
Article 2(7)

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Article 2(7)

Text of Article 2(7)

Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

Introductory note

1. As in the previous *Supplements*, in *Supplement No. 7* the study under Article 2(7) covers only the cases in which objections, based on Article 2(7) of the Charter of the United Nations, were made to the jurisdiction of the competent organs of the United Nations.

2. Unlike in the previous *Supplements*, in *Supplement No. 7* the study under Article 2(7) deals only with the cases that were the subject of active consideration by the organs of the United Nations during the period under review. The numerical references to dormant and active cases have been abandoned.

3. None of the resolutions adopted by the competent organs of the United Nations referred explicitly to Article 2(7), but many of them incorporated, as grounds for action, some of the considerations advanced during the relevant discussions.

4. The study does not cover decisions in connection with which no objections based on Article 2(7) were raised, although such decisions constitute, at least implicitly, an affirmation of the competence of the United Nations and may therefore have a bearing on the question of domestic jurisdiction.

5. Four cases dealt with in the previous studies pertaining to Article 2(7) in the *Repertory* and its six *Supplements* are also dealt with in the present study, as indicated in the following table:

<i>Titles of the cases</i>	<i>Relevant paragraphs of study</i>	<i>Organ</i>
Question of the Comorian island of Mayotte	7-10	General Assembly
The situation in Kampuchea	11-14	General Assembly
The situation in Afghanistan and its implications for international peace and security	15-20	General Assembly
The question of the Malagasy islands of Glorieuses, Juan de Nova, Europa and Bassas da India	23-24	General Assembly

6. In addition, the present study deals with three new cases, as indicated in the following table:

<i>Titles of the cases</i>	<i>Relevant paragraphs of study</i>	<i>Organ</i>
The situation in the Middle East	21-22, 25-27	General Assembly and Security Council
The question of South Africa	28-31	Security Council
The situation in Namibia	32-33	Security Council

I. General survey

A. General Assembly

1. The question of the Comorian island of Mayotte

7. The question of the Comorian island of Mayotte was the subject of further consideration by the General Assembly at its fortieth to its forty-third sessions.

8. During the discussions of the General Committee at each session of the General Assembly, the representative of France contended against the inclusion of the question of the Comorian island of Mayotte as an item in the agenda of the General Assembly on the grounds that it was a territory under French sovereignty and stated that inclusion of the item would constitute a violation of Article 2(7).¹

9. Despite the objections raised on the grounds of Article 2(7), the General Assembly placed the item on its agenda at each session.²

10. The Assembly adopted four resolutions on the question of the Comorian island of Mayotte,³ and decided to include it in the provisional agenda of its subsequent sessions. The Assembly also requested the Secretary-General to present a report on the matter to each session of the Assembly. The four resolutions contained, *inter alia*, the following almost identical paragraphs:

“1. *Reaffirms* the sovereignty of the Islamic Federal Republic of the Comoros over the island of Mayotte;

“2. *Invites* the Government of France to honour the commitments entered into prior to the referendum on the self-determination of the Comoro Archipelago of 22 December 1974 concerning respect for the unity and territorial integrity of the Comoros;

“3. *Calls* for the translation into practice of the wish expressed by the President of the French Republic to seek actively a just solution to the question of Mayotte;

¹ A/BUR/40/SR.1, p. 9 (para. 57); A/BUR/41/SR.1, p. 8 (para. 58); A/BUR/42/SR.1, p. 5 (para. 30); A/BUR/43/SR.1, p. 5 (para. 28). For arguments presented in favour or against the inclusion of the item, see para. 35 of the present study.

² A/40/PV.3, p. 18; A/41/PV.3, p. 15; A/42/PV.3, p. 18; A/43/PV.3, p. 16.

³ GA resolutions 40/62, adopted by 117 to 1, with 22 abstentions; 41/30, adopted by 122 votes to 1, with 22 abstentions; 42/17, adopted by 128 votes to 1, with 22 abstentions; and 43/14, adopted by 127 votes to 1, with 25 abstentions.

