

ARTICLE 2(4)

TEXT OF ARTICLE 2(4)

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

4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

INTRODUCTORY NOTE

1. As in the three previous *Supplements* covering the periods from 1 September 1956 to 31 August 1959,¹ 1 September 1959 to 31 August 1966² and 1 September 1966 to 31 December 1969,³ Article 2(4) requires treatment in a separate study since there were a number of decisions of the Security Council and the General Assembly bearing on its provisions and giving rise to extensive constitutional discussions.

2. The General Survey briefly summarizes all those decisions of the Security Council and of the General Assembly which referred explicitly or implicitly to the provisions of Article 2(4) but were not preceded by a constitutional discussion.

3. The Analytical Summary of Practice contains a detailed account of a few decisions of the Security Council and of the General Assembly which have a direct bearing on the interpretation and application of Article 2(4) and were preceded by an extensive constitutional discussion.

4. While the constitutional discussion in the Security Council was related to specific situations under consideration, there were four instances in the General Assembly where the consideration of items of a general nature gave rise to constitutional discussion concerning the interpretation of Article 2(4). Three of these instances, those relating to the Declaration on the Strengthening of International Security, the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, and the Definition of Aggression, are considered in the Analytical Summary of Practice.⁴

5. In the fourth instance, the provisions of Article 2(4) were considered in general terms in connexion with the item entitled "Conclusion of a world treaty on the non-use of force in international relations"⁵ during the thirty-first to thirty-third sessions of the General Assembly. As the General Assembly did not make a final recommendation on the matter during the period under review, the relevant proceedings are briefly reviewed in the General Survey.

6. A few other items involving the discussion in the General Assembly or its Committees of provisions of Article 2(4) in a somewhat general manner are also reviewed in the General Survey, since their consideration was very brief and limited and did not lead to a substantive constitutional discussion.⁶

7. The proceedings and constitutional discussions in the Security Council and the General Assembly relating to questions treated in this study shed light on the meaning and scope of the terms of Article 2(4) as understood by the members of these two organs. In some instances references to Article 2(4) were accompanied by references to other Articles of the Charter or to the provisions of other paragraphs of Articles 1 and 2 which set forth the purposes and principles of the

United Nations. On occasion, the objections raised against the threat or use of force were answered by references to Article 2(7) which prohibits the United Nations from intervening in matters which are essentially within the domestic jurisdiction of any state. The threat or use of force was also defended with references to Articles 51 or 53; this viewpoint was, however, opposed by the argument that the threat or use of force was at variance with the provisions of those two Articles.

8. The general structure of this study follows that developed in the last three Supplements of the *Repertory*. The material in the Analytical Summary of Practice is again organized under the broad subheadings: A. The question of the scope and limits of the phrase "threat or use of force against the territorial integrity or political independence of any state"; and C. The question of the bearing of the injunction in Article 2(4) on the right of self-defense. No material was found for inclusion under subheading B (The question of the scope and limits of the phrase "in any other manner inconsistent with the Purposes of the United Nations").

9. One of the questions which arose in the proceedings of the Security Council and the General Assembly was whether the use of force in certain specific circumstances, as claimed, could be considered legitimate within the provisions of Article 2(4). The categories of such claims listed below were formulated merely in order to enable the reader to obtain an overall view of the cases related to the interpretation and application of the provisions of Article 2(4). No constitutional significance should be attached to them.

- (i) The use of force:
 - (a) by one State against acts of violence perpetrated from the territory of another State;
 - (b) for the purpose of reprisals;
 - (c) for the purpose of prevention of the development of a threat to the security of the State concerned;
 - (d) for the protection of its own ethnic community in another State;
 - (e) by individuals or organizations in sporadic acts of national resistance in occupied territories.
- (ii) The use of force pursuant to a request:
 - (a) by a secessionist movement for intervention by a foreign State against the central Government;
 - (b) by an ethnic community for intervention by a foreign State against the central Government;
 - (c) by political groups for intervention by a foreign State against forces seeking political independence of a former colonial territory.
- (iii) The use of force, in connexion with the process of decolonization:

- (a) in support of the exercise of the right of self-determination of peoples under a colonial régime;
- (b) in support of wars of liberation or national liberation movements;
- (c) in order to retaliate against national liberation movements committing violent acts from third countries.

10. Another issue which arose in the discussions concerning the interpretation and application of Article 2(4) was

I. GENERAL SURVEY

12. During the period under review, none of the resolutions adopted by the Security Council contained an explicit reference to paragraph 4 of Article 2 of the Charter. But the General Assembly adopted a number of resolutions which contained such explicit references, namely: resolution 2793 (XXVI)⁷ regarding the question considered by the Security Council at its 1606th, 1607th and 1608th meetings on 4, 5 and 6 December 1971,⁸ resolution 3061 (XXVIII)⁹ regarding the illegal occupation by Portuguese military forces of certain sectors of the Republic of Guinea-Bissau and acts of aggression committed by them against the people of the Republic, resolutions 3485 (XXX),¹⁰ 31/53,¹¹ 32/34¹² and 33/39¹³ regarding the question of Timor, resolution 31/91¹⁴ regarding non-interference in the internal affairs of States, and resolution 32/44¹⁵ regarding the respect for human rights in armed conflicts.

13. Several Security Council resolutions,¹⁶ without referring explicitly to Article 2(4), cited *verbatim* the text of that provision in the preambular parts. The General Assembly also adopted a number of resolutions quoting the full text of Article 2(4)¹⁷ or the basic principle enshrined in that provision.¹⁸

14. During the period under review both the General Assembly and the Security Council adopted numerous resolutions which contained what might be considered as implicit references to Article 2(4). Several resolutions adopted by the General Assembly¹⁹ as well as by the Security Council²⁰ paraphrased the basic provision in Article 2(4), the call to refrain from the threat or use of force.²¹ Others²² focusing directly on the situation under review condemned acts of aggression or violence,²³ called for a cease-fire,²⁴ for the withdrawal of troops from foreign territory²⁵ and for the cessation of acts of violence,²⁶ or called upon parties to refrain from the use of force.²⁷ In a few other cases that could also be considered to have a bearing on the provisions of Article 2(4), the Security Council deplored the loss of life through violence, the resumption of fighting and other cease-fire violations, the continuation of violence or the failure to release abducted personnel.²⁸

15. Throughout the period under review, the Security Council²⁹ and the General Assembly³⁰ adopted a large number of resolutions which contained implicit references to Article 2(4) in that they affirmed the principle of territorial integrity and political independence of States or deplored their violation and asked that they be fully respected. The Assembly³¹ and the Council³² also by reference to Article 2(4) reaffirmed the inadmissibility of territorial acquisition through the use of force.

16. Both organs, however, affirmed in a number of resolutions³³ the legitimacy of the struggle of dependent peoples to achieve their right to self-determination and independence. This legitimization of liberation struggles implied a significant exemption from the prohibition expressed in Article 2(4).

17. Most of the resolutions adopted by the General Assembly and the Security Council which contain explicit or implicit references to Article 2(4), as listed above, did not give rise to a constitutional discussion regarding the interpretation and application of its provisions. The cases included in

whether activities not involving the use of force directed against the territorial integrity and political independence of States constituted indirect aggression and, therefore, contravened Article 2(4).

11. In the Analytical Summary of Practice and, where applicable, in the General Survey, some indication is offered as to the instances in which these specific topics were discussed in the Security Council or in the General Assembly and its committees.

the Analytical Summary of Practice³⁴ involved relevant constitutional discussions. A number of resolutions or draft resolutions also merit special mention because they brought out significant aspects of the principle of non-use of force. These included decisions as well as deliberations of the General Assembly and Security Council.³⁵

18. In its resolution 294 (1971) of 15 July 1971 concerning the complaint by Senegal, the Security Council cited the full text of Article 2(4), condemned the acts of violence and demanded from the Government of Portugal an end to all acts of violence and respect for the sovereignty, territorial integrity and security of Senegal.³⁶ During the deliberations in the Council the principle of Article 2(4) was invoked and the responsibility of the Council in the face of acts of aggression against Senegalese territory was emphasized, whereas the accused party claimed that its own territory had been the target of attacks from a subversive group organized in Senegal.³⁷

19. Security Council resolution 300 (1971) of 12 October 1971 regarding the complaint by Zambia contained in its preamble the full text of Article 2(4) and called upon South Africa to respect fully the sovereignty and territorial integrity of Zambia.³⁸ In the course of the discussion about the Zambian complaint it was argued that aggressive acts against another State were in direct violation of the Charter and constituted a threat to the security in the region. It was alleged on the other hand that the incursions into Zambian territory had taken place in reaction to repeated violations of South Africa's air space originating in Zambia.³⁹

20. In resolution 330 (1973) of 21 March 1973, concerning the consideration of measures for the maintenance and strengthening of international peace and security in Latin America, the Security Council indicated that coercive measures had been used to affect the exercise of permanent sovereignty over the natural resources of Latin American countries and appealed to States to ensure that such coercive measures not be used by enterprises or States against Latin American countries.⁴⁰ During the Council's deliberations the importance of the principles of non-use of force, of the inadmissibility of the acquisition of territory by force, of respect for the territorial integrity of every State and of observance of equal rights among States was frequently stressed and a number of representatives demanded in this connexion that the Council acknowledge that economic, no less than military aggression including coercive measures by transnational firms and other international companies constituted not merely a threat to, but an assault upon the peace and security of the area. Others held, however, that although economic questions could have important implications, they should not be brought before the Council.⁴¹

21. In the course of the Security Council's consideration of the complaint by Iraq the President was able, at the 1764th meeting on 28 February 1974, to announce a consensus of the Council by which it deplored the loss of human life, appealed to the parties to refrain from all military action and reaffirmed the Charter principles regarding respect for the territorial sovereignty of States and the peaceful settlement of disputes.⁴² The parties accused each other of acts of aggres-

sion and of having invaded each other's territory. Both sides agreed to settle their differences through negotiation.⁴³

22. In connexion with the complaint by Kenya, on behalf of the African Group of States at the United Nations, concerning the act of aggression committed by South Africa against the People's Republic of Angola, the Security Council, at its 1906th meeting on 31 March 1976, adopted resolution 387 (1976) which cited the text of Article 2(4) in full, condemned South Africa's aggression against Angola, demanded South Africa's scrupulous respect for the independence, sovereignty and territorial integrity of Angola and an end to the utilization by South Africa of the territory of Namibia for aggressive acts against neighbouring States.⁴⁴ During the Council debate, Article 2(4) and relevant provisions of the Definition of Aggression were invoked in order to show their direct bearing on the South African aggression against Angola, and to demand appropriate measures against the aggressor.⁴⁵

23. At the 1948th meeting on 30 July 1976, during the consideration of the complaint by Zambia against South Africa, the Security Council adopted resolution 393 (1976), which quoted *verbatim* the provisions of Article 2(4), strongly condemned the armed attack of South Africa against Zambia and the flagrant violation of the territorial integrity of Zambia, demanded that South Africa stop using the territory of Namibia as a base for attacking neighbouring countries and warned that the Council would have to consider effective measures if South Africa did not comply.⁴⁶ The Council's deliberations revealed strong disapproval of South Africa's aggressive acts as being in violation of the principle of Article 2(4) and showed support for measures to protect the territory and independence of Zambia.⁴⁷

24. When the Security Council considered the complaint of the Government of Botswana against the illegal régime in Southern Rhodesia concerning violations of its territorial sovereignty, it adopted resolutions 403 (1977) and 406 (1977)⁴⁸ by which it condemned the provocative and hostile acts against Botswana's territorial integrity and independence and demanded the immediate cessation of these acts by the illegal régime in Southern Rhodesia.⁴⁹ The deliberations in the Council demonstrated unanimity among the members in censuring the acts of violence against Botswana and in endorsing its appeal for political and economic aid from the international community.⁵⁰

25. In a similar situation involving acts of aggression by the illegal régime in Southern Rhodesia, in connexion with the complaint by Mozambique, the Security Council, at its 2019th meeting on 30 June 1977, adopted resolution 411 (1977) which contained a strong condemnation of those aggressive acts and a demand that the sovereignty and territorial integrity of Mozambique be scrupulously respected.⁵¹ The Council expressed unanimous support for Mozambique and called for a programme of assistance to help overcome the consequences of the ongoing aggression from Southern Rhodesia.⁵²

26. During its twenty-fifth session in 1970, the General Assembly adopted as resolution 2627 (XXV) the Declaration on the Occasion of the Twenty-fifth Anniversary of the United Nations which contained, together with other basic provisions of the Charter, a full citation of the principle set out in Article 2(4).⁵³ The deliberations in the Committee for the Twenty-fifth Anniversary of the United Nations⁵⁴ and in the commemorative session of the General Assembly⁵⁵ involved frequent invocations of the principle of non-use of force, but did not give rise to a constitutional discussion of the provisions of Article 2(4).

27. During the twenty-sixth session the General Assembly adopted, at its 2003rd plenary meeting on 7 December 1971, resolution 2793 (XXVI) concerning the question considered by the Security Council at its 1606th, 1607th and 1608th

meetings on 4, 5 and 6 December 1971, whereby it invoked explicitly Article 2(4), expressed its grave concern about the hostilities between India and Pakistan and called upon both parties to make arrangements for an immediate cease-fire and withdrawal of their armed forces behind their respective borders.⁵⁶ The proceedings in the plenary revealed nearly unanimous support for the inviolability of the territorial integrity and political independence of all States and the disavowal of the threat or use of force except in self-defence, but no constitutional discussion ensued regarding the interpretation and application of the provisions of Article 2(4).⁵⁷

28. In the course of the twenty-seventh session the General Assembly adopted resolutions 2936 (XXVII) concerning non-use of force in international relations and permanent prohibition of the use of nuclear weapons, in which it noted with concern the continued use of force in international relations, pointed out the threat of the use of nuclear weapons, reaffirmed the principle of self-defence in accordance with Article 51 of the Charter, reaffirmed the principle of the inadmissibility of acquisition of territory by force and the inherent right of States to recover such territories by all the means at their disposal as well as the legitimacy of the struggle of colonial peoples for their freedom by all appropriate means at their disposal, and solemnly declared, on behalf of the Member States, the renunciation of the use or threat of force in all its forms and manifestations in international relations, in accordance with the Charter of the United Nations, and the permanent prohibition of the use of nuclear weapons.⁵⁸ The deliberations in the plenary of the General Assembly showed on the one hand strong support for the linking of the principle of non-use or non-threat of force in international relations and the prohibition of the use of nuclear weapons, whereas it was argued on the other hand that the text of the draft resolution in its original and amended form⁵⁹ did not intensify or advance the meaning of Article 2(4), but instead gave rise to doubts and misconceptions about the role of nuclear weapons, about the scope of the right of self-defence and about the exemptions from the prohibition under Article 2(4) in cases of colonial liberation or attempts to recover territories lost by force.⁶⁰

