. Some representatives maintained that a foreign minority had never yet been given the right of self-determination in respect of a part of a single Territory. The French settlers could choose Algerian nationality and enjoy full political and individual rights. If they did not opt for Algerian nationality, they would continue to enjoy their individual rights. In the view of one representative, emphasis placed upon individual rights, and particularly the rights of the French colons, was a distortion rather than an interpretation of the principle of self-determination.

76. It was also contended that the word "peoples" as used in Article 1 (2) was synonymous with the word "States", and referred to the Governments of established States. The terms of Article 2 (7) and of Chapters XI, XII and XIII of the Charter relating to Non-Self-Governing and Trust Territories indicated that the expression "self-determination of peoples" should not serve as an incitement to the populations of Non-Self-Governing Territories to demand their immediate independence nor to the members of a federated State to exercise their right of secession. Against this contention, it was argued that the word "peoples" need not be defined. It should be interpreted as meaning "peoples of all countries and territories, whether independent, under trusteeship, or self-governing". The right of self-determination must be exercised by the Algerian people themselves; they alone had the right to shape their destiny. They might opt for independence or sovereignty which, as an expression of the popular will, would be consistent with union with France through membership in the French Union, or for integration with France on the basis of self-government.

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74/ For texts of relevant statements, see G A (XII), 3rd Com., 822nd mtg.: China, para. 2; Saudi Arabia, para. 8; 823rd mtg.: Greece, para. 5; Poland, para. 19; United States, para. 1; 824th mtg.: Greece, para. 11; Saudi Arabia, para. 13; United Kingdom, paras. 4 and 5; 825th mtg.: Panama, para. 45; Philippines, para. 23; USSR, para. 31; 826th mtg.: Albania, para. 42; Ceylon, para. 13; Costa Rica, paras. 25 and 26; Japan, para. 39; Netherlands, paras. 4 and 5; 827th mtg.: Australia, para. 26; Argentina, para. 11; Canada, para. 2; China, para. 42; Ecuador, para. 23; Ghana, para. 5; Greece, paras. 28 and 29; Iraq, para. 16; Israel, para. 53; New Zealand, paras. 20 and 21; Panama, para. 32; Philippines, para. 36; United Kingdom, para. 62; United States, para. 57; G A (XIII), 3rd Com., 887th mtg.: Ireland, paras. 5-7; 888th mtg.: Iran, para. 2; 890th mtg.: Albania, para. 52; Saudi Arabia, para. 40; United Kingdom, para. 28; 891st mtg.: Austria, para. 11; Ceylon, para. 29; France, para. 36; United States, para. 3; 892nd mtg.: Hungary, para. 36; Netherlands, para. 42; New Zealand, para. 23; United States, para. 20.

77. During the thirteenth session of the General Assembly, the view was expressed that the Algerian question was obviously covered by the provisions of paragraph 2 of Article 1. The principle of self-determination was applicable to the Arabs of Algeria, as it had been to other African and Asian peoples which were now sovereign States and Members of the United Nations. It was the duty of the United Nations to make it possible for the Algerian people to achieve self-determination, in accordance with the guarantees given in the Charter and within the framework of the United Nations. The General Assembly should do its best to see that France began negotiations on the question of Algerian independence. A peaceful solution of the problem should be the result of negotiations between the two parties concerned and should be in accordance with the Purposes and Principles of the United Nations, which included the principle of self-determination. The solution of the problem must furthermore be based on a vote reflecting the free will of the Algerian people. 75/

### 3. *The question of Cyprus*

78. At the twelfth session of the General Assembly, the above item gave rise to constitutional discussion along the same lines as those which had taken place during the debates on this item at the eleventh session of the General Assembly. 76/

79. The view was expressed that the principle of self-determination should be applied equally to the Greek and Turkish communities of Cyprus so that both these peoples could decide their own fate. Against this contention, it was argued by some representatives that partition of the island would not provide a solution to the problem. It was pointed out, in this connexion, that a distinction should be made between self-determination and the protection of minority rights. The only way to implement the principle of self-determination was to accept the freely expressed will of the majority. If self-determination were to be achieved for Cyprus, the parties to that achievement could only be the people of the island themselves, and the United Kingdom. Turkey had the right to inquire as to what guarantees the majority of the island's population was prepared to give to the minority in respect of religious, educational and other human rights, and could also call on the General Assembly for reinforcement of such guarantees or for practical measures to ensure their enforcement.

80. At the thirteenth session, views were reiterated, on the one hand, that the right of self-determination granted by the Charter to Non-Self-Governing Territories had always been exercised by the whole body of a population living in a given Territory and, on the other hand, that the principle of self-determination when applied to Cyprus must be applied to each of the two communities living on the island.