“4. *Urges* the Government of France to accelerate the process of negotiations with the Government of the Comoros with a view to ensuring the effective and prompt return of the island of Mayotte to the Comoros;

“5. *Requests* the Secretary-General of the United Nations to maintain continuous contact with the Secretary-General of the Organization of African Unity with regard to this problem and to make available his good offices in the search for a peaceful negotiated solution to the problem”.⁴

2. The situation in Kampuchea

11. The General Assembly continued the consideration of the situation in Kampuchea at its fortieth to its forty-third sessions.

12. During the discussions of the item in the General Assembly, no specific references were made to Article 2(7). However, some representatives advanced the argument that the continued consideration of the item by the General Assembly constituted interference in the internal affairs of Kampuchea.⁵ Counter-arguments were also made that the United Nations did not violate any provision of the Charter by the consideration of the item.⁶

13. The General Assembly adopted four resolutions on the above item,⁷ and decided, *inter alia*, to include the item in the provisional agenda of its subsequent session and requested the Secretary-General to present a report to each session of the Assembly. Moreover, three resolutions of the Assembly contained, *inter alia*, the following identical paragraph:

“2. *Reiterates its conviction* that the withdrawal of all foreign forces from Kampuchea, the restoration and preservation of its independence, sovereignty and territorial integrity, the right of the Kampuchean people to determine their own destiny and the commitment by all States to non-interference and non-intervention in the internal affairs of Kampuchea are the principal components of any just and lasting resolution of the Kampuchean problem”.⁸

14. However, the Assembly, at its forty-third session, adopted an amended version of that paragraph, taking into consideration the relevant political developments, which reads as follows:

“2. *Reiterates its conviction* that the withdrawal of all foreign forces from Kampuchea under effective international supervision and control, the creation of an interim administering authority, the promotion of national reconciliation among all Kampucheans under the leadership of Samdech Norodom Sihanouk, the non-return to the universally condemned policies and practices of a recent past, the restoration and preservation of the independence,

⁴ The above paragraphs are quotations from GA resolution 43/14, which is a slightly modified version of the previous General Assembly resolutions on the subject, referred to in footnote 3.

⁵ See for instance: A/40/814, p. 2; A/40/PV.63, p. 63.

⁶ A/43/PV.44, p. 51. For arguments presented in favour or against the discussion of the item in the General Assembly, see paras. 35-36 and 40 of the present study.

⁷ GA resolutions 40/7, adopted by 114 votes to 21 with 16 abstentions; 41/6, adopted by 114 votes to 21 with 16 abstentions; 42/3, adopted by 117 votes to 21 with 16 abstentions; and 43/19, adopted by 122 votes to 19 with 13 abstentions.

⁸ GA resolutions 40/7; 41/6; and 42/3.

sovereignty, territorial integrity and neutral and non-aligned status of Kampuchea, the reaffirmation of the right of the Kampuchean people to determine their own destiny and the commitment by all States to non-interference and non-intervention in the internal affairs of Kampuchea, with effective guarantees, are the principal components of any just and lasting resolution of the Kampuchean problem".⁹

3. The situation in Afghanistan and its implications for international peace and security

15. The General Assembly continued its consideration of the situation in Afghanistan and its implications for international peace and security at its fortieth through forty-third sessions.