29. During the twenty-eighth session the General Assembly adopted, at its 2163rd meeting on 2 November 1973, resolution 3061 (XXVIII) dealing with the illegal occupation by Portuguese military forces of certain sectors of the Republic of Guinea-Bissau and acts of aggression committed by them against the people of the Republic. This resolution expressed deep concern about and condemned the acts of aggression and the illegal occupation by Portuguese armed forces of parts of the Republic of Guinea-Bissau, invoked explicitly Article 2(4) and cited its text in full, and demanded that the Government of Portugal desist from further violation of the sovereignty and territorial integrity of the Republic of Guinea-Bissau and from all acts of aggression against the people of Guinea-Bissau and Cape Verde by withdrawing its armed forces from those territories.⁶¹ The deliberations in the plenary meetings of the General Assembly focused on the validity of the provisions of Article 2(4) in the struggle of the people of Guinea-Bissau for liberation from Portuguese colonial rule. On one side it was argued that the presence of the Portuguese armed forces was in violation of the prohibition of the use of force as set out in Article 2(4), whereas on the other side it was suggested that the principles of that Article did not apply in the case of Guinea-Bissau since the territory had not yet reached the qualities of sovereign state as defined by international law.⁶²

30. During the thirtieth session, the General Assembly was seized of the question of Timor, while it dealt with the question of Territories under Portuguese administration, and adopted resolution 3485 (XXX), whereby the Assembly explicitly referred to Article 2(4) and cited the text of the principle in full, strongly deplored the military intervention

of Indonesian armed forces in Portuguese Timor and called upon the Government of Indonesia to desist from further violation of the territorial integrity of Portuguese Timor and to withdraw its armed forces from the Territory without delay in order to enable the people of the Territory to exercise freely their right to self-determination and independence.⁶³ In resolutions adopted during the next three years⁶⁴ the General Assembly reiterated its reference to Article 2(4) and its request for the implementation of measures to enable the people of East Timor to exercise their right to self-determination.⁶⁵ The deliberations and the preparation of draft resolutions in the Fourth Committee of the General Assembly revolved around the use of force by Indonesia against the people of Portuguese Timor at the time that Portugal was relinquishing its colonial administration over the Territory. On the one hand, it was argued that the Indonesian absorption of East Timor constituted a direct violation of Article 2(4) and a denial of the elemental right to self-determination for the population of East Timor. On the other hand, it was suggested that Indonesia had acted in response to demands from various groups in East Timor for political and military assistance. The position taken by the General Assembly was contested, but the deliberations did not lead to a constitutional discussion.⁶⁶

31. During the thirty-first session, the General Assembly adopted resolution 31/91 entitled "Non-interference in the internal affairs of States," whereby it invoked Article 2(4), quoted the text in full, declared that the use of force to deprive people of their national identity constituted a violation of their inalienable rights and of the principle of non-intervention, and called upon all States to prevent hostile activities taking place within their territory and directed against the sovereignty, territorial integrity and political independence of another State.⁶⁷ The agenda item before the First Committee was entitled "Implementation of the Declaration on the Strengthening of International Security", but did not give rise to a constitutional discussion regarding the interpretation or application of Article 2(4) nor did it result in a detailed examination of the draft resolution. However, Article 2(4) was frequently referred to.⁶⁸

32. During the thirty-first session the General Assembly began its examination of the item "Conclusion of a world treaty on the non-use of force in international relations" which had been proposed for inclusion in the agenda by the USSR.⁶⁹ The Assembly decided to allocate the item to the First Committee and to refer it, at the appropriate stage, to the Sixth Committee for examination of its legal implications.⁷⁰ The First Committee considered the item⁷¹ and prepared a draft resolution⁷² which was adopted by the General Assembly at its 57th plenary meeting as resolution 31/9.⁷³ The resolution emphasized the universal importance of the principle of non-use of force, took note of the draft treaty submitted by the Soviet Union, and requested the Member States to examine the total question and convey their views to the Secretary-General, who was asked to report to the thirty-second session of the Assembly.⁷⁴ Following the adoption of the resolution, the Assembly decided that the Sixth Committee should consider the legal implications of the item and report back to the Assembly during the thirty-first session.⁷⁵ The Sixth Committee carried out the mandate and conveyed to the Assembly its views including a request that the Assembly recommend to the Member States to give due weight in their consideration of this item to the important legal issues involved which would require further examination in the future, and it recalled its role in elaborating the Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations⁷⁶ and the Definition of Aggression.⁷⁷ The text of this decision by the Sixth Committee⁷⁸ was adopted by the General Assembly at its 97th plenary meeting on 13 December 1976.

33. At the thirty-second session the General Assembly again included the item in its agenda and allocated it to the First and Sixth Committees. The First Committee considered the item together with two other agenda items during its 47th to 49th and 51st to 58th meetings, but decided not to discuss the item any further in view of the fact that the Sixth Committee was expected to adopt an appropriate decision for submission to the General Assembly.⁷⁹ The Sixth Committee considered the question at its 64th to 67th, 69th and 70th meetings and agreed on a draft resolution⁸⁰ which it submitted to the General Assembly for adoption. At its 106th meeting, on 19 December 1977, the General Assembly adopted the draft as resolution 32/150 by 111 votes to 4, with 27 abstentions. In this resolution the Assembly reiterated its belief in the need for universal application of the principle of Article 2(4) and decided to set up a Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations charged with the task of drafting a world treaty on the non-use of force in international relations.⁸¹

34. The item entitled "Report of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations" was included in the agenda of the thirty-third session of the General Assembly and allocated to the Sixth Committee.⁸² The Sixth Committee had before it the report of the Special Committee⁸³ and considered the item at its 50th and 52nd to 61st meetings. It agreed on a draft resolution⁸⁴ and submitted it to the General Assembly for adoption. At its 86th plenary meeting, on 16 December 1978, the General Assembly adopted the draft as resolution 33/96 by a vote of 117 in favour, 1 against, with 23 abstentions. The resolution reaffirmed the need for universal and effective application of the principle of non-use of force, took note of the report of the Special Committee and extended its mandate to allow the completion of a draft world treaty on the subject.⁸⁵ The Assembly consequently decided to include the item in the provisional agenda of its thirty-fourth session.⁸⁶

35. Since the item was included in the agenda of the General Assembly, it has been subject of a lively constitutional discussion in the First and Sixth Committees and in the Special Committee. On one hand, it has been argued that the principle of Article 2(4) needed deepening and strengthening in a world treaty in order to establish its universal validity and to ensure the commitment of all States to implement fully this Charter provision in an era of nuclear weapons as well as of non-military types of force affecting the course of international relations. On the other hand, there was significant uneasiness on the part of representatives who considered the text of Article 2(4) as fundamental and comprehensive and warned that the adoption of a world treaty on the non-use of force might be seen as undermining the scope and intent of Article 2(4); they held that recent accomplishments, such as the Definition of Aggression (General Assembly resolution 3314 (XXIX), annex), were sufficient to codify the principle not to use force and to refrain from the use of force over and beyond the text of the Charter; the time should be spent on seeking ways to implement the existing principles rather than to develop new ones.⁸⁷

36. The deliberations concerning the item were not completed during the period under review.⁸⁸

37. There were a number of references, explicit and implicit, usually invoking the principle of Article 2(4) and occasionally citing its text, without necessarily involving a constitutional argument. Most of these references are identified in connexion with the case material in the Analytical Summary of Practice and in the General Survey. Such references also occurred in some other instances⁸⁹ both in the Security Council and in the General Assembly; most of these instances involved incidental remarks invoking Article 2(4) but did not lead to further discussion.

II. ANALYTICAL SUMMARY OF PRACTICE

A. The question of the scope and limits of the phrase "threat or use of force against the territorial integrity or political independence of any State"

38. Article 2(4) was referred to in the Security Council in connexion with questions which involved allegations of the threat or use of force against the territorial integrity or political independence of a State. It was also invoked in the General Assembly in connexion with a few basic legal instruments which were adopted by the Assembly and focused on the prohibition of the threat or use of force. In the course of those discussions, questions arose concerning the interpretation and application of the principle of Article 2(4). The following items entailed such relevant constitutional material:

In the Security Council:

(a) In connexion with the situation in the Middle East the question was discussed whether the so-called "acts of reprisals" by Israel against the territory of Lebanon fell under Article 51 and were compatible with Article 2(4);

(b) In connexion with the situation in the Middle East the question arose whether the changes in the status of Jerusalem undertaken by the Government of Israel violated the provision of territorial integrity and whether these measures should be rescinded;

(c) In connexion with the situation in Cyprus the issue under discussion was whether the intervention of foreign troops on the island amounted to a violation of Article 2(4) or was justified as an action to restore the constitutional rights of the minority in the island republic;

(d) In connexion with the situation in Timor the question was discussed whether the intervention of a neighbouring State in the former Portuguese Territory constituted a breach of Article 2(4) and also violated the right of the people in Timor to self-determination;

(e) In connexion with the complaint by the Prime Minister of Mauritius, Chairman of the OAU, of the "act of aggression" by Israel against the Republic of Uganda it was argued that the Israeli operation at the Entebbe airport in Uganda which resulted in the rescue of the hostages hijacked by Palestinian commandos constituted a violation of Uganda's territorial integrity and an act of aggression against its sovereignty;

(f) In connexion with the complaint by Benin the discussion focused on the alleged use of mercenaries in the invasion of Benin and on the view that the role of mercenaries was a direct violation of Article 2(4).

In the General Assembly:

(a) In connexion with the adoption of the Declaration on the Strengthening of International Security the particular significance of the principle of Article 2(4) for the maintenance of international peace and security was emphasized;

(b) In connexion with the adoption of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, Article 2(4) was universally acknowledged as one of the pillars of the system of international legal norms designed to stabilize relations among sovereign States;

(c) In connexion with the adoption of the Definition of Aggression, a long discussion arose regarding the role of Article 2(4) in the attempt to define the various components of the term "aggression" and to delineate its meaning from that of legitimate uses of force, such as self-defence, in accordance with the provisions of Article 51.

1. IN THE SECURITY COUNCIL

a. *Decisions of 12 May 1970, 19 May 1970, 5 September 1970, 28 February 1972, 26 June 1972, 21 April 1973, 15 August 1973, 24 April 1974, 19 March 1978 in connexion with the situation in the Middle East*

(i) *Précis of proceedings*

39. By letter⁹⁰ dated 12 May 1970 addressed to the President of the Security Council, the representative of Lebanon charged that Israeli armed forces had launched earlier that day an invasion of Lebanese territory and, in view of the gravity of the situation endangering the peace and security of the region, requested an urgent meeting of the Security Council. By letter⁹¹ dated 12 May 1970 addressed to the President of the Security Council the representative of Israel also requested an urgent meeting of the Security Council to consider the acts of armed attack and violence perpetrated from Lebanese territory against the Israeli population and territory.

40. At the 1537th meeting on 12 May 1970, the Security Council adopted⁹² resolution 279 (1970) which read as follows:

"The Security Council

"Demands the immediate withdrawal of all Israeli armed forces from Lebanese territory."

41. At the 1542nd meeting on 19 May 1970, the Security Council adopted⁹³ resolution 280 (1970) which read as follows:

"The Security Council,

" . . .

"Gravely concerned about the deteriorating situation resulting from violations of resolutions of the Security Council,

" . . .

"Convinced that the Israeli military attack against Lebanon was premeditated and of a large scale and carefully planned in nature,

"Recalling its resolution 279 (1970) of 12 May 1970 demanding the immediate withdrawal of all Israeli armed forces from Lebanese territory,

"1. Deplores the failure of Israel to abide by resolutions 262 (1968) and 270 (1969);

"2. Condemns Israel for its premeditated military action in violation of its obligations under the Charter of the United Nations;

"3. Declares that such armed attacks can no longer be tolerated and repeats its solemn warning to Israel that if they were to be repeated the Security Council would, in accordance with resolution 262 (1968) and the present resolution, consider taking adequate and effective steps or measures in accordance with the relevant Articles of the Charter to implement its resolutions;

"4. Deplores the loss of life and damage to property inflicted as a result of violations of resolutions of the Security Council."

42. By letter⁹⁴ dated 5 September 1970 addressed to the President of the Security Council, the representative of Lebanon referred to his earlier letter⁹⁵ of 4 September 1970 regarding continuous Israeli acts of aggression against Lebanon, complained specifically about two new Israeli attacks on Lebanese territory and, in view of the extreme gravity of the situation, requested an urgent meeting of the Security Council.

43. At the 1551st meeting, on 5 September 1970, the Secu-

rity Council adopted⁹⁶ resolution 285 (1970) which read as follows:

"The Security Council

"Demands the complete and immediate withdrawal of all Israeli armed forces from Lebanese territory."

44. By letter⁹⁷ dated 25 February 1972 addressed to the President of the Security Council, the representative of Lebanon complained about a large-scale air and ground attack by Israel against Lebanon on the same day and requested an urgent meeting of the Security Council. By a letter⁹⁸ dated 25 February 1972 addressed to the President of the Council, the representative of Israel complained about further terrorist attacks from Lebanese territory, stated that Israel had been compelled to act in self-defence against terrorist encampments and also requested that an urgent meeting of the Council be convened.

45. At the 1644th meeting, on 28 February 1972, the Security Council adopted⁹⁹ resolution 313 (1972) which read as follows:

"The Security Council

"Demands that Israel immediately desist and refrain from any ground and air military action against Lebanon and forthwith withdraw all its military forces from Lebanese territory."

46. By letter¹⁰⁰ dated 23 June 1972 addressed to the President of the Security Council, the representative of Lebanon complained about Israel's persistent aggression against Lebanon that had culminated in a large-scale air and ground attack on 21, 22 and 23 June, and requested an urgent meeting of the Security Council in view of the extreme gravity of the situation. By letter¹⁰¹ dated 23 June 1972 addressed to the President of the Council, the representative of Israel also requested an urgent meeting of the Council to consider the continued armed attacks and other acts of terror and violence perpetrated from Lebanese territory against Israel.

47. At the 1650th meeting, on 26 June 1972, the Security Council adopted¹⁰² resolution 316 (1972) which read as follows:

"The Security Council,

" . . .

"Deploring the tragic loss of life resulting from all acts of violence and retaliation,

"Gravely concerned at Israel's failure to comply with Security Council resolutions 262 (1968) of 31 December 1968, 270 (1969) of 26 August 1969, 280 (1970) of 19 May 1970, 285 (1970) of 5 September 1970 and 313 (1972) of 28 February 1972 calling on Israel to desist forthwith from any violation of the sovereignty and territorial integrity of Lebanon,

"1. Calls upon Israel to strictly abide by the aforementioned resolutions and to refrain from all military acts against Lebanon;

"2. Condemns, while profoundly deploring all acts of violence, the repeated attacks of Israeli forces on Lebanese territory and population in violation of the principles of the Charter of the United Nations and Israel's obligations thereunder;"

48. By letter¹⁰³ dated 12 April 1973 addressed to the President of the Security Council, the representative of Lebanon referred to his previous communication¹⁰⁴ dated 11 April 1973, in which he had reported to the Council details regarding an Israeli attack against Lebanon in the morning of 10 April and, in view of the gravity of the aggression, requested an urgent meeting of the Council.

49. At the 1711th meeting, on 21 April 1973, the Security Council adopted¹⁰⁵ resolution 332 (1973) which read as follows:

"The Security Council,

" . . .

"Grieved at the tragic loss of civilian life,

" . . .

"Deeply deploring all recent acts of violence resulting in the loss of life of innocent individuals

" . . .

"1. Expresses deep concern over and condemns all acts of violence which endanger or take innocent human lives;

" . . .