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75/ For texts of relevant statements, see G A (XI), 1st Com., 831st mtg.: Syria, para. 54; 833rd mtg.: Syria, para. 12; 834th mtg.: Morocco, paras. 40, 43; 836th mtg.: Tunisia, para. 24; 837th mtg.: Saudi Arabia, para. 13; 840th mtg.: Greece, para. 43; 841st mtg.: Poland, paras. 31, 33; Romania, para. 2; 842nd mtg.: Albania, para. 46; Jordan, para. 41; Nepal, paras. 2-4; 843rd mtg.: Bulgaria, para. 20; 844th mtg.: Ceylon, para. 33; 845th mtg.: China, para. 38; Iraq, para. 16. G A (XI), Plen., vol. II, 654th mtg.: Morocco, para. 100; Tunisia, para. 91; Uruguay, para. 75. G A (XII), 1st Com., 921st mtg.: Argentina, para. 25; Romania, paras. 14 and 15; 922nd mtg.: Nepal, para. 4; Uruguay, paras. 40-42; 925th mtg.: Saudi Arabia, para. 11; 926th mtg.: Saudi Arabia, para. 12; Uruguay, para. 62. G A (XIII), 1st Com., 1018th mtg.: Romania, para. 3; 1019th mtg.: Ireland, para. 24; 1020th mtg.: Greece, para. 1; 1021st mtg.: United Arab Republic, para. 33; Yugoslavia, para. 25; 1022nd mtg.: Haiti, para. 40; Tunisia, para. 13; 1023rd mtg.: Ecuador, para. 41.

76/ See paras. 57-60 above.

81. Some representatives contended that a solution to the question of Cyprus could be found through negotiation between the parties concerned on the basis of the principle of self-determination and other principles of the Charter. Any resolution adopted by the General Assembly must recognize the individuality of the Cypriots and the right of the people of Cyprus as a whole to determine their own destiny, with adequate guarantees for the minority. 77/ It was also stated that the legitimate rights of the Turkish minority must not be infringed; the minority would then be able gradually to become integrated with the remainder of the Cypriot population, without discrimination between Greeks and Turks. 78/

82. The view was also expressed that the task of applying the principle of equal rights and self-determination to Cyprus in such a manner as to safeguard the fundamental rights of both of the island's communities could best be carried out by the parties directly concerned; the solution should be in conformity with the Purposes and Principles of the Charter. 79/

#### 4. *The question of West Irian (West New Guinea)*

83. When the item, "Question of West Irian (West New Guinea)" was considered at the eleventh session of the General Assembly, the provisions of paragraph 2 of Article 1 were invoked both by representatives who contended that West Irian formed part of Indonesia and by those who objected to the contention. One representative, referring to the attitude adopted by Indonesia towards the question of West Irian, maintained that any solution acceptable to Indonesia would be contrary to the Charter of the United Nations, for a recommendation would have been made to a Member State that it should give up part of its territory. Such a recommendation would have violated the right of self-determination of peoples because the inhabitants of the Territory to be transferred would not have been consulted. Some representatives held that the right

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77/ For texts of relevant statements, see G A (XI), 1st Com., 847th mtg.: Greece, paras. 6, 13, 51; United Kingdom, para. 60; 849th mtg.: Australia, para. 29; 850th mtg.: Yugoslavia, paras. 12, 13, 20; 852nd mtg.: Syria, paras. 10, 14; 853rd mtg.: Egypt, para. 21; 854th mtg.: USSR, para. 10; 856th mtg.: Indonesia, paras. 2-4. G A (XII), 1st Com., 927th mtg.: Greece, paras. 49, 52; 929th mtg.: Colombia, paras. 57 and 58; 930th mtg.: Afghanistan, para. 27; Syria, para. 57; 931st mtg.: Sudan, para. 32; 932nd mtg.: Panama, paras. 9, 11; 933rd mtg.: Guatemala, para. 34; 934th mtg.: Iceland, para. 11; 1001st mtg.: Hungary, para. 19; 1003rd mtg.: Iceland, paras. 38, 41; 1003rd mtg.: Sudan, para. 29; Venezuela, para. 53.

78/ For texts of relevant statements, see G A (XI), 1st Com., 850th mtg.: Yugoslavia, para. 20; 854th mtg.: China, para. 7; Jordan, para. 48; 855th mtg.: Tunisia, para. 25; 856th mtg.: Greece, para. 44; Indonesia, paras. 2-4. G A (XII), 1st Com., 929th mtg.: Colombia, para. 57; 930th mtg.: Afghanistan, para. 27; 931st mtg.: Greece, para. 11. G A (XIII), 1st Com., 999th mtg.: Turkey, para. 30; 1002nd mtg.: Ireland, para. 26; 1003rd mtg.: Sudan, para. 29; Venezuela, para. 53.