16. During the discussions of the General Committee at each session of the Assembly, the representatives of Afghanistan and the Union of the Soviet Socialist Republics objected to the inclusion of the item in the agenda of the Assembly on the basis of Article 2(7) of the Charter.¹⁰ However, in the discussion of the item at the forty-third session of the Assembly, the representative of Afghanistan stated that his country did not object to the inclusion of that item in the agenda.¹¹

17. Despite the objections raised at the fortieth to the forty-second sessions of the General Assembly on the grounds of Article 2(7), the Assembly decided to place the item in its agenda.¹²

18. Also during the discussion of the item in the fortieth to the forty-second sessions of the Assembly, some delegations reiterated that the inclusion of the item in the agenda constituted interference in the internal affairs of Afghanistan and that its discussion was in violation of the provisions of the Charter.¹³ Others did not share their point of view, and advanced the argument that the situation in Afghanistan was the result of the intervention by foreign military forces.¹⁴

19. Following the discussion of the item at the above sessions, the Assembly adopted three identical resolutions,¹⁵ which, inter alia, reaffirmed the sovereignty, territorial integrity, political independence and non-aligned character of Afghanistan, and the right of Afghan people to determine their own form of government. These resolutions also called for the immediate withdrawal of foreign troops from Afghanistan. The relevant paragraphs of the said resolutions read as follows:

⁹ GA resolution 43/19.

¹⁰ A/BUR/40/SR.1, p. 7 (paras. 45 and 50); A/BUR/41/SR.1, p. 7 (paras. 48 and 52); A/BUR/42/SR.1, p. 6 (paras. 36 and 37).

¹¹ A/BUR/43/SR.1, p. 5 (para. 24).

¹² A/40/PV.3, p. 17; A/41/PV.3, p. 11; A/42/PV.3, pp. 19-20; A/43/PV.3, p. 13.

¹³ A/40/PV.74, pp. 46-47 and 53; A/41/PV.55, pp. 39-40, 55, 67 and 76; A/41/PV.56, pp. 48 and 128; and A/42/PV.61, p. 8.

¹⁴ A/40/PV.74, pp. 7, 26-27 and 36-37; A/41/PV.55, pp. 83-85; A/41/PV.56, pp. 6 and 43; A/41/PV.57, p. 26; A/42/PV.60, p. 51; A/42/PV.61, p. 91; and A/42/PV.62, pp. 28-30 and 37. For arguments presented in favour or against the inclusion of the item in the General Assembly agenda, see para. 35 of the present study.

¹⁵ GA resolutions 40/12, adopted by 122 votes to 19 with 12 abstentions; 41/33, adopted by 122 votes to 20 with 11 abstentions; and 42/15, adopted by 123 votes to 19 with 11 abstentions.

“1. *Reiterates* that the preservation of the sovereignty, territorial integrity, political independence and non-aligned character of Afghanistan is essential for a peaceful solution of the problem;

“2. *Reaffirms* the right of the Afghan people to determine their own form of government and to choose their economic, political and social system free from outside intervention, subversion, coercion or constraint of any kind whatsoever;

“3. *Calls* for the immediate withdrawal of the foreign troops from Afghanistan”.

20. At its forty-third session, the General Assembly adopted, without discussion and without vote,¹⁶ another resolution on the item, which, inter alia, welcomed the conclusion at Geneva, on 14 April 1988, under United Nations auspices, of the Agreements on the Settlement of the Situation Relating to Afghanistan, which constituted an important step towards a comprehensive political solution of the Afghanistan problem.¹⁷

4. The situation in the Middle East

21. During the period under consideration, the General Assembly adopted four resolutions¹⁸ on the situation in the Middle East, which contained, inter alia, the following almost identical paragraph:

“10. *Considers* that the agreements on strategic cooperation between the United States of America and Israel, signed on 30 November 1981, and the continued supply of modern arms and materiel to Israel, augmented by substantial economic aid, including the Agreement on the Establishment of a Free Trade Area between the two Governments, have encouraged Israel to pursue its aggressive and expansionist policies and practices in the Palestinian and other Arab territories occupied since 1967, including Jerusalem, and have had adverse effects on efforts for the establishment of a comprehensive, just and lasting peace in the Middle East and pose a threat to the security of the region”.¹⁹

22. During the consideration of the item at each session of the General Assembly, the representative of the United States of America objected to the above paragraph and requested a separate vote on it on the grounds that it represented an unwarranted interference in the internal affairs and decision-making of the United States,²⁰ which was totally outside the jurisdiction of the General Assembly.²¹ Moreover, the United States opposed the critical reference in the resolution to its relations with another

¹⁶ A/43/PV.45, p. 6.