"2. Condemns the repeated military attacks conducted by Israel against Lebanon and Israel's violation of Lebanon's territorial integrity and sovereignty in contravention of the Charter of the United Nations, of the Armistice Agreement between Israel and Lebanon and of the Council's cease-fire resolutions;

"3. Calls upon Israel to desist forthwith from all military attacks on Lebanon."

50. By letter¹⁰⁶ dated 11 August 1973 addressed to the President of the Security Council, the representative of Lebanon complained about the invasion of Lebanese air space by the Israeli air force, which intercepted a civilian plane and forced it to fly to Israel and land at a military base, and requested an urgent meeting of the Security Council to deal with this grave threat to Lebanon's sovereignty and to international aviation.

51. At the 1740th meeting, on 15 August 1973, the Security Council adopted¹⁰⁷ resolution 337 (1973) which read as follows:

"The Security Council,

" . . .

"1. Condemns the Government of Israel for violating Lebanon's sovereignty and territorial integrity and for the forcible diversion and seizure by the Israeli air force of a Lebanese airliner from Lebanon's air space;

"2. Considers that these actions by Israel constitute a violation of the Lebanese-Israeli Armistice Agreement of 1949, the cease-fire resolutions of the Security Council of 1967, the provisions of the Charter of the United Nations, the international conventions on civil aviation and the principles of international law and morality;

" . . .

"4. Calls on Israel to desist from any and all acts that violate Lebanon's sovereignty and territorial integrity and endanger the safety of international civil aviation and solemnly warns Israel that, if such acts are repeated, the Council will consider taking adequate steps or measures to enforce its resolutions."

52. By letter¹⁰⁸ dated 13 April 1974, addressed to the President of the Security Council, the representative of Lebanon complained about a new case of Israeli aggression against six Lebanese villages and requested an urgent meeting of the Security Council to consider this grave situation.

53. At the 1769th meeting on 24 April 1974, the Security Council adopted¹⁰⁹ resolution 347 (1974) which read as follows:

"The Security Council,

" . . .

"Deeply disturbed at the continuation of acts of violence,

" . . .

"1. Condemns Israel's violation of Lebanon's territorial integrity and sovereignty and calls once more on the Government of Israel to refrain from further military actions and threats against Lebanon;

"2. Condemns all acts of violence, especially those which result in the tragic loss of innocent civilian life, and

urges all concerned to refrain from any further acts of violence;”.

54. By letter¹¹⁰ dated 17 March 1978 addressed to the President of the Security Council, the representative of Lebanon referred to two earlier letters¹¹¹ detailing a new massive invasion of Lebanese territory by the Israeli armed forces and requested an urgent meeting of the Council. By letter¹¹² dated 17 March 1978, the representative of Israel also requested the President of the Security Council to convene a meeting of the Council to consider the acts of terror and violence against Israeli civilians being perpetrated from Lebanese territory.

55. At the 2074th meeting, on 19 March 1978, the Security Council adopted¹¹³ resolution 425 (1978) which read as follows:

“The Security Council,

“ . . .

“1. Calls for strict respect for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries;

“2. Calls upon Israel immediately to cease its military action against Lebanese territorial integrity and withdraw forthwith its forces from all Lebanese territory;”.

(ii) *Précis of relevant constitutional discussion*

56. During the discussion of the Lebanese and Israeli complaints, with one side charging massive attacks by Israeli armed forces on Lebanese soil, the other side alleging terrorist raids from Lebanese territory against Israel, most speakers invoked Article 2(4) explicitly or implicitly, stated that the use of force against the territory of another State was inadmissible, rejected the Israeli claim to a right of reprisal in retaliation against terrorist attacks and expressed the view that the Government of Lebanon could not be held accountable for the movements and actions of Palestinians who were resisting the Israeli occupation of their native land. Speaking in defence of retaliatory measures, it was asserted that under international law every Government was bound to refrain from the use of force and to prevent anybody from using its territory for threats and attacks against another country; the right to self-defence under Article 51 had to be seen in the light of every Government's foremost duty to protect its citizens from all external attacks.¹¹⁴

b. *Decision of 25 September 1971 in connexion with the situation in the Middle East*

(i) *Précis of proceedings*

57. By letter¹¹⁵ dated 13 September 1971 addressed to the President of the Security Council, the representative of Jordan requested an urgent meeting of the Security Council to consider Israel's illegal measures in Jerusalem; he reported that Israel had continued to change the Arab character of the city and was contemplating legislation extending the border of Jerusalem to include 30 new Arab towns and villages; the illegal Israeli measures constituted a new threat to the peace and security in the region calling for immediate consideration by the Security Council.

58. At the 1582nd meeting on 25 September 1971, the Security Council adopted¹¹⁶ resolution 298 (1971) which read as follows:

“The Security Council,

“ . . .

“Reaffirming the principle that acquisition of territory by military conquest is inadmissible,

“ . . .

“1. Reaffirms its resolutions 252 (1968) and 267 (1969);

“2. Deplores the failure of Israel to respect the previous resolutions adopted by the United Nations concerning measures and actions by Israel purporting to affect the status of the City of Jerusalem;

“3. Confirms in the clearest possible terms that all legislative and administrative actions taken by Israel to change the status of the City of Jerusalem including expropriation of land and properties, transfer of populations and legislation aimed at the incorporation of the occupied section are totally invalid and cannot change that status;”.

(ii) *Précis of relevant constitutional discussion*

59. During the debate it was maintained that the measures and actions taken by Israel purporting to affect the status of the City of Jerusalem defied international law and the provisions of the Charter, in particular those contained in Article 2(4), and contravened several resolutions adopted in the past by the General Assembly and the Security Council by which Israel was requested to rescind all measures already taken and to desist from taking any action which would alter the status of Jerusalem. It was argued on the other hand that Israel was guided by the legitimate rights and interests of the citizens of Jerusalem irrespective of nationality and faith and would ensure the sanctity of the Holy Places and free access to them as well as the jurisdiction of the various religious communities over them.¹¹⁷

c. *Decisions of 20 July 1974, 23 July 1974, 1 August 1974, 14 August 1974, 15 August 1974 and 16 August 1974 in connexion with the situation in Cyprus*

(i) *Précis of proceedings*

60. By letter¹¹⁸ dated 16 July 1974 addressed to the President of the Security Council, the Secretary-General requested a meeting of the Council in order that he might report on the information he had received through his Special Representative in Cyprus and the Commander of the United Nations Peace-keeping Force in Cyprus (UNFICYP). By letter¹¹⁹ also dated 16 July 1974 addressed to the President of the Council, the representative of Cyprus requested an urgent meeting of the Council on the critical situation in Cyprus arising as a consequence of outside intervention with grave implications for the Republic of Cyprus and for international peace and security in the area. By letter¹²⁰ dated 20 July 1974 addressed to the President of the Council, the representative of Greece requested an urgent meeting of the Council in order to take appropriate steps with regard to the explosive situation created by the aggression of Turkish armed forces against Cyprus that was then in progress.

61. At the 1781st meeting on 20 July 1974, the Security Council adopted¹²¹ resolution 353 (1974) which read as follows:

“The Security Council,

“ . . .

“Deeply deploring the outbreak of violence and the continuing bloodshed,

“ . . .

“1. Calls upon all States to respect the sovereignty, independence and territorial integrity of Cyprus;

“2. Calls upon all parties to the present fighting as a first step to cease all firing and requests all States to exercise the utmost restraint and to refrain from any action which might further aggravate the situation;

“3. Demands an immediate end to foreign military intervention in the Republic of Cyprus that is in contravention of the provisions of paragraph 1 above;

“4. Requests the withdrawal without delay from the

Republic of Cyprus of foreign military personnel present otherwise than under the authority of international agreements.”

62. At the 1783rd meeting, on 23 July 1974, the Security Council adopted¹²² resolution 354 (1974) which read as follows:

“The Security Council,

“ . . .

“Demands that all parties to the present fighting comply immediately with the provisions of paragraph 2 of Security Council resolution 353 (1974) calling for an immediate cessation of all firing in the area and requesting all States to exercise the utmost restraint and to refrain from any action which might further aggravate the situation.”

63. By letter¹²³ dated 26 July 1974 addressed to the President of the Security Council, the representative of Cyprus requested an emergency meeting of the Council to consider the grave deterioration of the situation in Cyprus resulting from the continuing violations of the cease-fire by Turkey.

64. By letter¹²⁴ dated 28 July 1974 addressed to the President of the Security Council, the representative of the Soviet Union requested an urgent meeting of the Council to consider the continuing serious situation threatening international peace and security, owing to the non-implementation of resolution 353 (1974).

65. At the 1787th meeting, on 29 July 1974, the representative of the Soviet Union introduced a draft resolution¹²⁵ which would have insisted on the immediate cessation of firing and of all acts of violence against the Republic of Cyprus and on the speediest withdrawal of all foreign forces and military personnel present in Cyprus in violation of its sovereignty, independence and territorial integrity as a non-aligned State. The draft resolution was not put to the vote.

66. At the 1788th meeting on 31 July 1974, the President announced the withdrawal of a draft resolution sponsored by the United Kingdom,¹²⁶ which would have noted that all States had declared their respect for the sovereignty, independence and territorial integrity of Cyprus.

67. At the same meeting, a draft resolution,¹²⁷ agreed to in the course of consultations among Council members, which would have noted that all States had declared their respect for the sovereignty, independence and territorial integrity of Cyprus, was put to the vote, amended¹²⁸ and failed of adoption¹²⁹ owing to the negative vote of a permanent member.

68. At the 1789th meeting, on 1 August 1974, the Security Council adopted¹³⁰ resolution 355 (1974) which read as follows:

“The Security Council,

“ . . .

“Noting that all States have declared their respect for the sovereignty, independence and territorial integrity of Cyprus,”

69. By letter¹³¹ dated 13 August 1974 addressed to the President of the Security Council, the representative of Cyprus requested an emergency meeting of the Council in order to consider the dangerously grave situation that had arisen in Cyprus in consequence of renewed acts of naked aggression by Turkey. By letter¹³² also dated 13 August 1974 addressed to the President of the Council, the representative of Greece requested an urgent meeting of the Council to take appropriate steps following the explosive situation that had been created by the unilateral termination by Turkey of the second phase of the Geneva talks regarding the crisis in Cyprus.

70. At the 1792nd meeting, on 14 August 1974, the Security Council adopted¹³³ resolution 357 (1974) which read as follows:

“The Security Council,

“ . . .

“Deeply deploring the resumption of fighting in Cyprus, contrary to the provisions of its resolution 353 (1974),

“ . . .

“2. Demands that all parties to the present fighting cease all firing and military action forthwith;”

71. At the 1793rd meeting, on 15 August 1974, the Security Council adopted¹³⁴ resolution 358 (1974) which read as follows:

“The Security Council,

“Deeply concerned about the continuation of violence and bloodshed in Cyprus,

“ . . .

“2. Insists on the full implementation of the above resolutions by all parties and on the immediate and strict observance of the cease-fire.”

72. At the 1794th meeting, on 16 August 1974, the Security Council adopted¹³⁵ resolution 360 (1974) which read as follows:

“The Security Council,

“ . . .

“Noting that all States have declared their respect for the sovereignty, independence and territorial integrity of the Republic of Cyprus,

“Gravely concerned at the deterioration of the situation in Cyprus, resulting from the further military operations, which constituted a most serious threat to peace and security in the Eastern Mediterranean area,

“1. Records its formal disapproval of the unilateral military actions undertaken against the Republic of Cyprus;

“2. Urges the parties to comply with all the provisions of previous resolutions of the Security Council, including those concerning the withdrawal without delay from the Republic of Cyprus of foreign military personnel present otherwise than under the authority of international agreements;”

(ii) *Précis of relevant constitutional discussion*

73. During the extensive deliberations concerning the critical situation in Cyprus during July and August 1974, the members of the Security Council and the parties almost unanimously invoked the principles and provisions of Article 2(4) and reaffirmed the sovereignty, independence and territorial integrity of the Republic of Cyprus. Many speakers condemned the intervention by foreign armed forces on the island and urgently called for a cease-fire and a complete withdrawal of all these troops. The spokesman for Turkey asserted that the intervention had taken place to restore the constitutional rights of the minority community; the intervention was said not to constitute a violation of Charter principles, but an effort to solve the Cyprus problem in justice and with equity.¹³⁶

d. *Decisions of 22 December 1975 and 22 April 1976 in connexion with the situation in Timor*

(i) *Précis of proceedings*

74. By letter¹³⁷ dated 7 December 1975 addressed to the President of the Security Council, the representative of Portugal requested an urgent meeting of the Council to consider the situation arising from the offensive action launched that day by Indonesian armed forces against the Territory of Portuguese Timor, which, in the view of Portugal, constituted an act of aggression affecting peace and the exercise by the people of the Territory of their right to self-determination. By

letter¹³⁸ dated 12 December 1975 the Secretary-General transmitted to the President of the Security Council the text of resolution 3485 (XXX),¹³⁹ adopted that same day by the General Assembly in regard to the question of the Territories under Portuguese administration. In paragraph 6 of the resolution, the Assembly drew the attention of the Council to the critical situation in Timor and recommended that urgent action be taken by the Council to protect the territorial integrity of Portuguese Timor and the inalienable right of its people to self-determination.

75. At the 1869th meeting, on 22 December 1975, the Security Council adopted¹⁴⁰ resolution 384 (1975) which read as follows:

"The Security Council,

" . . .

"Gravely concerned at the deterioration of the situation in East Timor,

"Gravely concerned also at the loss of life and consciousness of the urgent need to avoid further bloodshed in East Timor,

"Deploring the intervention of the armed forces of Indonesia in East Timor,

" . . .

"1. Calls upon all States to respect the territorial integrity of East Timor as well as the inalienable right of its people to self-determination in accordance with General Assembly resolution 1514 (XV);

"2. Calls upon the Government of Indonesia to withdraw without delay all its forces from the Territory;

" . . .

"5. Requests the Secretary-General to send urgently a special representative to East Timor for the purpose of making an on-the-spot assessment of the existing situation."

76. On 12 March 1976 the Secretary-General submitted a report¹⁴¹ to the Security Council in pursuance of resolution 384 (1975), by which he transmitted the report of his Special Representative regarding the fulfillment of the mandate under paragraphs 5 and 6 of that resolution. The Security Council included that report on its agenda at the 1908th meeting on 12 April 1976.

77. At the 1914th meeting, on 22 April 1976, the Security Council adopted¹⁴² resolution 389 (1976) which read as follows:

"The Security Council,

" . . .