79/ For texts of relevant statements, see G A (XI), 1st Com., 848th mtg.: United Kingdom, paras. 7, 10; 851st mtg.: New Zealand, para. 26; 855th mtg.: Tunisia, para. 25; 856th mtg.: Afghanistan, para. 47; Iceland, para. 27; Japan, para. 18. G A (XII), 1st Com., 930th mtg.: Turkey, para. 41; 931st mtg.: Guatemala, para. 50; Netherlands, para. 34; Pakistan, para. 52; 934th mtg.: Iceland, para. 11. G A (XIII), 1st Com., 997th mtg.: Turkey, para. 22; 1002nd mtg.: Ireland, para. 26; 1003rd mtg.: Iceland, para. 41; 1004th mtg.: Pakistan, para. 30; Saudi Arabia, para. 14.

of people to decide their own future was an important principle, and the inhabitants of a Non-Self-Governing Territory should be given the opportunity to decide for themselves, as soon as they were able to do so, what their future would be. It was further contended that in 1956 the Government of Indonesia had unilaterally abrogated the Charter of the Transfer of Sovereignty 80/ and had thereby repudiated the only document on which its claim to West New Guinea could be built.

84. On the other hand, some representatives maintained that the matter of self-determination had already been settled when the people of West Irian had taken part in the Indonesian independence movement. Resistance to the Netherlands constituted part of the campaign for self-determination of the people of West Irian. All constitutional and other official documents as well as economic, cultural, geographical and linguistic ties, bore out the contention that West Irian was part of the territory and community of Indonesia, and the major part of that community had expressed its will for self-determination.

85. One representative contended that his delegation could have supported the application of the principle of self-determination if the parties had been the Netherlands on the one hand, and West Irian on the other. The parties were two sovereign States, however, and one of the parties, Indonesia, had the right to refuse to limit its sovereignty by accepting the application of the principle of self-determination to what it considered an integral part of its territory. 81/ Another representative expressed the view that it was the duty of the United Nations to ensure that the principle of self-determination should never be used to divide territories or nations which were naturally united, or to incorporate them in larger political entities to which they did not belong. In his view, it was for the whole population of New Guinea to decide its own future, and the United Nations should do nothing which might prejudice that decision or perpetuate the division of the island. The incorporation of West Irian into Indonesia would not only perpetuate the territorial division of the island but would deny the right of self-determination to the population as a whole. 82/

- D. The question of the relationship between the principle of equal rights and self-determination of peoples and the maintenance of international peace and security

*Recommendations concerning international respect for the  
right of peoples and nations to self-determination*

86. During the debate on recommendations concerning international respect for the right of peoples and nations to self-determination, 83/ the view was expressed that respect for the right of peoples and nations to self-determination, which was referred to in several Articles of the Charter, was one of the essential conditions of international peace and security. If the United Nations wished to strengthen world peace, it must take concrete measures, within the framework of the Charter, to see that the right of peoples and nations to self-determination was universally respected and implemented. If there were difficulties in maintaining world peace, it was because not all peoples as yet enjoyed the right of self-determination. The use of violence for the purpose of exercising the right of self-determination was the inescapable implication of the inadequate realization of that right. For this reason the assertion of the right of

80/ S C, 4th yr., Special Suppl. No. 6, p. 38, S/1417/Add.1, appendix VII.

81/ G A (XII), 1st Com., 910th mtg.: Sudan, para. 8.

82/ *Ibid.*, 911th mtg.: Ireland, paras. 43, 45.

83/ See paras. 9 and 10 above, regarding the five-Power draft resolution which was adopted by the General Assembly as resolution 1188 (XII).

self-determination was one of the essential Purposes and guiding Principles of the Charter. Complaints of the non-observance of that right were therefore the concern of the international community. It was further contended that it was the duty of the United Nations to determine principles and establish machinery which would make it possible to settle disputes between colonial Powers and Territories under their administration peacefully, before such disputes should degenerate into bloody conflict. <sup>84/</sup>

- E. The question of the relationship between the principle of "equal rights and self-determination of peoples" and "permanent sovereignty" of peoples "over their natural wealth and resources"

*Recommendations concerning international respect for the right of peoples and nations to self-determination*