¹⁷ GA resolution 43/20 (para. 1).

¹⁸ GA resolutions 40/168 A, adopted by 98 votes to 19, with 31 abstentions; 41/162 A, adopted by 104 votes to 19, with 32 abstentions; 42/209 A, adopted by 99 votes to 19, with 33 abstentions; and 43/54 A, adopted by 103 votes to 18, with 30 abstentions.

¹⁹ The above paragraph is a quotation from GA resolution 43/54 A, which is a slightly modified version of the previous General Assembly resolutions on the subject referred to in footnote 18 above.

²⁰ A/40/PV.118, p. 63; A/41/PV.97, p. 128.

²¹ A/40/PV.118, p. 63.

Member State.²² Notwithstanding the objection of the United States, the above paragraph was approved in a separate vote at each session of the Assembly.²³

5. The question of the Malagasy islands of Glorieuses, Juan de Nova, Europa and Bassas da India

23. During the period under review, at each session of the General Assembly, the representative of France objected, in the discussions of the General Committee, to the inclusion of the question of the Malagasy islands of Glorieuses, Juan de Nova, Europa and Bassas da India in the agenda of the Assembly, on the grounds that it constituted a violation of Article 2(7) of the Charter.²⁴

24. Despite the objections of France, the item was included in the agenda of each session of the General Assembly,²⁵ and upon the recommendation of the Special Political Committee, the Assembly adopted a decision to include the question of the Malagasy islands of Glorieuses, Juan de Nova, Europa and Bassas da India in the provisional agenda of its subsequent session.²⁶

****B. General Assembly and Economic and Social Council**

C. Security Council

1. The situation in the Middle East

25. At its 2582nd meeting, in 1985, the Security Council considered the letter dated 30 May 1985 from the Permanent Representative of Egypt to the President of the Security Council,²⁷ and unanimously adopted its resolution 564 (1985), which, inter alia, expressed its deepest concern at the heavy costs in human lives and material destruction affecting the civilian population in Lebanon, called on all concerned to end acts of violence against the civilian population in Lebanon and, in particular, in and around Palestinian refugee camps,²⁸ reiterated its calls for respect for the sovereignty, independence and territorial integrity of Lebanon,²⁹ called upon all parties to take necessary measures to alleviate the suffering resulting from acts of violence, in particular by facilitating the work of the United Nations agencies, especially the United Nations Relief and Works Agency for Palestine Refugees in the Near East, and non-governmental organizations, including the International Committee of the Red Cross, in providing humanitarian assistance to all those

²² A/42/PV.97, p. 54; A/43/PV.71, p. 21.

²³ At its fortieth session, the General Assembly approved the paragraph by 64 votes to 33, with 41 abstentions; at its forty-first session, the paragraph was approved by 66 votes to 38 with 41 abstentions; at its forty-second session, the Assembly adopted the paragraph by 64 votes to 33, with 41 abstentions; and at its forty-third session, the Assembly approved the paragraph by 71 votes to 30, with 42 abstentions.

²⁴ A/BUR/40/SR.1, p. 10; A/BUR/41/SR.1, p. 9; A/BUR/42/SR.1, p. 10; and A/BUR/43/SR.1, p. 6.

²⁵ A/40/PV.3, p. 20; A/41/PV.3, p. 15; A/42/PV.3, p. 26; and A/43/PV.3, p. 16.

²⁶ A/40/992 (para. 4); A/41/756 (para. 4); A/42/704 (para. 4); and A/43/773 (para. 4).

²⁷ S/17228.

²⁸ SC resolution 564 (1985) (para. 1).