"1. Calls upon all States to respect the territorial integrity of East Timor, as well as the inalienable right of its people to self-determination in accordance with General Assembly resolution 1514 (XV);

"2. Calls upon the Government of Indonesia to withdraw without further delay all its forces from the Territory;"

(ii) *Précis of relevant constitutional discussion*

78. During the Security Council's deliberations it was argued, on one hand, that the Indonesian invasion of the Territory of East Timor constituted a clear violation of the principle of non-use of force spelled out in Article 2(4) and denied to the people of East Timor the right to self-determination to which they were entitled under the Charter of the United Nations. It was necessary in this critical situation that Indonesia relinquish control over East Timor and allow for a peaceful negotiated transition from Portuguese colonial administration to self-determination and independence. It was alleged, on the other hand, that various groups of East Timor had asked the Indonesian Government to assist the Timorese people against

the terror of a small organization which had usurped political power and declared an independent republic; Indonesia's military presence was required to prevent Timor from sliding into factional bloodshed and anarchy and to restore public order; the integration of East Timor into the state of Indonesia fulfilled the principle of self-determination and the destiny of their common history.¹⁴³

e. *Decision of 14 July 1976 in connexion with the complaint by the Prime Minister of Mauritius, current Chairman of the Organization of African Unity, of the "act of aggression" by Israel against the Republic of Uganda*

(i) *Précis of proceedings*

79. By letter¹⁴⁴ dated 6 July 1976 the Assistant Executive Secretary of the Organization of African Unity (OAU) transmitted the text of a telegram addressed to the President of the Security Council by the Prime Minister of Mauritius, the current Chairman of OAU. The telegram stated that, on 4 July 1976, the Assembly of Heads of State and Government of OAU in Mauritius had received information concerning the invasion of Uganda by Israeli commandos carried out at 1 a.m. on that day and had decided to request the Security Council to meet urgently to consider that wanton act of aggression against a Member State of the United Nations.

80. By letter¹⁴⁵ dated 6 July 1976 the representative of Mauritania, as Chairman of the African Group of States at the United Nations for the month of July, requested an urgent meeting of the Security Council to consider the contents of the telegram of 6 July from the Chairman of OAU.

81. By letter¹⁴⁶ dated 4 July 1976, addressed to the Secretary-General, the representative of Israel transmitted excerpts from a statement by the Prime Minister of Israel regarding the operation conducted by the Israeli defence forces at Entebbe international airport in Uganda in order to rescue hostages hijacked by Palestinian terrorists. By letter¹⁴⁷ dated 5 July 1976, the representative of Uganda transmitted the text of a message dated 4 July from the President of the Republic of Uganda, drawing attention to the serious incident which had occurred at Entebbe international airport on the night of 3/4 July.

82. At the 1939th meeting, on 9 July 1976, the Security Council included these four letters in its agenda. During the deliberations on this question two draft resolutions were submitted to the Council: the text¹⁴⁸ sponsored by the United Kingdom and the United States would have condemned hijacking, deplored the loss of life, reaffirmed the need to respect the sovereignty and territorial integrity of all States and called upon the international community to further strengthen the safety and reliability of international civil aviation. The second draft¹⁴⁹ sponsored by Benin, the Libyan Arab Jamahiriya and the United Republic of Tanzania would have invoked the text of Article 2(4), expressed concern at the premeditated Israeli raid and the loss of life as well as the extensive property damage, condemned Israel's flagrant violation of Uganda's sovereignty and territorial integrity and asked for full compensation by Israel for the damage and destruction inflicted on Uganda.

83. At the 1943rd meeting, on 14 July 1976, the two-Power draft resolution (S/12138) was not adopted, having received 6 votes in favour, none against, with 2 abstentions; seven members did not participate in the vote. The other draft (S/12139) was not put to the vote.

(ii) *Précis of relevant constitutional discussion*

84. During the deliberations in the Security Council a major constitutional discussion arose over the nature of the Israeli operation in rescuing hostages held by hijackers at the Entebbe international airport in Uganda. One side argued

that the Israeli action was in clear violation of the fundamental precepts of Article 2(4) and that the seizure of the hijackers and hostages on Ugandan soil constituted a breach of Uganda's territorial integrity and sovereignty, regardless of the successful outcome of the Israeli strike. Self-defence could not be claimed in that the airliner and most of its crew and passengers were not from Israel and the use of force could therefore not be condoned. On the other side, it was asserted that the practice of hijacking had grown into a major menace to international security and that the Israeli decision to liberate the victims from their grave predicament at Entebbe airport was to be applauded as long as the international community had not yet established a viable system of protection for international civil aviation; the rescue of innocent air passengers from injury or death could not be called an "act of aggression", but it helped focus the international legal and political debate on ways to overcome the new disease of hijacking.¹⁵⁰

f. *Decisions of 8 February 1977, 14 April 1977, and 24 November 1977 in connexion with the complaint by Benin*

(i) *Précis of proceedings*

85. By letter¹⁵¹ dated 26 January 1977 addressed to the President of the Security Council, the representative of Benin, in accordance with Article 35 of the Charter of the United Nations, requested a meeting of the Council to consider the aggression against the People's Republic of Benin, which had been committed by a commando unit of mercenaries at the airport and city of Cotonou on 16 January 1977. By letter¹⁵² dated 4 February 1977, the representative of Guinea transmitted a message from the President of Guinea supporting Benin's request for a meeting of the Security Council.

86. At the 1987th meeting, on 8 February 1977, the Security Council adopted¹⁵³ resolution 404 (1977) which read as follows:

"The Security Council,

". . .

"*Bearing in mind* that all Member States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

"1. *Affirms* that the territorial integrity and political independence of the People's Republic of Benin must be respected;

"2. *Decides* to send a Special Mission composed of three members of the Security Council to the People's Republic of Benin in order to investigate the events of 16 January 1977 at Cotonou and report not later than the end of February 1977;"

87. On March 1977 the Security Council Special Mission to the People's Republic of Benin submitted its report¹⁵⁴ in which it gave an account of its investigation of the events of 16 January at Cotonou. That report was included in the agenda of the Security Council at its 2000th meeting on 6 April 1977.

88. At the 2005th meeting, on 14 April 1977, the Security Council adopted¹⁵⁵ resolution 405 (1977) which read as follows:

"The Security Council,

". . .

"*Gravely concerned* at the violation of the territorial integrity, independence and sovereignty of the State of Benin,

". . .

"2. *Strongly condemns* the act of armed aggression perpetrated against the People's Republic of Benin on 16 January 1977;

"3. *Reaffirms* its resolution 239 (1967) of 10 July 1967, by which, *inter alia*, it condemns any State which persists in permitting or tolerating the recruitment of mercenaries and the provision of facilities to them, with the objective of overthrowing the Governments of Member States;

"4. *Calls upon* all States to exercise the utmost vigilance against the danger posed by international mercenaries and to ensure that their territory and other territories under their control, as well as their nationals, are not used for the planning of subversion and recruitment, training and transit of mercenaries designed to overthrow the Government of any Member State;

"5. *Further calls upon* all States to consider taking necessary measures to prohibit, under their respective domestic laws, the recruitment, training and transit of mercenaries on their territory and other territories under their control;

"6. *Condemns* all forms of external interference in the internal affairs of Member States, including the use of international mercenaries to destabilize States and/or to violate their territorial integrity, sovereignty and independence;"

89. By letter¹⁵⁶ dated 4 November 1977, the representative of Benin requested the President of the Security Council to convene a meeting of the Council to resume consideration of the question of the armed aggression of 16 January against Benin.

90. At the 2049th meeting, on 24 November 1977, the Security Council adopted¹⁵⁷ resolution 419 (1977) which read as follows:

"The Security Council,

". . .

"*Deeply concerned* over the danger which international mercenaries represent for all States, in particular the smaller ones,

". . .

"1. *Reaffirms* its resolution 405 (1977), in which it had, among other provisions, taken note of the report of the Security Council Special Mission to the People's Republic of Benin established under resolution 404 (1977) of 8 February 1977 and strongly condemned the act of armed aggression perpetrated against the People's Republic of Benin on 16 January 1977 and all forms of external interference in the internal affairs of Member States, including the use of international mercenaries to destabilize States and/or to violate their territorial integrity, sovereignty and independence;"

(ii) *Précis of relevant constitutional discussion*

91. During the discussion of the complaint by Benin the role of mercenaries in acts of aggression and breaches of the peace was the subject of considerable debate. It was argued by a large number of representatives that a mercenary attack against a sovereign State constituted an infringement of territorial integrity, sovereignty and independence and thus stood in direct violation of Article 2(4). It was strongly recommended that this dimension of international disturbances should be regulated in order to ensure that the irregular transgressions of mercenaries were put clearly and effectively under the prohibition of the relevant Charter provision. Other members of the Council did not accept this interpretation of the Charter.¹⁵⁸

2. IN THE GENERAL ASSEMBLY

a. *Decision of 16 December 1970 in connexion with the item: Consideration of measures for the strengthening of international security*

(i) *Précis of proceedings*

92. In accordance with General Assembly resolution 2606 (XXIV),¹⁵⁹ the Assembly included the item entitled "Consideration of measures for the strengthening of international security: report of the Secretary-General" in the agenda of the twenty-fifth session and allocated it to the First Committee for consideration and report.

93. The First Committee considered the item at its 1725th to 1739th, 1795th and 1797th meetings. During its deliberations a number of draft resolutions¹⁶⁰ were submitted, all of which referred implicitly to Article 2(4) and its principal provision. At the 1795th meeting the Chairman announced that an informal working group established at the 1739th meeting had reached agreement on a single text.¹⁶¹ At the 1797th meeting the First Committee adopted the draft, as slightly amended.¹⁶²

94. At the 1932nd plenary meeting, on 16 December 1970, the General Assembly adopted¹⁶³ resolution 2734 (XXV), entitled Declaration on the Strengthening of International Security, which read as follows:

"The General Assembly,

" . . .

"2. Calls upon all States to adhere strictly in their international relations to the purposes and principles of the Charter, including the principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations;

" . . .

"4. Solemnly reaffirms that States must fully respect the sovereignty of other States and the right of peoples to determine their own destinies, free of external intervention, coercion or constraint, especially involving the threat or use of force, overt or covert, and refrain from any attempt aimed at the partial or total disruption of the national unity and territorial integrity of any other State or country;

"5. Solemnly reaffirms that every State has the duty to refrain from the threat or use of force against the territorial integrity and political independence of any other State, and that the territory of a State shall not be the object of military occupation resulting from the use of force in contravention of the provisions of the Charter, that the territory of a State shall not be the object of acquisition by another State resulting from the threat or use of force, that no territorial acquisition resulting from the threat or use of force shall be recognized as legal and that every State has the duty to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State;"

(ii) *Précis of relevant constitutional discussion*

95. During the deliberations in the First Committee and in the plenary, the central importance of Article 2(4) for a basic declaration on the strengthening of international security was unanimously affirmed, but the specific applications of this general principle in the various facets of international relations were the subject of some discussion. Most representatives held that the Charter implied an absolute prohibition of any acquisition or occupation of territory by force, yet issues such as the illegality of colonial rule or the extent of the Charter-based restriction on the employment of force against alien rule in dependent territory remained controversial. The discussions resulted in a substantial agreement on the various dimensions of the provisions of Article 2(4).¹⁶⁴

b. *Decision of 24 October 1970 in connexion with the item: Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations*(i) *Précis of proceedings*

96. The item "Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations" had been discussed by the General Assembly beginning with the twentieth session.¹⁶⁵ The General Assembly, at its 1843rd plenary meeting on 18 September 1970, decided to include the item in the agenda of its twenty-fifth session and to allocate it to the Sixth Committee.¹⁶⁶

97. The Sixth Committee considered the item during its 1178th to 1184th meetings and had before it, as a basis for its consideration of the item, the report of the 1970 session of the Special Committee.¹⁶⁷ At the 1183rd meeting, a draft resolution¹⁶⁸ was submitted by 64 Member States; this draft resolution was adopted by the Sixth Committee at its 1184th meeting without objection.

98. At its 1883rd plenary meeting, on 24 October 1970, the General Assembly adopted¹⁶⁹ the draft declaration submitted by the Sixth Committee as resolution 2625 (XXV); among the provisions of the Declaration, which was proclaimed in the annex to that resolution, were the following:

"The General Assembly,

" . . .

"Recalling the duty of States to refrain in their international relations from military, political, economic or any other form of coercion aimed against the political independence or territorial integrity of any State,

"Considering it essential that all States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any manner inconsistent with the purposes of the United Nations,

" . . .

"Convinced in consequence that any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a State or a country or at its political independence is incompatible with the purposes and principles of the Charter,

" . . .

"Considering that the progressive development and codification of the following principles:

"(a) The principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

" . . .

"so as to secure their more effective application within the international community, would promote the realization of the purposes of the United Nations,

" . . .

"1. Solemnly proclaims the following principles:

"The principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations.

"Every State has the duty to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the

United Nations. Such a threat or use of force constitutes a violation of international law and the Charter of the United Nations and shall never be employed as a means of settling international issues.

“A war of aggression constitutes a crime against the peace, for which there is responsibility under international law.

“In accordance with the purposes and principles of the United Nations, States have the duty to refrain from propaganda for wars of aggression.

“Every State has the duty to refrain from the threat or use of force to violate the existing international boundaries of another State or as a means of solving international disputes, including territorial disputes and problems concerning frontiers of States.

“Every State likewise has the duty to refrain from the threat or use of force to violate international lines of demarcation, such as armistice lines, established by or pursuant to an international agreement to which it is a party or which it is otherwise bound to respect. Nothing in the foregoing shall be construed as prejudicing the positions of the parties concerned with regard to the status and effects of such lines under their special régimes or as affecting their temporary character.

“States have a duty to refrain from acts of reprisal involving the use of force.

“Every State has the duty to refrain from any forcible action which deprives peoples referred to in the elaboration of the principle of equal rights and self-determination of their right to self-determination and freedom and independence.

“Every State has the duty to refrain from organizing or encouraging the organization of irregular forces or armed bands, including mercenaries, for incursion into the territory of another State.

“Every State has the duty to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts when the acts referred to in the present paragraph involve a threat or use of force.

“The territory of a State shall not be the object of military occupation resulting from the use of force in contravention of the provisions of the Charter. The territory of a State shall not be the object of acquisition by another State resulting from the threat or use of force. No territorial acquisition resulting from the threat or use of force shall be recognized as legal. Nothing in the foregoing shall be construed as affecting:

“(a) Provisions of the Charter or any international agreement prior to the Charter régime and valid under international law; or

“(b) The powers of the Security Council under the Charter.

“All States shall pursue in good faith negotiations for the early conclusion of a universal treaty on general and complete disarmament under effective international control and strive to adopt appropriate measures to reduce international tensions and strengthen confidence among States.

“All States shall comply in good faith with their obligations under the generally recognized principles and rules of international law with respect to the maintenance of international peace and security, and shall endeavour to make the United Nations security system based on the Charter more effective.

“Nothing in the foregoing paragraphs shall be construed as enlarging or diminishing in any way the scope of

the provisions of the Charter concerning cases in which the use of force is lawful.”

(ii) *Précis of relevant constitutional discussion*

99. During the extensive deliberations leading to the adoption of the Declaration, the arguments that bore constitutional relevance focused on the broadening of the definition of the principle regarding the threat or use of force and on the limits of the right to self-defence. Some argued for a broad conception of force including economic, political and other kinds of coercive behaviour, whereas others maintained that force under Article 2(4) should be viewed narrowly. Another argument had to do with the delimitation between the legitimate and illegitimate uses of force: force employed in the liberation struggle of dependent peoples was seen by some as fully justified under the Charter. The final form of the Declaration reveals the limits of consensus regarding this basic legal document.¹⁷⁰

c. *Decision of 14 December 1974 in connexion with the report of the Special Committee on the Question of Defining Aggression*

(i) *Précis of proceedings*

100. The question of defining aggression was discussed by the Sixth Committee of the General Assembly and by the Special Committee on the Question of Defining Aggression prior to 1970.¹⁷¹ From the twenty-fifth through twenty-ninth sessions, in accordance with General Assembly resolutions 2549 (XXIV), 2644 (XXV), 2781 (XXVI), 2967 (XXVII) and 3105 (XXVIII) the Special Committee and the Sixth Committee continued to consider the question and submitted reports.¹⁷² During the twenty-ninth session, in 1974, the General Assembly included in its agenda the report of the Special Committee¹⁷³ and allocated it to the Sixth Committee.¹⁷⁴

101. The report of the Special Committee on the Question of Defining Aggression on the work of its 1974 session contained a draft definition of aggression which the Special Committee had adopted by consensus and had recommended to the General Assembly for approval.¹⁷⁵

102. At the 1483rd and 1488th meetings of the Sixth Committee, working papers¹⁷⁶ were introduced by two groups of sponsors. At the 1502nd meeting a draft resolution¹⁷⁷ was submitted and, at the 1503rd meeting, adopted without a vote.