87. In connexion with the first draft resolution <sup>85/</sup> transmitted in resolution 586 D (XX) of the Economic and Social Council, recommending establishment of a commission to study the sovereignty of peoples over their natural wealth and resources, it was contended that the permanent sovereignty of peoples and nations over their natural resources was inherent in the principle of equal rights and self-determination of peoples. Economically, the right to self-determination meant the right of sovereignty over the national wealth. This sovereignty, as well as the right of self-determination, was universally recognized and respected. There was hardly a valid argument against the right of every nation to use the produce of its own land and coastal waters. If that right were questioned, there seemed to be no point in pressing for purely political self-determination and independence. The right to permanent sovereignty over natural wealth and resources was therefore a basic constituent of the right of peoples to self-determination and the very foundation of harmonious economic development. Respect for such economic sovereignty, which was one of the principal safeguards of the continued existence of the right to self-determination, was also essential to the development of friendly relations among nations. Moreover, in view of the importance of economic factors, serious study of the observance and implementation of Charter provisions on the right of self-determination must begin with the problems of economic sovereignty. The first draft resolution transmitted by the Economic and Social Council recognized the right of all peoples to enjoy economic as well as political independence and also recognized their right to organize their economies as they wished. It was, therefore, of prime importance that the United Nations should formulate recommendations to ensure respect for the provisions of the Charter and the implementation of decisions taken by some United Nations organs regarding this vital aspect of self-determination. In this sense, the draft resolution was in accordance with article 1, paragraph 3, of the draft international covenants on human rights, <sup>86/</sup> which guaranteed that a people could in no case be deprived of its own means of subsistence. The establishment of the proposed commission, which should have two functions - to study the existing situation and to recommend measures calculated to strengthen it - would be a step towards the implementation of the right of peoples to permanent sovereignty over their natural wealth and resources. The establishment and functioning of the proposed

<sup>84/</sup> For texts of relevant statements, see G A (XII), 3rd Com., 822nd mtg.: China, paras. 2, 5; 823rd mtg.: Indonesia, para. 13; Greece, para. 3; Poland, para. 19; Saudi Arabia, para. 16; 824th mtg.: Ukrainian SSR, para. 8; 825th mtg.: Panama, paras. 42, 44; 826th mtg.: Czechoslovakia, para. 38; 827th mtg.: Brazil, para. 63; Liberia, para. 12; Panama, para. 32.

<sup>85/</sup> See paras. 12 and 15 above.

<sup>86/</sup> E S C (XVII), Suppl. No. 7 (E/2573), annex I.

commission involved nothing that could prejudice the interests of States which had invested capital in under-developed countries. To give such States additional assurance, the draft resolution provided that due regard should be paid to the rights and duties of States under international law.

88. The view was expressed, on the other hand, that the premise on which the first draft resolution was based, namely, that the right of peoples and nations to self-determination should include the somewhat ill-defined right to permanent sovereignty over their natural wealth and resources, could not be accepted without further examination. This form of sovereignty was an integral part of a country's total sovereignty, but it was illogical to assert in reference to people not yet sovereign - unless self-determination meant no more than the exercise of sovereignty - that the right of peoples to exploit their natural resources was inherent in their sovereignty while maintaining that the right was one of the component parts of self-determination.

89. It was also maintained that the purpose of the proposed survey seemed inadequately defined. Objection could not be raised to a proposal to clarify a legal concept. If, however, the aim was to make a statistical inventory of the natural resources of all the Members of the United Nations and of the Territories they administered, it would seem that this task had already been largely accomplished. The precise scope of the project would have to be more clearly defined. Doubts were also expressed whether the proposed commission would be able to do anything worth while under its terms of reference, since the meaning of "self-determination" in the context in question was unknown. The fundamental misconception underlying the draft resolution appeared to be the expectation that by establishing such a commission, the United Nations could promote international respect for self-determination in the field of natural resources. 87/

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87/ For texts of relevant statements, see G A (XII), 3rd Com., 822nd mtg.: China, para. 3; 823rd mtg.: Poland, para. 19; 824th mtg.: Ukrainian SSR, para. 8; 825th mtg.: Chile, para. 51; Romania, para. 3; 826th mtg.: Albania, para. 43; Byelorussian SSR, para. 23; Czechoslovakia, para. 37; Hungary, para. 28; 827th mtg.: Ecuador, para. 23; Ghana, para. 7. G A (XIII), 3rd Com., 887th mtg.: Ireland, para. 10; 888th mtg.: Poland, para. 9; 889th mtg.: Bulgaria, para. 31; Byelorussian SSR, para. 2; Indonesia, paras. 12 and 13; Morocco, para. 17; 890th mtg.: Albania, para. 35; Czechoslovakia, para. 13; Japan, para. 23; Saudi Arabia, para. 41; Ukrainian SSR, para. 25; USSR, para. 5; United Kingdom, para. 29; 891st mtg.: France, para. 37; Mexico, para. 21; Pakistan, para. 41; 892nd mtg.: Chile, paras. 13-16; Hungary, para. 39; Israel, para. 8; New Zealand, paras. 27 and 28; 893rd mtg.: Greece, para. 16.