²⁹ Ibid. (para. 2).

affected and emphasized the need to ensure the safety of all the personnel of those organizations.³⁰

26. Speaking after the adoption of the resolution, the representative of Lebanon opposed the convening of the Security Council without Lebanon's consent to consider a situation in Lebanese territory, which constituted interference in Lebanon's internal affairs.³¹ He also expressed Lebanon's opposition to any resolution adopted by the Council in that regard.³²

27. The representative of France, also speaking after the adoption of the resolution, stated that those were domestic affairs on which the international community should not have to pass judgment. Nevertheless, in the light of the human tragedies stemming from the Lebanese conflict, the international community had, for humanitarian reasons, a particular responsibility which it could not shirk.³³

2. The question of South Africa

28. During the period under review, the Security Council continued its consideration of the question of South Africa and adopted seven resolutions on that question.³⁴ On three occasions, the representative of South Africa made statements before the Security Council, in which his country objected to the consideration of the subject³⁵ on the grounds that the Security Council had abused its powers by interfering in the internal affairs of South Africa,³⁶ which was in contravention of the provisions of the Charter.³⁷

29. Despite the objections of South Africa, the Security Council in its resolution 560 (1985) strongly condemned the Pretoria regime for the killing of defenceless African people protesting against their forced removal from Crossroads and other places³⁸ and the arbitrary arrests by the Pretoria regime of members of the United Democratic Front and other mass organizations opposed to South Africa's policy of apartheid.³⁹ The Council called upon the Pretoria regime to release unconditionally and immediately all political prisoners and detainees, including Nelson Mandela and all other black leaders with whom it had to deal in any meaningful discussions of the future of the country⁴⁰ and to withdraw the charges of "high treason" instituted against the United Democratic Front officials.⁴¹ It also called for their unconditional release.⁴²

30. Moreover, the Council in its resolution 569 (1985) strongly condemned the mass arrests and detentions recently carried out by the Pretoria Government and the

³⁰ Ibid. (para. 3).

³¹ S/PV.2582, p. 3 (para. 28).

³² Ibid., p. 3 (para. 33).

³³ Ibid., p. 4 (para. 38).

³⁴ SC resolutions 560 (1985), adopted unanimously; 569 (1985), adopted by 13 votes to zero with 2 abstentions; 581 (1986), adopted by 13 votes to zero with 2 abstentions; 591 (1986), adopted by consensus; 610 (1988), adopted unanimously; 615 (1988), adopted unanimously; and 623 (1988), adopted by 13 votes to zero with 2 abstentions.

³⁵ S/PV.2600, pp. 38-40.

³⁶ S/PV.2571, pp. 62-65.

³⁷ S/PV.2732, p. 21.

³⁸ SC resolution 560 (1985) (para. 1).

³⁹ Ibid. (para. 2).

⁴⁰ Ibid. (para. 3).

⁴¹ Ibid. (para. 4).

⁴² Ibid. (para. 4).

murders which had been committed,⁴³ the establishment of the state of emergency in the 36 districts in which it had been imposed, and demanded that the state of emergency be lifted immediately.⁴⁴ Additionally, the Council called upon the South African Government to set free immediately and unconditionally all political prisoners and detainees, first of all, Nelson Mandela⁴⁵. It reaffirmed that “only the total elimination of *apartheid* and the establishment in South Africa of a free, united and democratic society on the basis of universal suffrage can lead to a solution”.⁴⁶

31. The Council, in accordance with its resolution 591 (1986), strengthened and expanded the arms embargo that it had imposed against South Africa in 1977.⁴⁷

3. The situation in Namibia

32. Speaking before the Security Council at its 2583rd meeting, when the Council was considering the situation in Namibia, the representative of South Africa stated that his country did not concede the right of the United Nations to interfere in South Africa’s domestic affairs.