103. At the 2319th plenary meeting, on 14 December 1974, the General Assembly adopted¹⁷⁸ the draft resolution submitted by the Sixth Committee as resolution 3314 (XXIX). The Definition of Aggression, contained in the annex to the resolution, read as follows:

“*The General Assembly,*

“*Basing itself on the fact that one of the fundamental purposes of the United Nations is to maintain international peace and security and 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,*

“*Recalling that the Security Council, in accordance with Article 39 of the Charter of the United Nations, shall determine the existence of any threat to the peace, breach of the peace or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security,*

“*Recalling also the duty of States under the Charter to settle their international disputes by peaceful means in order not to endanger international peace, security and justice,*

“*Bearing in mind* that nothing in this Definition shall be interpreted as in any way affecting the scope of the provisions of the Charter with respect to the functions and powers of the organs of the United Nations,

“*Considering also* that, since aggression is the most serious and dangerous form of the illegal use of force, being fraught, in the conditions created by the existence of all types of weapons of mass destruction, with the possible threat of a world conflict and all its catastrophic consequences, aggression should be defined at the present stage,

“*Reaffirming* the duty of States not to use armed force to deprive peoples of their right to self-determination, freedom and independence, or to disrupt territorial integrity.

“*Reaffirming also* that the territory of a State shall not be violated by being the object, even temporarily, of military occupation or of other measures of force taken by another State in contravention of the Charter, and that it shall not be the object of acquisition by another State resulting from such measures or the threat thereof,

“*Reaffirming also* the provisions of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,

“*Convinced* that the adoption of a definition of aggression ought to have the effect of deterring a potential aggressor, would simplify the determination of acts of aggression and the implementation of measures to suppress them and would also facilitate the protection of the rights and lawful interests of, and the rendering of assistance to, the victim,

“*Believing* that, although the question whether an act of aggression has been committed must be considered in the light of all the circumstances of each particular case, it is nevertheless desirable to formulate basic principles as guidance for such determination,

“*Adopts* the following Definition of Aggression:¹⁷⁹

“Article 1

“Aggression is the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations, as set out in this Definition.

“*Explanatory note:* In this Definition the term ‘State’:

“(a) Is used without prejudice to questions of recognition or to whether a State is a member of the United Nations;

“(b) Includes the concept of a ‘group of States’ where appropriate.

“Article 2

“The first use of armed force by a State in contravention of the Charter shall constitute *prima facie* evidence of an act of aggression although the Security Council may, in conformity with the Charter, conclude that a determination that an act of aggression has been committed would not be justified in the light of other relevant circumstances, including the fact that the acts concerned or their consequences are not of sufficient gravity.

“Article 3

“Any of the following acts, regardless of a declaration of war, shall, subject to and in accordance with the provisions of Article 2, qualify as an act of aggression:

“(a) The invasion or attack by the armed forces of a State of the territory of another State, or any military occu-

pation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof;

“(b) Bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State;

“(c) The blockade of the ports or coasts of a State by the armed forces of another State;

“(d) An attack by the armed forces of a State on the land, sea or air forces, or marine and air fleets of another State;

“(e) The use of armed forces of one State which are within the territory of another State with the agreement of the receiving State, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement;

“(f) The action of a State in allowing its territory, which it has placed at the disposal of another State, to be used by that other State for perpetrating an act of aggression against a third State;

“(g) The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein.

“Article 4

“The acts enumerated above are not exhaustive and the Security Council may determine that other acts constitute aggression under the provisions of the Charter.

“Article 5

“1. No consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression.

“2. A war of aggression is a crime against international peace. Aggression gives rise to international responsibility.

“3. No territorial acquisition or special advantage resulting from aggression is or shall be recognized as lawful.

“Article 6

“Nothing in this Definition shall be construed as in any way enlarging or diminishing the scope of the Charter, including its provisions concerning cases in which the use of force is lawful.

“Article 7

“Nothing in this Definition, and in particular Article 3, could in any way prejudice the right to self-determination, freedom and independence, as derived from the Charter, of peoples forcibly deprived of that right and referred to in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, particularly peoples under colonial and racist régimes or other forms of alien domination; nor the right of these people to struggle to that end and to seek and receive support, in accordance with the principles of the Charter and in conformity with the above-mentioned Declaration.

"Article 8

"In their interpretation and application the above provisions are interrelated and each provision should be construed in the context of the other provisions."

(ii) *Précis of relevant constitutional discussion*

104. The lengthy deliberations over a period of seven years leading to the adoption of the Definition of Aggression involved a large number of complicated issues all of which gave rise to some constitutional discussion. Its direct bearing on the interpretation and application of Article 2(4) is quite clear in that aggression is defined as the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State. The main problems on which the deliberations centered were the following: the general definition of aggression; questions of priority and aggressive intent; particular acts of aggression to be included; the right of peoples to self-determination; legal consequences of aggression; legal uses of force, including the right to self-defence; the question of which political entities the definition would apply to; the question of what power the Security Council would exercise with regard to the definition of aggression and its application. The questions of priority and intent in aggression as well as the inclusion of indirect forms of aggression and the compromise formulation regarding the rights of people struggling for self-determination to pursue their goals and to seek the support of others were among the most difficult issues confronting the Special Committee and the Sixth Committee.

105. The final text adopted and the published records of the long and delicate debate leading to the adoption by consensus of the Definition reveal in a striking manner the manifold compromises which all sides in the end agreed to in order to enable the General Assembly to finish this undertaking.¹⁸⁰

****B. The question of the scope and limits of the phrase "in any other manner inconsistent with the Purposes of the United Nations"**

C. The question of the bearing of the injunction in Article 2(4) on the right of self-defence

106. During the period under review there were several occasions when some constitutional discussion regarding the right to self-defence and its interrelationship with the injunction in Article 2(4) arose. These instances are dealt with above in part A of the Analytical Summary of Practice.¹⁸¹ In this period, no other cases requiring separate analysis were found.¹⁸²

NOTES

¹ *Repertory, Supplement No. 2*, vol. I, pp. 69-116. For the relationship of Article 2(4) to other provisions of the Charter, see paras. 2-7.

² *Repertory, Supplement No. 3*, vol. I, pp. 134-173.

³ *Repertory, Supplement No. 4*, vol. I, pp. 36-70.

⁴ For the detailed presentation and evaluation of these three instances in the General Assembly see paras. 92-105.

⁵ This item, which was introduced by the USSR during the thirty-first session, gave rise to intensive deliberations in the First and Sixth Committees of the General Assembly. See paras. 32-36.

⁶ These instances include the consideration of the item "Non-use of force in international relations and permanent prohibition of the use of nuclear weapons" in the General Assembly plenary at the twenty-seventh session and the adoption of resolution 31/91 entitled "Non-interference in

the internal affairs of States" in connexion with the consideration of agenda item "Implementation of the Declaration on the Strengthening of International Security" in the First Committee and in the plenary of the General Assembly at its thirty-first session. See paras. 28 and 31.

⁷ Fifth preamb. para.

⁸ The question involved the situation in the India/Pakistan subcontinent in December 1971.

⁹ Third preamb. para.

¹⁰ Fifth preamb. para.

¹¹ Seventh preamb. para.

¹² Fifth preamb. para.

¹³ Seventh preamb. para.

¹⁴ Ninth preamb. para.

¹⁵ Second preamb. para.

¹⁶ S C resolutions 294 (1971), fourth preamb. para. in connexion with the complaint by Senegal; 295 (1971), third preamb. para. in connexion with the complaint by Guinea; 300 (1971), fourth preamb. para. in connexion with the complaint by Zambia; 387 (1976), fifth preamb. para. in connexion with the complaint by Kenya, on behalf of the African Group of States at the United Nations, concerning the act of aggression committed by South Africa against the People's Republic of Angola; 393 (1976), ninth preamb. para. in connexion with the complaint by Zambia against South Africa; 404 (1977), third preamb. para. in connexion with the complaint by Benin; and 428 (1978), fourth preamb. para. in connexion with the complaint by Angola against South Africa.

¹⁷ G A resolution 2625 (XXV), annex, ninth preamb. para., para. 1 (principle 1) containing the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations; G A resolution 2627 (XXV), para. 3 in connexion with the celebration of the twenty-fifth anniversary of the United Nations; G A resolution 2734 (XXV), paras. 2, 4, 5, entitled Declaration on the Strengthening of International Security; G A resolution 3061 (XXVIII), third preamb. para. in connexion with the illegal occupation by Portuguese military forces of certain sectors of the Republic of Guinea-Bissau and acts of aggression committed by them against the people of the Republic; G A resolution 3485 (XXX), fifth preamb. para. in connexion with the question of Timor; G A resolution 31/53, seventh preamb. para. in connexion with the question of Timor; G A resolution 31/91, ninth preamb. para. in connexion with non-interference in the internal affairs of States; G A resolution 32/34, fifth preamb. para. in connexion with the question of Timor; G A resolution 32/150, first preamb. para. in connexion with the conclusion of a world treaty on the non-use of force in international relations; G A resolution 33/39, seventh preamb. para. in connexion with the question of Timor.

¹⁸ G A resolution 2645 (XXV), para. 1 in connexion with aerial hijacking or interference with civil air travel; G A resolution 2799 (XXVI), third preamb. para. in connexion with the situation in the Middle East; G A resolution 2880 (XXVI), para. 3 in connexion with the implementation of the Declaration on the Strengthening of International Security; G A resolution 2925 (XXVII), second preamb. para. in connexion with the strengthening of the role of the United Nations with regard to the maintenance and consolidation of international peace and security, the development of co-operation among all nations and the promotion of the rules of international law in relations between States; G A resolution 3185 (XXVIII), fifth preamb. para. in connexion with the implementation of the Declaration on the Strengthening of International Security; G A resolution 3314 (XXIX), para. 3 containing the definition of aggression; G A resolution 3332 (XXIX), fourth preamb. para. in connexion with the implementation of the Declaration on the Strengthening of International Security; G A resolution 3472 B (XXX), first preamb. para. in connexion with the comprehensive study of the question of nuclear-weapon-free zones in all its aspects; G A resolution 31/9, first and second preamb. paras. in connexion with the conclusion of a world treaty on the non-use of force in international relations; G A resolution 32/44, second preamb. para. in connexion with the respect for human rights in armed conflicts; G A resolution 32/154, para. 4 in connexion with the implementation of the Declaration on the Strengthening of International Security; G A resolution 32/155, para. 5 in connexion with the Declaration on the Deepening and Consolidation of International Détente; G A resolutions 33/72 A, second preamb. para. and 33/72 B, fifth preamb. para. in connexion with the conclusion of an international convention on the strengthening of guarantees of the security of non-nuclear States; G A resolution 33/96, sixth preamb. para. in connexion with the report of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations.

¹⁹ G A resolution 2625 (XXV), annex, para. 1: principle regarding the threat or use of force, definitions, from the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations; G A resolution 2666 (XXV), fifth and sixth preamb. paras. (with an explicit reference to

Article 2) in connexion with the status of the implementation of General Assembly resolution 2456 (XXIII) concerning the signature and ratification of Additional Protocol II of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco); G A resolution 2677 (XXV), first preamb. para. in connexion with respect for human rights in armed conflicts; G A resolution 2852 (XXVI), first preamb. para. in connexion with the same agenda item; G A resolution 2936 (XXVII), first, second, third, ninth and tenth preamb. paras. and para. 1 in connexion with the non-use of force in international relations and permanent prohibition of the use of nuclear weapons; G A resolution 3314 (XXIX), para. 3 and annex, fifth, sixth and seventh preamb. paras., also articles 1-3, containing the definition of aggression; G A resolution 3389 (XXX), para. 5 in connexion with the implementation of the Declaration on the Strengthening of International Security; G A resolution 32/53, para. 4 in connexion with the question of Belize; G A resolution 33/36, para. 5 in connexion with the question of Belize; G A resolution 33/72 B, sixth preamb. para. in connexion with the conclusion of an international convention on the strengthening of guarantees of the security of non-nuclear States; G A resolution 33/75, fifth preamb. para., para. 5 in connexion with the implementation of the Declaration on the Strengthening of International Security.

²⁰ S C resolutions 330 (1973), para. 2 in connexion with the consideration of measures for the maintenance and strengthening of international peace and security in Latin America in conformity with the provisions and principles of the Charter; 332 (1973), para. 3, and 337 (1973), para. 4, both in connexion with the situation in the Middle East; S C consensus of 28 February 1974, para. 2 in connexion with the complaint by Iraq concerning incidents on its frontier with Iran; S C resolutions 347 (1974), para. 1 in connexion with the situation in the Middle East and 367 (1975), para. 1 in connexion with the situation in Cyprus.

²¹ The paraphrases of the principle included formulations such as "refrain from the use of military force" and "desist from the acts of violence" or "refrain from the use of coercive measures".

²² Since under the Charter the Security Council is the main organ responsible for the maintenance of international peace and security, the resolutions referred to in the following note originated mostly in the Council; only in a few cases did the General Assembly adopt resolutions calling upon parties to desist from hostilities or to accept and maintain a cease-fire.

²³ S C resolutions 280 (1970), para. 2; 316 (1972), para. 2; 332 (1973), para. 2; 337 (1973), para. 1; 347 (1974), paras. 1 and 2, regarding the situation in the Middle East; 326 (1973), para. 1; 328 (1973), para. 2; 424 (1978), para. 1 regarding complaints by Zambia; 360 (1974), para. 1 regarding the situation in Cyprus; 366 (1974), para. 1; 385 (1976), paras. 1 and 3 regarding the situation in Namibia; 386 (1976), para. 2 regarding the request by Mozambique under Article 50 of the Charter of the United Nations; 387 (1976), para. 1 regarding the complaint by Kenya, on behalf of the African Group of States at the United Nations, concerning the act of aggression by South Africa against Angola; 392 (1976), para. 1 regarding the situation in South Africa; killings and violence by the *apartheid* régime in Soweto and other areas; 393 (1976), para. 1 regarding the complaint by Zambia against South Africa; 403 (1977), para. 1 regarding the complaint of the Government of Botswana against the illegal régime in Southern Rhodesia concerning violations of its territorial sovereignty; 405 (1977), paras. 2, 6 regarding the complaint by Benin; 411 (1977), para. 1 regarding the complaint by Mozambique; 428 (1978), paras. 1 and 2 regarding the complaint by Angola against South Africa. See also G A resolution 3061 (XXVIII), para. 2 regarding the illegal occupation by Portuguese military forces of certain sectors of the Republic of Guinea-Bissau and acts of aggression committed by them against the people of the Republic.