ANNEX

General Assembly resolutions bearing on paragraph 2 of Article 1

<u>Resolution No.</u>	<u>Title</u>	<u>Extract of provision</u>
39 (I)	Relations of Members of the United Nations with Spain	" <u>Recommends</u> that if, within a reasonable time, there is not established a government which derives its authority from the consent of the governed, committed to respect freedom of speech, religion and assembly and to the prompt holding of an election in which the Spanish people, free from force and intimidation and regardless of party, may express their will, the Security Council consider the adequate measures to be taken in order to remedy the situation."
112 (II)	The problem of the independence of Korea	" <u>Inasmuch as</u> the Korean question which is before the General Assembly is primarily a matter for the Korean people itself and concerns its freedom and independence,"
127 (II)	False or distorted reports	" <u>Considering</u> that, under Article 1 of the Charter, Members are bound to develop friendly relations amongst themselves ..."
290 (IV)	Essentials of peace	" <u>Calls upon every nation</u> "..... "3. <u>To refrain</u> from any threats or acts, direct or indirect, aimed at impairing the freedom, independence or integrity of any State, or at fomenting civil strife and subverting the will of the people in any State;"

ANNEX (continued)

<u>Resolution No.</u>	<u>Title</u>	<u>Extract of provision</u>
291 (IV)	Promotion of the stability of international relations in the Far East	<p>"Whereas it is a purpose of the United Nations to develop friendly relations among nations based on respect for the principles of equal rights and self-determination of peoples,</p> <p>".....</p> <p>"Calls upon all States:</p> <p>"1. To respect the political independence of China and to be guided by the principles of the United Nations in their relations with China;</p> <p>"2. To respect the right of the people of China, now and in the future, to choose freely their political institutions and to maintain a government independent of foreign control;"</p>
377 (V)	Uniting for peace	<p>"Recognizing that the first two stated Purposes of the United Nations are:</p> <p>".....</p> <p>"To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace",</p>
421 D (V)	Draft International Covenant on Human Rights and measures of implementation: future work of the Commission on Human Rights	<p>"Calls upon the Economic and Social Council to request the Commission on Human Rights to study ways and means which would ensure the right of peoples and nations to self-determination and to prepare recommendations for consideration by the General Assembly at its sixth session;"</p>

56

Annex

Article 1 (2)

Resolution  
No.

Title

Extract of provision

509 (VI)

Complaint of hostile activities of the Government of the Union of Soviet Socialist Republics and the Governments of Bulgaria, Hungary, Romania and Albania, as well as the Governments of Czechoslovakia and Poland, against Yugoslavia

"Mindful of the purpose of the United Nations 'to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace',"

545 (VI)

Inclusion in the International Covenant or Covenants on Human Rights of an article relating to the right of peoples to self-determination

"Whereas the General Assembly at its fifth session recognized the right of peoples and nations to self-determination as a fundamental human right (resolution 421 D (V) of 4 December 1950),

"Whereas the Economic and Social Council and the Commission on Human Rights, owing to lack of time, were unable to carry out the request of the General Assembly to study ways and means which would ensure the above-mentioned right to peoples and nations,

"Whereas the violation of this right has resulted in bloodshed and war in the past and is considered a continuous threat to peace,

"The General Assembly

"(i) To save the present and succeeding generations from the scourge of war,

"(ii) To reaffirm faith in fundamental human rights, and

"(iii) To take due account of the political aspirations of all peoples and thus to further international peace and security, and to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples,

ANNEX (continued)

<u>Resolution No.</u>	<u>Title</u>	<u>Extract of provision</u>
		<p>"1. <u>Decides</u> to include in the International Covenant or Covenants on Human Rights an article on the right of all peoples and nations to self-determination in reaffirmation of the principle enunciated in the Charter of the United Nations. This article shall be drafted in the following terms: 'All peoples shall have the right of self-determination', and shall stipulate that all States, including those having responsibility for the administration of Non-Self-Governing Territories, should promote the realization of that right, in conformity with the Purposes and Principles of the United Nations, and that States having responsibility for the administration of Non-Self-Governing Territories should promote the realization of that right in relation to the peoples of such Territories;</p>
		<p>"2. <u>Requests</u> the Commission on Human Rights to prepare recommendations concerning international respect for the self-determination of peoples and to submit these recommendations to the General Assembly at its seventh session."</p>
611 (VII)	The Tunisian question	<p>"<u>Mindful</u> of the necessity of developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples,"</p>
612 (VII)	The question of Morocco	<p>"<u>Mindful</u> of the necessity of developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples,"</p>
613 (VII)	Question of an appeal to the Powers signatories to the Moscow Declaration of 1 November 1943 for the early fulfilment of their pledge towards Austria	<p>"<u>Recognizing</u> that only through the unhampered exercise by the Austrian people of their freedom and independence can these efforts attain full realization,</p> <p>"....."</p>

Annex

Article 1 (2)

Resolution  
No.