33. Despite the remarks made by the South African representative, the Security Council adopted its resolution 566 (1985) which, inter alia, condemned South Africa for its continued illegal occupation of Namibia in flagrant defiance of resolutions of the General Assembly and decisions of the Security Council,⁴⁸ and reaffirmed the legitimacy of the struggle of the Namibian people against the illegal occupation of the racist regime of South Africa.⁴⁹ The Council also condemned South Africa for its installation of a so-called interim government in Windhoek,⁵⁰ and declared that action to be illegal and null and void.⁵¹

****D. International Court of Justice**

II. Analytical summary of practice

A. The term “to intervene” in Article 2(7)

1. Whether inclusion of an item in the agenda constitutes interference in the internal affairs of a State in violation of Article 2(7) of the Charter

34. The question whether the inclusion of an item in the agenda of the General Assembly constitutes intervention in the internal affairs of a State arose in the debates concerning the inclusion of the following items: the question of the Comorian island of Mayotte, the situation in Afghanistan and its implications for international peace and security, and the question of the Malagasy islands of Glorieuses, Juan de Nova, Europa and Bassas da India.

⁴³ SC resolution 569 (1985) (para. 2).

⁴⁴ Ibid. (para. 3).

⁴⁵ Ibid. (para. 4).

⁴⁶ Ibid. (para. 5).

⁴⁷ SC resolution 418 (1977).

⁴⁸ SC resolution 566 (1985) (para. 1).

⁴⁹ Ibid. (para. 2).

⁵⁰ Ibid. (para. 3).

⁵¹ Ibid. (para. 4).

35. The inclusion of the above items in the General Assembly's agenda was opposed by representatives who expressed the view that the items fell essentially within the domestic jurisdiction of the State concerned, and that the United Nations was prohibited from interfering in matters essentially within the domestic jurisdiction of States and that such inclusion would constitute a violation of Article 2(7) of the Charter.⁵² The representatives who supported the inclusion of the items in the agenda of the Assembly stated that those matters were not considered to be the internal affairs of the States concerned,⁵³ that their inclusion did not violate Charter provisions, and that the Assembly had included those items in its agenda in past years and that it had adopted a number of resolutions on those items.⁵⁴ In some cases, the argument was advanced that as a result of the use of force against a Member State and its occupation by foreign forces, the Charter provisions had been violated, which made it imperative for the General Assembly to consider those items.⁵⁵

****2. Whether a recommendation constitutes "intervention"**

B. The expression in Article 2(7): "matters which are essentially within the domestic jurisdiction of any State"

1. Whether a matter governed by international law can fall essentially within domestic jurisdiction

36. References to international law were made in the debates of the General Assembly on the situation in Kampuchea and the situation in Afghanistan and its implications for international peace and security.

37. In the debates concerning the situation in Kampuchea, several representatives maintained that the invasion and occupation of Kampuchea by Vietnamese armed forces constituted a grave violation of the basic principles of international law, including, in particular, respect for sovereignty, independence and territorial integrity of States, non-intervention in the internal affairs of States, respect for the self-determination of peoples, and the non-use of force in international relations.⁵⁶

38. In debates relating to the situation in Afghanistan and its implications for international peace and security, a number of representatives stated that the invasion and occupation of Afghanistan by the military forces of the Union of Soviet Socialist Republics was in violation of fundamental principles of international law, especially the principles of non-use of force in international relations and self-determination of peoples.⁵⁷

⁵² See paras. 8, 16 and 24 of the present study. See also A/41/PV.55, pp. 43 and 76; and A/41/PV.56, pp. 48 and 128.

⁵³ A/40/PV.74, p. 7.

⁵⁴ A/BUR/40/SR.1, p. 10; A/BUR/41/SR.1, p. 9; A/BUR/42/SR.1 (paras. 40-42); A/BUR/43/SR.1, p. 7; and A/40/PV.74, pp. 7, 26 and 36-37.

⁵⁵ A/40/PV.74, pp. 7 and 26; A/41/PV.55, pp. 83-85; A/41/PV.56, pp. 6 and 43; A/41/PV.57, p. 26; A/42/PV.60, p. 51; and A/42/PV.62, pp. 28-30.