²⁴ S C resolutions 338 (1973), para. 1; 339 (1973), para. 1; 340 (1973), para. 1; 425 (1978), para. 2; 436 (1978), para. 1 regarding the situation in the Middle East; 353 (1974), para. 2; 354 (1974), operative para.; 357 (1974), para. 2; 358 (1974), para. 2 regarding the situation in Cyprus. See also G A resolutions 2793 (XXVI), para. 1 regarding the question considered by the Security Council at its 1606th, 1607th and 1608th meetings on 4, 5 and 6 December 1971 (situation in the India/Pakistan subcontinent).

²⁵ S C resolutions 279 (1970), operative para.; 285 (1970), operative para.; 313 (1972), operative para.; 425 (1978), para. 2; 427 (1978), para. 3 regarding the situation in the Middle East; 326 (1973), para. 6; 328 (1973), para. 5 regarding the complaint by Zambia; 353 (1974), para. 4 regarding the situation in Cyprus; 384 (1975) para. 2 and 389 (1976), para. 2 regarding the situation in Timor; 428 (1978), para. 3 regarding the complaint by Angola against South Africa. See also G A resolution 3061 (XXVIII), para. 3 regarding the illegal occupation by Portuguese military forces of certain sectors of the Republic of Guinea-Bissau and acts of aggression committed by them against the people of the Republic; also 3212 (XXIX), para. 2 regarding the question of Cyprus.

²⁶ S C resolutions 294 (1971), para. 1 regarding the complaint by Senegal; 313 (1972), operative para.; 332 (1973), para. 3; 347 (1974), paras. 1, 2 regarding the situation in the Middle East; 392 (1976), para. 5, regarding the

situation in South Africa; killings and violence by the *apartheid* régime in Soweto and other areas; 403 (1977), para. 4 regarding the complaint of the Government of Botswana against the illegal régime in Southern Rhodesia concerning violations of its territorial sovereignty.

²⁷ S C resolution 338 (1973), para. 1 regarding the situation in the Middle East.

²⁸ S C resolutions 280 (1970), para. 4; 316 (1972), sixth preamb. para.; 317 (1972), para. 2; 332 (1973), sixth preamb. para., para. 1; 340 (1973), second preamb. para. regarding the situation in the Middle East; 353 (1974), fourth and fifth preamb. paras.; 357 (1974), second preamb. para.; 358 (1974), first preamb. para.; and 360 (1974), third preamb. para. regarding the situation in Cyprus.

²⁹ The following Security Council resolutions referred to both territorial integrity and political independence of States: S C resolutions: 290 (1971); 295 (1971); 353 (1974); 355 (1974); 360 (1974); 367 (1975); 387 (1976); 403 (1977); 404 (1977); 405 (1977); 406 (1977); 425 (1978); 428 (1978); 434 (1978); 436 (1978). Another group of Security Council resolutions only referred to the principle of territorial integrity, as follows: S C resolutions 300 (1971); 302 (1971); 310 (1972); 312 (1972); 321 (1972); 326 (1973); 366 (1974); 384 (1975); 385 (1976); 389 (1976); 393 (1976); 411 (1977); 424 (1978); 432 (1978).

³⁰ The following General Assembly resolutions endorsed the principle of territorial integrity and political independence of States: G A resolutions 2625 (XXV); 2633 (XXV); 2918 (XXVII); 2949 (XXVII); 3212 (XXIX); 31/12; 31/34; 32/97; 32/130; 32/153; 33/15; 33/28; 33/75. A number of resolutions referred only to the principle of territorial integrity: G A resolutions 2787 (XXVI); 2795 (XXVI); 2796 (XXVI); 2871 (XXVI); 2945 (XXVII); 3031 (XXVII); 3113 (XXVIII); 3115 (XXVIII); 3240 (XXIX); 3297 (XXIX); 31/4; 31/6; 31/146; 32/7; 32/9; 32/15; 32/26; 32/32; 32/40; 32/105; 33/30; 33/36; 33/73; 33/182. A few other resolutions invoked the principle of political independence of States: G A resolutions 2799 (XXVI); 3073 (XXVIII); 33/28.

³¹ G A resolutions 2628 (XXV), para. 1 regarding the situation in the Middle East; 2649 (XXV), para. 4 regarding the importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights; 2799 (XXVI), para. 1 regarding the situation in the Middle East; 2936 (XXVII), sixth preamb. para. regarding the non-use of force in international relations and permanent prohibition of the use of nuclear weapons; 2949 (XXVII), para. 4 regarding the situation in the Middle East; 3240A (XXIX), para. 3 (a), (d) regarding the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories; 3314 (XXIX), annex, seventh preamb. para.; article 5 (3) regarding the definition of aggression; 3414 (XXX), para. 1; 32/20, fifth preamb. para.; 33/29, fifth preamb. para. in connexion with the situation in the Middle East.

³² S C resolution 298 (1971), third preamb. para. regarding the situation in the Middle East.

³³ The following resolutions adopted by the General Assembly affirmed in principle the legitimacy of liberation struggles: G A resolutions 2704 (XXV), para. 4 in connexion with the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations; 2871 (XXVI), para. 1 regarding the question of Namibia; 2936 (XXVII), seventh preamb. para. regarding the non-use of force in international relations and permanent prohibition of the use of nuclear weapons; 3246 (XXIX), para. 3 ("reaffirms the legitimacy of the peoples' struggle for liberation from colonial and foreign domination and alien subjugation by all available means, including armed struggle") regarding the importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights; 3295 (XXIX), I, para. 3 regarding the question of Namibia; 3314 (XXIX), annex, article 7 of the Definition of Aggression; 31/92, para. 2 regarding the implementation of the Declaration on the Strengthening of International Security; 33/39, para. 1 regarding the question of East Timor; 33/44, para. 4 regarding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. The right was also affirmed in a few Security Council resolutions: S C resolutions 386 (1976), fourth preamb. para. regarding the request by Mozambique under Article 50 of the Charter of the United Nations; 417 (1977), fifth preamb. para. regarding the question of South Africa; 428 (1978), ninth preamb. para., para. 5 regarding the complaint by Angola against South Africa.

³⁴ The Analytical Summary of Practice deals with Security Council resolutions as well as draft resolutions regarding the situation in the Middle East, the situation in Cyprus, the situation in Timor, the complaint by Benin, and the complaint by the Prime Minister of Mauritius of the "act of aggression" by Israel against the Republic of Uganda. It also analyses three major resolutions adopted by the General Assembly which constituted milestones in the

development of international law. The only standard for selection of these cases has been the constitutional discussion arising in the relevant proceedings.

³⁵ The material in the General Survey includes a few instances of work in progress in the General Assembly where the plenary or committees have taken up important projects of universal treaties without completing the envisaged round of deliberations. Where warranted, the case is more fully covered in the General Survey.

³⁶ S C resolution 294 (1971), fourth to eighth preamb. paras.; paras. 1-3.

³⁷ For texts of relevant statements see S C (26), 1569th mtg.: Guinea, para. 85; Senegal, paras. 14-72; 1570th mtg.: USSR, paras. 40, 43; 1572nd mtg.: Italy, paras. 68, 70; Japan, paras. 8, 9; Somalia, paras. 26, 37; United Kingdom, para. 89; United States, paras. 76, 77, 79, 80; and S C (26), Suppl. for July-Sept. 1971, S/10255 (letter dated 10 July 1971 addressed to the President of the Security Council by Portugal).

³⁸ S C resolution 300 (1971), fourth preamb. para.; paras. 1, 2.

³⁹ For texts of relevant statements see S C (26), 1590th mtg.: Kenya, paras. 93, 94, 97; Nigeria, para. 109; Somalia, para. 162; South Africa, paras. 59-72; USSR, para. 191; Zambia, paras. 7-23; 1591st mtg.: Yugoslavia, para. 28; 1592nd mtg.: United States, para. 26.

⁴⁰ S C resolution 330 (1973), second, fourth and fifth preamb. paras., para. 2.

⁴¹ For texts of relevant statements see S C (28), 1696th mtg.: Colombia, Cuba, Guyana, Mexico, Peru; 1697th mtg.: Argentina, Chile, Ecuador; 1698th mtg.: Jamaica, Venezuela; 1699th mtg.: China, Yugoslavia; 1700th mtg.: Guinea, Kenya, USSR; 1701st mtg.: France, United Kingdom, United States, Zaire; 1704th mtg.: President (Panama).

⁴² See S C (29), 1764th mtg., statement of the President, S C (29) Suppl. for Jan.-March 1974, S/11229, para. 2.

⁴³ For texts of relevant statements see S C (29), 1762nd mtg.: Iran, Iraq; 1763rd mtg.: Democratic Yemen, Iran, Iraq, Libyan Arab Republic.

⁴⁴ S C resolution 387 (1976), fifth-eighth preamb. paras., paras. 1-3.

⁴⁵ For texts of relevant statements see S C (31), 1903rd mtg.: Sierra Leone; 1905th mtg.: Romania; 1906th mtg.: Mali, United Republic of Tanzania.

⁴⁶ S C resolution 393 (1976), third, fifth and ninth preamb. paras.; paras. 1-3, 6.

⁴⁷ For texts of relevant statements see S C (31), 1944th mtg.: Mauritania, South Africa, Zambia; 1945th mtg.: Madagascar; 1947th mtg.: Guyana; 1948th mtg.: Sweden.

⁴⁸ S C resolution 403 (1977) was adopted on 14 January 1977 at the 1985th mtg.: S C resolution 406 (1977) was adopted on 25 May 1977 at the 2008th mtg.

⁴⁹ S C resolution 403 (1977), ninth preamb. para., paras. 1, 4; S C resolution 406 (1977), para. 1.

⁵⁰ For texts of relevant statements see S C (32), 1983rd mtg.: Botswana, paras. 24-41; Mauritius, paras. 57-61; 1984th mtg.: Romania, paras. 65-68; United Republic of Tanzania, paras. 91-95, 102-104; Zambia, para. 22; 1985th mtg.: Mauritius, paras. 24-26; President, para. 202; 2006th mtg.: Botswana, para. 40-47; Mauritius, paras. 19-20, 25-27.

⁵¹ S C resolution 411 (1977), fourth, eighth and sixteenth preamb. paras., paras. 1-3, 7, 12.

⁵² For texts of relevant statements see S C (32), 2014th mtg.: Mozambique, paras. 16-51; United Republic of Tanzania, paras. 83-87; Zambia, paras. 57-58, 66-73; 2015th mtg.: Lesotho, paras. 34-41; 2016th mtg.: German Democratic Republic, paras. 57-59, 65, 66; 2017th mtg.: Mauritius, paras. 69-70, 73-89; USSR, paras. 36-46; 2018th mtg.: India, paras. 78-79; Pakistan, paras. 69-71; 2019th mtg.: United States, paras. 56-57.

⁵³ G A resolution 2627 (XXV), para. 3. The declaration was adopted during the commemorative session at the 1883rd plenary meeting on 24 October 1970.

⁵⁴ See G A (25), Annexes, a.i. 21, especially documents A/8060 and Add.1, A/8103 and Add.1 and 2 for the progress reports submitted by the Committee for the Twenty-fifth Anniversary of the United Nations about its mandate to formulate a draft that would enjoy the support of most, if not all, Member States.

⁵⁵ G A (25), Plen., 1865th-1870th, 1872nd-1883rd mtgs. The representatives presented formal commemorative statements during these meetings, whereas the actual discussions about the wording of the declaration were conducted in the Committee for the Twenty-fifth Anniversary.

⁵⁶ G A resolution 2793 (XXVI), fifth and seventh preamb. paras., paras. 1 and 2.

⁵⁷ For texts of relevant statements see G A (26), Plen., 2002nd and 2003rd mtgs.

⁵⁸ G A resolution 2936 (XXVII), second to seventh, tenth preamb. paras., para. 1. The resolution was adopted at the 2093rd plenary meeting on 29 November 1972.

⁵⁹ The original text was submitted by the USSR on 26 September 1972. The revised text was sponsored by 23 Member States and submitted on 27

November 1972. See G A (27), Annexes, a.i. 25; A/L.676 and A/L.676/Rev.1 and Add.1 and 2 for the two drafts.

⁶⁰ For the texts of relevant statements see the full debate, including numerous explicit and implicit references to Article 2(4), in GA (27), Plen., 2078th-2085th and 2093rd mtgs.

⁶¹ G A resolution 3061 (XXVIII), second to fourth preamb. paras., paras. 2, 3. See G A (28), Annexes, a.i. 107, for the draft resolution and its sponsors.

⁶² G A (28), Plen., 2157th, 2158th, 2160th-2163rd mtgs. There were a few explicit references to Article 2(4) as well as a large number of implicit references. None of the speakers submitted any arguments that could have given rise to a constitutional discussion.

⁶³ G A resolution 3485 (XXX), fifth and sixth preamb. paras., paras. 4-7. This resolution was adopted at the 2439th plenary mtg. on 12 December 1975. *Ibid.*, Annexes, a.i. 88, for the proceedings in the Fourth Committee and in the plenary regarding the draft resolution on the question of Timor.

⁶⁴ On the question of East Timor the following resolutions were adopted: G A resolutions 31/53, seventh and eighth preamb. paras., paras. 1, 2, 5, 6; 32/34, fifth and seventh preamb. paras., paras. 1-3; 33/39, seventh preamb. para., paras. 1 and 2.

⁶⁵ G A resolution 31/53 was adopted by 68 votes to 20, with 49 abstentions; G A resolution 32/34 was adopted by 67 votes to 26, with 47 abstentions; G A resolution 33/39 was adopted by 59 votes to 31, with 44 abstentions.

⁶⁶ For the proceedings in the Fourth Committee regarding the question of East Timor, see GA (30), 4th Com., 2178th, 2180th and 2184th-2189th mtgs.; G A (31), 4th Com., 20th-27th mtgs.; G A (32), 4th Com., 8th and 10th-21st mtgs.; and G A (33), 4th Com., 20th, 21st, 23rd-33rd mtgs. There were numerous references throughout the four sessions to the principle of Article 2(4), but no constitutional discussion arose from these references.

⁶⁷ G A resolution 31/91, fourth and ninth preamb. paras., paras. 2-5. The resolution was adopted at the 98th plenary meeting on 14 December 1976 by 99 votes to 1, with 11 abstentions.

⁶⁸ See G A (31), Annexes, a.i. 33 for the proceedings in the First Committee. For explicit references to Article 2(4) see G A (31), 1st Com., 57th mtg.: Cyprus, Qatar.

⁶⁹ See G A (31), Annexes, a.i. 124, A/31/243 for the text of the letter dated 28 September 1976 from the Foreign Minister of the USSR to the Secretary-General. A draft world treaty on the non-use of force in international relations was attached to the letter.

⁷⁰ G A (31), Annexes, a.i. 124, A/31/360, para. 1.

⁷¹ G A (31), Annexes, a.i. 124, A/31/305, para. 2. The Committee considered the item at its 11th to 19th mtgs., from 25 to 29 October 1976.

⁷² See *ibid.*, paras. 3-4 for the text of the draft resolution (A/C.1/31/L.3) which was adopted in the First Committee by 94 votes to 2, with 35 abstentions.

⁷³ The vote in the General Assembly was 88 in favour, 2 against, with 31 abstentions.