Title

Extract of provision

616 (VII)

The question of race conflict in South Africa resulting from the policies of apartheid of the Government of the Union of South Africa

"Desiring to contribute to the strengthening of international peace and security and the developing of friendly relations among nations in conformity with the Purposes and Principles of the Charter,"

"1. Establishes a Commission, consisting of three members, to study the racial situation in the Union of South Africa in the light of the Purposes and Principles of the Charter, with due regard to ... provisions of Article 1, paragraphs 2 and 3 ...;"

637 (VII)

The right of peoples and nations to self-determination

A

"Whereas the right of peoples and nations to self-determination is a prerequisite to the full enjoyment of all fundamental human rights,

"Whereas the Charter of the United Nations, under Articles 1 and 55, aims to develop friendly relations among nations based on respect for the equal rights and self-determination of peoples in order to strengthen universal peace,

"Whereas the Charter of the United Nations recognizes that certain Members of the United Nations are responsible for the administration of Territories whose peoples have not yet attained a full measure of self-government, and affirms the principles which should guide them,

"Whereas every Member of the United Nations, in conformity with the Charter, should respect the maintenance of the right of self-determination in other States,

"The General Assembly recommends that:

"1. The States Members of the United Nations shall uphold the principle of self-determination of all peoples and nations;

Article 1 (2)

Annex

ANNEX (continued)

Resolution  
No.

Title

Extract of provision

Annex

"2. The States Members of the United Nations shall recognize and promote the realization of the right of self-determination of the peoples of Non-Self-Governing and Trust Territories who are under their administration and shall facilitate the exercise of this right by the peoples of such Territories according to the principles and spirit of the Charter of the United Nations in regard to each Territory and to the freely expressed wishes of the peoples concerned, the wishes of the people being ascertained through plebiscites or other recognized democratic means, preferably under the auspices of the United Nations;

"3. The States Members of the United Nations responsible for the administration of Non-Self-Governing and Trust Territories shall take practical steps, pending the realization of the right of self-determination and in preparation thereof, to ensure the direct participation of the indigenous populations in the legislative and executive organs of government of those Territories, and to prepare them for complete self-government or independence."

Article 1 (2)

60

B

"The General Assembly,

"Considering that one of the conditions necessary to facilitate United Nations action to promote respect for the right of self-determination of peoples and nations, in particular with regard to the peoples of Non-Self-Governing Territories, is that the competent organs of the United Nations should be in possession of official information on the government of these Territories,

"......

Resolution  
No.

Title

Extract of provision

"1. Recommends States Member of the United Nations responsible for the administration of Non-Self-Governing Territories voluntarily to include in the information transmitted by them under Article 73 e of the Charter details regarding the extent to which the right of peoples and nations to self-determination is exercised by the peoples of those Territories, and in particular regarding their political progress and the measures taken to develop their capacity for self-administration, to satisfy their political aspirations and to promote the progressive development of their free political institutions;

"2. Decides to place the present resolution on the agenda of the Committee on Information from Non-Self-Governing Territories for its next session in 1953."

C

"The General Assembly,

"Considering that it is necessary to continue the study of ways and means of ensuring international respect for the right of peoples to self-determination,

"Considering that the recommendations it has adopted at its seventh session do not represent the only steps that can be taken to promote respect for such right,

"1. Requests the Economic and Social Council to ask the Commission on Human Rights to continue preparing recommendations concerning international respect for the right of peoples to self-determination, and particularly recommendations relating to the steps which might be taken, within the limits of their resources and competence, by the various organs of the United Nations and the specialized agencies to develop international respect for the right of peoples to self-determination;

ANNEX (continued)

<u>Resolution No.</u>	<u>Title</u>	<u>Extract of provision</u>
738 (VIII)	The right of peoples and nations to self-determination	<p>"2. <u>Requests</u> the Commission on Human Rights to submit through the Economic and Social Council its recommendations to the General Assembly."</p> <p>"<u>Recalling</u> General Assembly resolution 637 C (VII) of 16 December 1952 and Economic and Social Council resolution 472 (XV) of 1 April 1953 inviting the Commission on Human Rights to make recommendations concerning international respect for the right of peoples and nations to self-determination,</p> <p>"<u>Recalling</u> also General Assembly resolution 648 (VII) of 10 December 1952,</p> <p>"<u>Considering</u> that the Commission on Human Rights had been unable due to lack of time to prepare such recommendations at its ninth session,</p> <p>"<u>Considering</u> the importance of the observance of and respect for the right of self-determination in the promotion of world peace and of friendly relations between peoples and nations,</p> <p>"1. <u>Requests</u> the Commission on Human Rights to give due priority at its tenth session to the preparation of such recommendations;</p> <p>"2. <u>Requests</u> the Secretary-General to transmit to the Commission on Human Rights the summary records of the debate on this matter."</p>
814 (IX)	Application, under the auspices of the United Nations, of the principle of equal rights and self-determination of peoples in the case of the population of the Island of Cyprus	<p>"<u>Decides</u> not to consider further the item entitled 'Application, under the auspices of the United Nations, of the principle of equal rights and self-determination of peoples in the case of the population of the Island of Cyprus'."</p>



<u>Resolution No.</u>	<u>Title</u>	<u>Extract of provision</u>
837 (IX)	Recommendations concerning international respect for the right of peoples and nations to self-determination a/	<p><u>"The General Assembly,</u></p> <p><u>"Recalling its resolutions 637 (VII), 648 (VII) and 738 (VIII),</u></p> <p><u>"Noting the recommendations of the Commission on Human Rights to the Economic and Social Council,</u></p> <p><u>"Noting further resolution 545 G (XVIII) adopted by the Economic and Social Council,</u></p> <p><u>"Considering that the preparation of recommendations on measures for promoting the right of self-determination is a matter of immediate concern,</u></p> <p style="padding-left: 40px;"><u>"1. Requests the Commission on Human Rights to complete its recommendations concerning international respect for the right of peoples and nations to self-determination, including recommendations concerning their permanent sovereignty over their natural wealth and resources, having due regard to the rights and duties of States under international law and to the importance of encouraging international co-operation in the economic development of under-developed countries, in order that the General Assembly may give those recommendations full and due consideration at its next regular session;</u></p>

Article 1 (2)

a/ At its 676th meeting, on 29 November 1955, the Third Committee, by 33 votes to 12, with 13 abstentions, approved (para. 27) the following text (A/C.3/L.489 and A/C.3/L.495/Rev.1; both mimeographed) for Article 1 of the draft international covenants on human rights:

"1. All peoples have the right of self-determination. By virtue of this right they freely determine their political status and freely pursue their economic, social and cultural development.

"2. The peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

"3. All the States Parties to the Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the United Nations Charter."

Annex

ANNEX (continued)

<u>Resolution No.</u>	<u>Title</u>	<u>Extract of provision</u>
1004 (ES-II)	The situation in Hungary	<p>"2. <u>Requests</u> the Economic and Social Council to transmit these recommendations to the General Assembly for consideration at its next regular session."</p> <p>"<u>The General Assembly,</u></p> <p>"<u>Recalling</u> that the enjoyment of human rights and of fundamental freedom in Hungary was specifically guaranteed by the Peace Treaty between Hungary and the Allied and Associated Powers signed at Paris on 10 February 1947, and that the general principle of these rights and this freedom is affirmed for all peoples in the Charter of the United Nations,</p> <p>"<u>Convinced</u> that recent events in Hungary manifest clearly the desire of the Hungarian people to exercise and to enjoy fully their fundamental rights, freedom and independence,</p> <p>".....</p> <p>"3. <u>Affirms</u> the right of the Hungarian people to a government responsive to its national aspirations and dedicated to its independence and well being;"</p>
1005 (ES-II)	The situation in Hungary	<p>"<u>Convinced</u> that the recent events in Hungary manifest clearly the desire of the Hungarian people to exercise and to enjoy fully their fundamental rights, freedom and independence,</p> <p>"<u>Considering</u> that foreign intervention in Hungary is an intolerable attempt to deny to the Hungarian people the exercise and the enjoyment of such rights, freedom and independence, and in particular to deny to the Hungarian people the right to a government freely elected and representing their national aspirations,"</p>

Annex

Article 1 (2)

Resolution  
No.

Title

Extract of provision

".....

"2. Considers that free elections should be held in Hungary under United Nations auspices, as soon as law and order have been restored, to enable the people of Hungary to determine for themselves the form of government they wish to establish in their country;"

1131 (XI)

Question considered by the second emergency special session of the General Assembly from 4 to 10 November 1956

"2. Condemns the violation of the Charter of the United Nations by the Government of the Union of Soviet Socialist Republics in depriving Hungary of its liberty and independence and the Hungarian people of the exercise of their fundamental rights;

".....