⁷⁴ G A resolution 31/9, first-third preamb. paras., paras. 1 and 2.

⁷⁵ See G A (31), Annexes, a.i. 124, A/31/360, paras. 2 and 3. The Sixth Committee considered the legal implications during its 50th to 54th mtgs. between 22 and 25 November 1976.

⁷⁶ G A resolution 2625 (XXV), annex.

⁷⁷ G A resolution 3314 (XXXIX), annex.

⁷⁸ G A decision 31/140. See also G A (31), Annexes, a.i. 124, A/31/360, para. 4 for the decision of the Sixth Committee.

⁷⁹ G A (32), Annexes, a.i. 37, A/32/449, paras. 1-3, 5; A/32/466, paras. 1 and 2.

⁸⁰ G A (32), Annexes, a.i. 37, A/32/466, paras. 3-6, 8. The vote on the revised draft resolution (A/C.6/32/L.18/Rev.1) was 85 in favour, 4 against, with 24 abstentions.

⁸¹ G A resolution 32/150, first and second preamb. paras., paras. 1 and 2. The President of the General Assembly, in accordance with para. 1, appointed the members of the Special Committee (A/32/500, mimeographed).

⁸² G A (33), Annexes, a.i. 121, A/33/418, paras. 1 and 2.

⁸³ The report of the Special Committee (A/33/41) was issued as G A (33), Suppl. No. 41.

⁸⁴ See G A (33), Annexes, a.i. 121, A/33/418, paras. 5-7 for the text of the draft resolution (A/C.6/33/L.7 and Corr.1). The vote in the Sixth Committee was 79 in favour, none against, with 24 abstentions.

⁸⁵ G A resolution 33/96, sixth preamb. para., paras. 1, 2 and 5.

⁸⁶ G A resolution 33/96, para. 6.

⁸⁷ For texts of relevant statements see G A (31), 1st Com., 11th to 19th mtgs.; 6th Com., 50th to 54th mtgs.; G A (32), 1st Com., 47th to 49th, 51st to 56th mtgs.; 6th Com., 64th to 67th, 69th and 70th mtgs. G A (33), 6th Com., 50th, 52nd to 61st mtgs. See also G A (31), Suppl. No. 41 (A/33/41) for a summary of statements in the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Rela-

tions. All the statements during the various proceedings referred to the constitutional issue under consideration. Many representatives invoked Article 2(4) not only implicitly, but also explicitly and frequently cited the text of Article 2(4) in full or in part.

⁸⁸ Since consideration of the item had not been completed by the end of the thirty-third session, the material has not been included in the Analytical Summary of Practice.

⁸⁹ These instances involving incidental explicit references to Article 2(4) were the following: G A (25), Plen., 1842nd mtg.: Japan, para. 61; 1891st mtg.: Poland, para. 57; 1st Com., 1758th mtg.: Mexico, para. 18; 3rd Com., 1784th mtg.: Israel, para. 31; 1788th mtg.: Hungary, para. 1; 1800th mtg.: United States, para. 51; 6th Com., 1210th mtg.: Japan, para. 1; 1215th mtg.: Turkey, para. 19; G A (26), Plen., 2047th mtg.: Bahrain, para. 9; 2090th mtg.: Costa Rica, para. 15; 2100th mtg.: Equatorial Guinea, para. 73; 6th Com., 1359th mtg.: Uruguay, para. 10; G A (29), Plen., 2239th mtg.: Greece, p. 96; 1st Com., 2033rd mtg.: Madagascar; G A (30), Plen., 2423rd mtg.: Kuwait; 4th Com., 2189th mtg.: New Zealand, para. 7; G A (31), Plen., 12th mtg.: Greece, para. 255; 15th mtg.: India, para. 68; 37th mtg.: Cuba, para. 64; 90th mtg.: Sri Lanka, para. 45; 6th Com., 49th mtg.: Cyprus, paras. 80, 83; G A (32), 1st Com., 7th mtg.: Cyprus; 6th Com., 17th mtg.: Austria, paras. 44, 46; G A (33), 1st Com., 15th mtg.: Cyprus; 27th mtg.: Yugoslavia; 28th mtg.: Federal Republic of Germany; 6th Com., 22nd mtg.: Cyprus, para. 2; G A (S-8), Plen., 2nd mtg.: United Republic of Cameroon; G A (S-10), Plen., 8th mtg.: Libyan Arab Jamahiriya; 9th mtg.: Uruguay; 27th mtg.: Cyprus. The following references occurred in the Security Council in connexion with various agenda items: S C (25), 1543rd mtg.: Cyprus, para. 218 (Complaint by the Government of Cyprus); 1559th mtg.: Guinea, para. 21; 1560th mtg.: People's Republic of the Congo, para. 25; 1563rd mtg.: Burundi, para. 107 (Complaint by Guinea); SC (26), Suppl. for Oct.-Dec. 1971; draft resolution S/10423, sixth preamb. para.; S/10446/Rev. 1, eighth preamb. para. (Situation in the India-Pakistan subcontinent); S C (27), Suppl. for April-June 1972, S/10610: Letter dated 15 April 1972 from the representative of Cyprus (Complaint by the Government of Cyprus); S C (28), Suppl. for July-Sept. 1973, S/10995: Letter dated 13 September 1973 from the representative of Cuba (Complaint by Cuba); S C (29), 1800th mtg.: Yugoslavia; 1802nd mtg.: Barbados; *ibid.*; Suppl. for Oct.-Dec. 1974, draft resolution S/11543, fourth preamb. para.; S C (31), 1888th mtg.: Romania (Situation in the Comoros); S C (32), 2013th mtg.: Panama, para. 214 (Situation in Cyprus). The implicit references to Article 2(4) are far too numerous to be listed in this study.

⁹⁰ S C (25), Suppl. for April-June 1970, S/9794.

⁹¹ *Ibid.*, S/9795

⁹² The draft resolution submitted by Spain (S/9800) was adopted unanimously, after a United States amendment and a USSR sub-amendment to the United States amendment were put to the vote and failed of adoption. The United States amendment would have added the phrase "and an immediate cessation of all military operations in the area" to the Spanish draft; the USSR sub-amendment would have substituted the words "and stopping of Israeli aggression against Lebanon" for the United States amendment.

⁹³ The text of the draft resolution (S/9807), which had been arrived at during consultations among members of the Security Council, was read out at the 1542nd meeting by the representative of Zambia. At the same meeting it was adopted by 11 votes to none, with 4 abstentions.

⁹⁴ S C (25), Suppl. for July-Sept. 1970, S/9925.

⁹⁵ *Ibid.*, S/9924.

⁹⁶ The draft resolution submitted by Spain (S/9928) was adopted by 14 votes to none, with 1 abstention.

⁹⁷ S C (27), Suppl. for Jan.-March 1972, S/10546

⁹⁸ *Ibid.*, S/10550

⁹⁹ The draft resolution (S/10552) was sponsored by Belgium, France, Italy and the United Kingdom. During the vote the preambular paragraph ("Deploring all actions which have resulted in the loss of innocent lives") which had been subject to proposals for amendment or deletion during the Council's deliberations, was voted upon separately and failed to receive the required majority of nine votes; the remainder of the draft resolution was unanimously adopted.

¹⁰⁰ S C (27), Suppl. for April-June 1972, S/10715. See also the letter dated 26 June 1972 from the representative of the Syrian Arab Republic (S/10720) in which he requested that the Syrian Arab Republic be considered an integral party to the Lebanese complaint.

¹⁰¹ S C (27), Suppl. for April-June 1972, S/10716

¹⁰² The draft resolution (S/10722) was submitted by Belgium, France and the United Kingdom. It was put to the vote and adopted by 13 votes to none, with 2 abstentions. An alternate draft submitted by the United States, which would have condemned acts of violence in the area, called for an immediate cessation of all such acts and called upon all Governments concerned to repatriate all armed forces prisoners held in custody, was not put to the vote in view of the adoption of the three-Power draft resolution.

¹⁰³ S C (28), Suppl. for April-June 1973, S/10913.

¹⁰⁴ *Ibid.*, S/10911.

¹⁰⁵ The draft resolution (S/10916) was submitted by France and the United Kingdom. The draft was revised (S/10916/Rev.1), after four other Council members had proposed adding another operative paragraph with a call by the Council on all States to refrain from providing any assistance which encouraged military attacks or impeded the search for a peaceful settlement. This amendment was withdrawn, and the revised draft resolution was adopted by 11 votes to none, with 4 abstentions.

¹⁰⁶ S C (28), Suppl. for July-Sept. 1973, S/10983.

¹⁰⁷ The draft resolution sponsored by France and the United Kingdom (S/10987) was adopted unanimously.

¹⁰⁸ S C (29), Suppl. for April-June 1974, S/11264.

¹⁰⁹ The President of the Council drew the attention of the members of the Council to a draft resolution (S/11275) submitted by several members after lengthy consultations. The proposal by the United States to amend the text by adding a few words to operative paragraph 2 was put to the vote and was not adopted, having failed to acquire the necessary majority. The draft resolution as a whole was adopted by 13 to none; two members did not participate in the vote.

¹¹⁰ S C (33), Suppl. for Jan.-March 1978, S/12606.

¹¹¹ *Ibid.*, S/12600 and S/12602, both dated 15 March 1978 and addressed to the President of the Council and to the Secretary-General.

¹¹² *Ibid.*, S/12607.

¹¹³ The draft resolution (S/12610) was submitted by the United States. It was adopted by 12 votes to none, with 2 abstentions; one member did not participate in the vote. The resolution established the United Nations Interim Force in Lebanon (UNIFIL).

¹¹⁴ For the text of relevant statements see S C (25), 1537th mtg.: Israel, paras. 31, 34, 36, 38, 39-41, 79; Lebanon, paras. 11-15, 17, 19, 23, 24; Spain, paras. 44-46, 84-86; Zambia, paras. 47-49; 1538th mtg.: Israel, para. 108; Lebanon, para. 30, 1539th mtg.: Finland, paras. 62 and 63, 67; Lebanon, para. 140; USSR, paras. 29 and 30, 33 and 34, 39; 1540th mtg.: Israel, paras. 59, 63; United States, paras. 32, 34, 36; 1541st mtg.: Colombia, paras. 13 and 14; 1551st mtg.: Israel, paras. 46-48, 51-55; Lebanon, paras. 16-25; Spain, paras. 59-64; 75; United States, paras. 80-84; S C (27), 1643rd mtg.: Belgium, China, France, Israel, Italy, Lebanon, Somalia, USSR, United Kingdom; 1644th mtg.: Argentina, France, Guinea, USSR, United States; 1648th mtg.: China, Israel, Lebanon, USSR; 1649th mtg.: India, Kuwait, Somalia, United Kingdom; 1650th mtg.: Belgium, France; S C (28), 1705th mtg.: Israel, Lebanon; 1706th mtg.: Algeria, Sudan, USSR, Yugoslavia; 1708th mtg.: Australia, Lebanon, United Kingdom, United States; 1709th mtg.: France, Kenya, Panama, President (Peru); 1736th mtg.: Egypt, Iraq, Israel, Lebanon, USSR; 1738th mtg.: President (United States); 1739th mtg.: Peru; S C (29), 1766th mtg.: Israel, Kuwait, Lebanon, Syrian Arab Republic; 1767th mtg.: France, Israel, Lebanon, USSR, United Kingdom; 1768th mtg.: Australia, Austria; 1769th mtg.: United States; S C (33), 2071st mtg.: Israel, paras. 22, 28, 38, 52-58; Jordan, paras. 77-78, 80; Lebanon, paras. 13-16; Syrian Arab Republic, paras. 93, 97, 98; 2072nd mtg.: Egypt, paras. 7, 11, 16, 20; France, paras. 47-50, Kuwait, para. 28, 33, 34, 42; Nigeria, para. 55; 2073rd mtg.: Federal Republic of Germany, para. 21; USSR, paras. 36, 37; United States, para. 1.

¹¹⁵ S C (26), Suppl. for July-Sept. 1971, S/10313.

¹¹⁶ The draft resolution (S/10337) was introduced by Somalia. The representative of Syria submitted several amendments all of which he subsequently withdrew with the exception of one. This amendment to paragraph 4 of the draft resolution (adding after the word "Israel" the words "to rescind all previous measures and actions and...") was adopted by 13 votes to none, with 2 abstentions. The draft resolution as amended was adopted by 14 votes to none, with 1 abstention.

¹¹⁷ For the texts of relevant statements see S C (26), 1579th mtg.: Jordan, paras. 17, 19, 20, 27, 28, 32-37, 39-44, 76-86; 1580th mtg.: Israel, paras. 6, 9, 11, 21, 28, 34, 61, 69-72; 1582nd mtg.: Belgium, para. 42; France, paras. 58-60; Poland, paras. 81, 82, 86; USSR, paras. 4, 7, 8-15, 20, 26.

¹¹⁸ S C (29), Suppl. for July-Sept. 1974, S/11334.

¹¹⁹ S C (29), Suppl. for July-Sept. 1974, S/11335.

¹²⁰ *Ibid.*, S/11348.

¹²¹ The draft resolution (S/11350) was the result of continuous consultations with the Secretary-General and with the representatives of concerned Member States; it was adopted unanimously. Prior attempts to arrive at an agreed text (S/11346 and S/11346/Rev.1) giving expression to the same concern and proposing similar measures as those in resolution 353 (1974) did not succeed, and the drafts were not put to the vote.

¹²² This draft resolution (S/11369) emerged out of talks and consultations. It was immediately put to vote and adopted unanimously.

¹²³ S C (29), Suppl. for July-Sept. 1974, S/11384.

¹²⁴ S C (29), Suppl. for July-Sept. 1974, S/11389.

¹²⁵ For the text of the draft resolution see *ibid.*, S/11391.

¹²⁶ For the text of the draft resolution see *ibid.*, S/11399.

¹²⁷ *Ibid.*, S/11400.

¹²⁸ In the course of the discussion at the 1788th meeting the representative of the USSR submitted two amendments (S/11401), one of which was adopted while the other was rejected by vote.

¹²⁹ The draft resolution as amended was put to the vote and received 12 votes in favour, 2 against, with one member not participating in the vote.

¹³⁰ The draft resolution (S/11402) had been agreed to in the course of consultations among the Council Members. It was adopted by 12 votes to none, with 2 abstentions and one member not participating.

¹³¹ S C (29), Suppl. for July-Sept. 1974, S/11444.

¹³² *Ibid.*, S/11445.

¹³³ The draft resolution was submitted by the United Kingdom (S/11446) and was subsequently revised during consultations. The revised draft (S/11446/Rev.1) was put to the vote and adopted unanimously.

¹³⁴ The draft resolution (S/11448) was agreed upon in the course of consultations. It was adopted unanimously.

¹³⁵ The original draft (S/11450) was submitted by France. It was twice revised substantially (S/11450/Rev.2) before it was put to the vote and adopted by 11 votes to none, with 3 abstentions and one member not participating.

¹³⁶ For the texts of relevant statements, see S C (29), 1779th mtg.: Secretary-General, Cyprus, France, Turkey, USSR, United States; 1780th mtg.: China, Greece, President Makarios, Romania, Turkey, United States, Yugoslavia; 1781st mtg.: Cyprus, France, Kenya, Mauritania, Mauritius, Secretary-General, USSR, United Kingdom; 1783rd mtg.: Greece; 1786th mtg.: USSR; 1789th mtg.: USSR; 1792nd mtg.: Cyprus, Turkey; 1793rd mtg.: Algeria, Cyprus, President (USSR); 1794th mtg.: Cyprus; 1795th mtg.: Cyprus, France, President (USSR).