"4. Calls upon the Government of the Union of Soviet Socialist Republics to make immediate arrangements for the withdrawal, under United Nations observation, of its armed forces from Hungary and to permit the re-establishment of the political independence of Hungary;"

65

1133 (XI)

Question considered by the second emergency special session of the General Assembly from 4 to 10 November 1956

"4. Finds that the conclusions reached by the Committee on the basis of its examination of all available evidence confirm that:

"(a) The Union of Soviet Socialist Republics, in violation of the Charter of the United Nations, has deprived Hungary of its liberty and political independence and the Hungarian people of the exercise of their fundamental human rights;

Article 1 (2)

Annex

ANNEX (continued)

<u>Resolution No.</u>	<u>Title</u>	<u>Extract of provision</u>
1188 (XII)	Recommendations concerning international respect for the right of peoples and nations to self-determination	<p data-bbox="1218 290 1312 321">".....</p> <p data-bbox="1186 352 1921 588">"8. <u>Calls upon</u> the Union of Soviet Socialist Republics and the present authorities in Hungary, in view of evidence contained in the report, to desist from repressive measures against the Hungarian people, to respect the liberty and political independence of Hungary and the Hungarian people's enjoyment of fundamental human rights and freedoms,"</p> <p data-bbox="1165 619 1921 760">"<u>Recalling</u> that one of the purposes and principles of the United Nations is to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples,</p> <p data-bbox="1165 791 1890 948">"<u>Recalling further</u> its resolution 545 (VI) of 5 February 1952 in which it decided to include in the International Covenants on Human Rights an article which should provide: 'All peoples shall have the right of self-determination',</p> <p data-bbox="1165 980 1921 1183">"<u>Reaffirming</u> the principles embodied in the above-mentioned resolution that all States, including those having responsibility for the administration of Non-Self-Governing Territories, should promote the realization of that right, in conformity with the purposes and principles of the United Nations,</p> <p data-bbox="1165 1215 1942 1392">"<u>Considering</u> that disregard for the right to self-determination not only undermines the basis of friendly relations among nations as defined in the Charter of the United Nations but also creates conditions which may prevent further realization of the right itself,</p>

Resolution  
No.

Title

Extract of provision

"Believing that such a situation is contrary to the purposes and principles of the United Nations,

"1. Reaffirms that it is of international importance that, in accordance with the purposes and principles of the Charter of the United Nations:

"(a) Member States shall, in their relations with one another, give due respect to the right of self-determination;

"(b) Member States having responsibility for the administration of Non-Self-Governing Territories shall promote the realization and facilitate the exercise of this right by the peoples of such Territories;

"2. Decides to consider further at its thirteenth session the item 'Recommendations concerning international respect for the right of peoples and nations to self-determination', including the proposals contained in Economic and Social Council resolution 586 D (XX) of 29 July 1955."

"7. Again calls upon the Union of Soviet Socialist Republics and the present authorities in Hungary to desist from repressive measures against the Hungarian people and to respect the liberty and political independence of Hungary and the Hungarian people's enjoyment of fundamental human rights and freedoms;"

1312 (XIII)

The situation in Hungary

ANNEX (continued)

<u>Resolution No.</u>	<u>Title</u>	<u>Extract of provision</u>
1314 (XIII)	Recommendations concerning international respect for the right of peoples and nations to self-determination	<p>"<u>Noting</u> that the right of peoples and nations to self-determination as affirmed in the two draft Covenants completed by the Commission on Human Rights includes 'permanent sovereignty over their natural wealth and resources',</p> <p>"<u>Believing</u> it necessary to have full information at its disposal regarding the actual extent and character of this sovereignty,</p> <p>"1. <u>Decides</u> to establish a Commission composed of Afghanistan, Chile, Guatemala, the Netherlands, the Philippines, Sweden, the Union of Soviet Socialist Republics, the United Arab Republic and the United States of America to conduct a full survey of the status of this basic constituent of the right to self-determination, with recommendations, where necessary, for its strengthening, and further decides that, in the conduct of the full survey of the status of the permanent sovereignty of peoples and nations over their natural wealth and resources, due regard shall be paid to the rights and duties of States under international law and to the importance of encouraging international co-operation in the economic development of under-developed countries;</p> <p>"2. <u>Invites</u> the regional economic commissions and the specialized agencies to co-operate with the Commission in its task;</p> <p>"3. <u>Requests</u> the Commission to report to the Economic and Social Council at its twenty-ninth session;</p> <p>"4. <u>Requests</u> the Secretary-General to provide the Commission with the necessary staff facilities."</p>