¹³⁷ S C (30), Suppl. for Oct.-Dec. 1975, S/11899.

¹³⁸ *Ibid.*, S/11909.

¹³⁹ See para. 30 above for a brief summary of the General Assembly's treatment of the question of East Timor.

¹⁴⁰ The draft resolution (S/11915), which had been prepared as the result of consultations among the members of the Council, was adopted unanimously.

¹⁴¹ S C (31), Suppl. for Jan.-March 1976, S/12011.

¹⁴² The draft resolution (S/12056) was submitted by Guyana and the United Republic of Tanzania. The representative of Japan introduced an amendment (S/12057) inserting one word in paragraph 2 of the draft. The amendment was put to the vote and failed to obtain the required majority of 9 votes. The draft resolution was adopted by 12 votes to none, with 2 abstentions; one member did not participate in the vote.

¹⁴³ For the texts of relevant statements see S C (30), 1864th mtg.: Mr. Horta, Indonesia, Portugal; 1865th mtg.: China; 1867th mtg.: Japan, Portugal, USSR, United Republic of Tanzania; S C (31), 1908th mtg.: Mr. Horta, Portugal; 1912th mtg.: Italy; 1915th mtg.: Sweden.

¹⁴⁴ S C (31), Suppl. for July-Sept. 1976, S/12126

¹⁴⁵ S C (31), Suppl. for July-Sept. 1976, S/12128

¹⁴⁶ *Ibid.*, S/12123.

¹⁴⁷ *Ibid.*, S/12124.

¹⁴⁸ S C (31), Suppl. for July-Sept. 1976, S/12138

¹⁴⁹ *Ibid.*, S/12139. The sponsors did not insist on a vote on the draft resolution.

¹⁵⁰ For the texts of relevant statements, see: S C (31), 1939th mtg.: France, Israel, Mauritania, United Republic of Cameroon; 1940th mtg.: Guyana, Sweden, United Kingdom; 1941st mtg.: Pakistan, USSR, United Republic of Tanzania, United States; 1942nd mtg.: India, Israel, Panama, Romania; 1943rd mtg.: Cuba, France, Uganda.

¹⁵¹ S C (32), Suppl. for Jan.-March 1977, S/12278

¹⁵² S C (32), Suppl. for Jan.-March 1977, S/12281.

¹⁵³ The draft resolution (S/12282) was initially submitted by Benin, the Libyan Arab Jamahiriya and Mauritius; it was revised (S/12282/Rev.1) by modifying the second paragraph and inserting a fourth paragraph and adopted by consensus, without a vote.

¹⁵⁴ S C (32), Special Suppl. No. 3, 1977, S/12294 and Add.1. The report contained a detailed account of the events at Cotonou and of the recruitment and composition of the mercenary force.

¹⁵⁵ The draft resolution (S/12322), which was sponsored by Benin, India, the Libyan Arab Jamahiriya, Mauritius and Panama, was adopted by consensus, without a vote.

¹⁵⁶ S C (32), Suppl. for Oct.-Dec. 1977, S/12437.

¹⁵⁷ The draft resolution (S/12454), which had been submitted by Benin, the Libyan Arab Jamahiriya and Mauritius, was revised (S/12454/Rev.1) and adopted without a vote.

¹⁵⁸ For the texts of relevant statements, see: S C (32), 1986th mtg.: Benin, paras. 10-29; Madagascar, para. 84; Rwanda, paras. 55-56; 1987th mtg.: India, paras. 61-64; 2000th mtg.: Mauritius, paras. 99-111; Panama, paras. 29-31; 2001st mtg.: USSR, para. 8; 2004th mtg.: Somalia, paras. 51-53; 2005th mtg.: Equatorial Guinea, para. 48; Mali, paras. 82-83; 2047th mtg.: Benin, para. 24; 2049th mtg.: Equatorial Guinea, para. 48.

¹⁵⁹ G A resolution 2606 (XXIV), para. 1 expressed the belief that, on the occasion of the twenty-fifth anniversary of the United Nations, the General Assembly should consider appropriate recommendations on the strengthening of international security.

¹⁶⁰ G A (25), Annexes, a.i. 32, A/8096 (Report of the First Committee), A/C.1/L.513, draft resolution submitted by Bulgaria, Byelorussian SSR, Czechoslovakia, Hungary, Mongolia, Poland, Ukrainian SSR and USSR, especially paras. 1-3, 6; A/C.1/L.514, draft resolution submitted by Australia, Belgium, Canada, Italy, Japan, subsequently also sponsored by the Netherlands, para. 1; A/C.1/L.517, draft resolution submitted by Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Trinidad and Tobago, Uruguay, and Venezuela, para. 3; A/C.1/L.518, draft resolution submitted by Afghanistan, Algeria, Cameroon, Ceylon, Cyprus, Ghana, Guyana, India, Indonesia, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libya, Malaysia, Mali, Mauritania, Morocco, Nepal, Nigeria, Sierra Leone, Singapore, the Sudan, Uganda, the United Arab Republic, the United Republic of Tanzania, Yugoslavia and Zambia, subsequently sponsored also by Burundi, Senegal and Tunisia, paras. 1, 5, 6. Several amendments were proposed to the various draft resolutions, but did not affect the paragraphs containing implicit references to Article 2(4).

¹⁶¹ See G A (25), Annexes, a.i. 32, A/8096, paras. 6-9. The new draft resolution (A/C.1/L.558) was submitted by Belgium, Brazil, Bulgaria, Ecuador, India, Italy, Poland, Yugoslavia and Zambia, subsequently sponsored also by Barbados, Bolivia, Burundi, Colombia, Costa Rica, Czechoslovakia, El Salvador, Guatemala, Guyana, Haiti, Honduras, Hungary, Iraq, Jamaica, Malaysia, Mauritius, Mexico, Nigeria, Panama, Paraguay, Romania, Sierra Leone, Singapore, Somalia, Trinidad and Tobago, Uruguay, and Venezuela.

¹⁶² *Ibid.*, A/8096, paras. 10-18, regarding the amendments introduced regarding the unified draft and the votes taken on those amendments and on the draft resolution as a whole. The First Committee adopted the draft resolution, as amended, by a roll-call vote of 106 to 1, with 1 abstention.

¹⁶³ The vote in the General Assembly was 120 in favour, 1 against, with 1 abstention.

¹⁶⁴ For the texts of relevant statements see G A (25), Plen., 1932nd mtg.: India, para. 127; 1st Com., 1725th mtg.: USSR, paras. 33-35; 1727th mtg.: Poland, para. 43; 1728th mtg.: Greece, paras. 62-63; Yugoslavia, paras. 91-92; 1729th mtg.: Japan, paras. 53-54; 1732nd mtg.: Australia, para. 34; Hungary, para. 48; 1733rd mtg.: Ecuador, para. 90; El Salvador, para. 22; 1734th mtg.: Pakistan, para. 106; Romania, paras. 47-50; 1737th mtg.: Lebanon, paras. 93-94; 1738th mtg.: India, paras. 71-72; USSR, paras. 145-150.

¹⁶⁵ See G A (25), Annexes, a.i. 85, introductory note. For the proceedings prior to 1970 see *Repertory, Supplement No. 4*, under Article 2 (4), paras. 29-36. As shown there, a large part of the work on the formulation of the principle concerning the prohibition of the threat or use of force was concluded prior to 1970.

¹⁶⁶ G A (25), Annexes, a.i. 85, document A/8082, para. 1. The General Assembly took this action in accordance with its resolution 2533 (XXIV) of 8 December 1969, in which it asked the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States to expedite its work and to attempt to submit to the Assembly at its twenty-fifth session a comprehensive report containing a draft Declaration on all the seven principles.

¹⁶⁷ G A (25), Supplement No. 18 (A/8018). This long and very detailed report of the Special Committee set out in depth the various proposals for the draft Declaration, the principles and phrases agreed to by the Special Committee and those suggestions which were put before it but not yet acted upon. The report also contains a comprehensive summary of the positions taken by the members of the Special Committee. The suggestions that did not find acceptance in the Special Committee or in the Sixth Committee are briefly summarized in conjunction with the final text of the Declaration. See note 169 below.

¹⁶⁸ A/C.6/L.793 and Corr.1 and Add.1. The list of sponsors reflected fully the wide consensus for the draft Declaration. See G A (25), Annexes, a.i. 85, para.5.

¹⁶⁹ The Declaration was adopted without objection. Only a few provisions, which still were pending for decision in the Special Committee, were not accepted in the final text. These related to the organization of armed bands and the instigation of civil strife and terrorist acts: proposals to exempt the process of self-determination and colonial liberation from the prohibition expressed in these two points explaining the range of principle 1 and to allow for any kind of support for the legitimate struggle in accordance with General Assembly resolution 1514 (XV) were not adopted.

¹⁷⁰ For the texts of relevant statements see G A (25), Supplement No. 18 chapter II C, paras. 91-93 (USSR), 106 (Argentina), 114 (Venezuela), 120 (Romania), 136 (Italy), 146-149, 151 (France), 161 (Yugoslavia), 171 (Canada), 179 (Poland), 183 (Nigeria), 195 (Czechoslovakia), 201 (Australia),

206 and 207 (Syria), 210 (Mexico), 214 (India), 225-230 (United Kingdom), 246-250 (United Arab Republic), 256-261 (United States); the statements were summarized in the Special Committee report. Also G A (25), Plen., 1860th mtg.: Cameroon, para. 41; Japan, paras. 16-28; Nigeria, para. 60; United Kingdom, para. 89; 6th Com., 1179th mtg.: Lebanon, para. 6; Pakistan, para. 19; 1180th mtg.: Iraq, para. 7; United States, para. 22; 1181st mtg.: Greece, para. 32; New Zealand, para. 7; 1183rd mtg.: Ecuador, para. 35; India, paras. 8-10; Lebanon, para. 48.

¹⁷¹ For the proceedings prior to 1970, see *Repertory, Supplement No. 4*, under Article 2(4), paras. 37-42.

¹⁷² The Special Committee met each year (13 July-14 August 1970; 1 February-5 March 1971; 31 January-3 March 1972; 25 April-30 May 1973; 11 March-12 April 1974) and submitted progress reports (G A (25), A/8049; G A (26), A/8419; G A (27), A/8719; G A (28), A/9019; G A (29), A/9619 and Corr.1). The Sixth Committee considered the reports of the Special Committee during the following meetings (25th session: 1202nd to 1209th, 1211th to 1213th meetings; 26th session: 1268th to 1276th and 1281st meetings; 27th session: 1346th to 1352nd, 1366th, 1368th and 1371st meetings; 28th session: 1439th to 1445th meetings; 29th session: 1471st to 1483rd, 1488th, 1502nd to 1504th meetings) and submitted the following reports to the General Assembly: G A (25), A/8171; G A (26), A/8525; G A (27), A/8929; G A (28), A/9411; G A (29), A/9890.

¹⁷³ G A (29), Annexes, a.i. 86, A/9890, para. 2. The last report (A/9619 and Corr.1) of the Special Committee was included. See also *ibid.*, Suppl. No. 19 and corrigendum.

¹⁷⁴ *Ibid.*, A/9890, paras. 2-3.

¹⁷⁵ See G A (29), Supplement No. 19 (A/9619), paras. 8-19 regarding the preparation and adoption of the draft Definition in the Special Committee.

¹⁷⁶ At the 1483rd mtg., on 23 October 1974, a working paper (A/C.6/L.988) was submitted by Guinea, Peru, and the Philippines, subsequently joined by Brazil, Ecuador, El Salvador, Iceland, the Ivory Coast, Madagascar, Morocco, Panama, Senegal and Somalia. At the 1488th mtg., on 30 October 1974, a second working paper (A/C.6/L.990) was submitted by Afghanistan, Bolivia, Botswana, Burundi, the Central African Republic, Chad, Laos, Lesotho, Mali, Nepal, Niger, Paraguay, Rwanda, Swaziland, Uganda, Upper Volta and Zaire, subsequently joined by Zambia.

¹⁷⁷ The draft resolution (A/C.6/L.993) was sponsored by Australia, Bulgaria, Canada, Colombia, Cyprus, Czechoslovakia, Finland, France, Ghana, Guyana, Italy, Japan, Mexico, Norway, Romania, Turkey, USSR, United Kingdom, United States, Uruguay and Yugoslavia, subsequently joined by the Byelorussian SSR, Chile, Liberia, Mongolia, New Zealand, Nicaragua, Poland, Uganda, Ukrainian SSR and Zaire.

¹⁷⁸ The General Assembly adopted the draft Definition by consensus.

¹⁷⁹ The following explanatory notes regarding articles 3 and 5 were adopted by the Special Committee and accepted as part of the definition by the General Assembly:

"1. With reference to article 3, subparagraph (b), the Special Committee agreed that the expression 'any weapons' is used without making a

distinction between conventional weapons, weapons of mass destruction and any other kind of weapon.

"2. With reference to the first paragraph of article 5, the Committee had in mind, in particular, the principle contained in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations according to which 'No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State'.

"3. With reference to the second paragraph of article 5, the words 'international responsibility' are used without prejudice to the scope of this term.

"4. With reference to the third paragraph of article 5, the Committee states that this paragraph should not be construed so as to prejudice the established principles of international law relating to the inadmissibility of territorial acquisition resulting from the threat or use of force."

See G A (29), Supplement No. 19, para. 20 for these explanatory notes. The following statements by the Chairman at the 1503rd meeting of the Sixth Committee were included in the report to the General Assembly and accepted in connexion with the adoption of the Definition (See G A (29), Annexes, a.i. 86, A/9890, paras. 9-10):

"The Sixth Committee agreed that nothing in the Definition of Aggression, and in particular article 3(c), shall be construed as a justification for a State to block, contrary to international law, the routes of free access of a land-locked country to and from the sea."

"The Sixth Committee agreed that nothing in the Definition of Aggression, and in particular article 3(d), shall be construed as in any way prejudicing the authority of a State to exercise its rights within its national jurisdiction, provided such exercise is not inconsistent with the Charter of the United Nations."

¹⁸⁰ During the period under review, all meetings held by the Special Committee and by the Sixth Committee during the twenty-fifth to twenty-ninth sessions of the General Assembly constituted examples of full-fledged constitutional discussion. The best survey over the course of the discussion and the range of arguments is contained in the reports of the Special Committee and the Sixth Committee cited above in note 172. The debates summarized in these reports offer a detailed overview of the various issues with which the committees were struggling. Special mention should be made of the concluding statements summarized in the last report of the Special Committee G A (29), Supplement No. 19 (A/9619), annex I, which highlight the agreements and disagreements among the members of the Special Committee at the conclusion of their endeavour. There were very many explicit references to Article 2(4) during all these debates in the two committees as well as numerous invocations of Article 51 and other related Charter articles.

¹⁸¹ See cases a, b and e in the Security Council (paras. 56, 59 and 84 above) and cases b and c in the General Assembly (paras. 99 and 104-105 above). The references to statements bearing on those cases include the relevant material regarding self-defence and threat or use of force.

¹⁸² See also this *Supplement*, under Article 51.