⁵⁶ A/40/PV.63, pp. 52, 71 and 76; A/41/PV.44, p. 12; A/42/PV.39, pp. 87 and 94-96; and A/43/PV.44, pp. 51 and 82.

⁵⁷ A/40/PV.74, pp. 7, 26 and 36-37; A/41/PV.55, p. 67; A/41/PV.65, p. 43; A/41/PV.57, p. 26; and A/42/PV.61, p. 91.

****2. Whether a matter governed by international agreements can fall essentially within domestic jurisdiction**

3. Whether a matter dealt with by the Charter can fall essentially within domestic jurisdiction

39. In the debates of the General Assembly concerning the situation in Kampuchea, a number of representatives rejected the arguments based on Article 2(7) and maintained that the General Assembly had the competence to consider the item on the grounds that Viet Nam had violated the basic principles of the Charter.⁵⁸

40. Similar arguments were made in the debates of the Assembly concerning its agenda item on the situation in Afghanistan and its implications for international peace and security. In particular, it was stated that the violations of Charter principles were a basis for United Nations actions on the topic before the Assembly.⁵⁹

*** (a) Article 2(7) and the Charter provisions on human rights*

*** (b) Article 2(7) and the Charter provisions regarding non-self-governing territories*

(c) Article 2(7) and the Charter provisions on the self-determination of peoples

41. References to the Charter provisions and the General Assembly resolutions on self-determination of peoples were made during the debates of the Assembly on the situation in Kampuchea, the situation in Afghanistan and its implications for international peace and security, and the question of the Comorian island of Mayotte.

42. During the deliberations of the Assembly regarding the situation in Kampuchea, several delegations expressed the view that Viet Nam, by its invasion and continued occupation of Kampuchea, had manifestly denied the right of self-determination of the Kampuchean people and thereby had violated the Charter of the United Nations.⁶⁰

43. Similar arguments were also made in the Assembly during its consideration of the situation in Afghanistan and its implications for international peace and security. A number of representatives stated that the right of self-determination for Afghanistan's people had been violated by the military intervention and the continued occupation of Afghanistan.⁶¹

44. During the period under review, different opinions were expressed in the Assembly as regards the application of the principle of self-determination in the case concerning the question of the Comorian island of Mayotte. On the one hand, the representative of France continued to object the consideration of the item by the Assembly on the grounds that it was in violation of Article 2(7) of the Charter.⁶² On the other hand, the representative of Comoros and others repeated the arguments that they had made in Assembly sessions prior to the period under review, that the people of Comoros, including those of the Mayotte island, had expressed their wish

⁵⁸ A/40/PV.63, pp. 52 and 71; A/41/PV.44, pp. 12 and 46; and A/43/PV.44, p. 51.

⁵⁹ A/BUR/42/SR.1, p. 7; A/40/PV.74, p. 26; A/41/PV.55, pp. 83-85; A/41/PV.56, pp. 6 and 43; A/41/PV.57, p. 26; A/42/PV.60, p. 51; and A/42/PV.62, pp. 28-30.

⁶⁰ A/40/PV.63, pp. 51-52 and 76; A/41/PV.44, pp. 13 and 36; A/42/PV.39, pp. 87 and 94-96; and A/43/PV.44, p. 51.

⁶¹ A/40/PV.74, pp. 7 and 37; and A/42/PV.61, p. 91.

⁶² A/40/PV.109, p. 42; A/41/PV.53, pp. 7, 42 and 43; A/42/PV.64, p. 47; and A/43/PV.37, p. 36.

to become an independent State, in the referendum of 22 December 1974, which was the only valid referendum concerning the future of Comoros.⁶³

(d) *Article 2(7) and the Charter provisions on the maintenance of international peace and security*

45. During the deliberations of the General Assembly concerning the situation in Kampuchea and the situation in Afghanistan and its implications for international peace and security, a number of references were made to the Charter provisions relating to the maintenance of international peace and security.

46. In the course of the respective debates on the above items in the Assembly, several representatives maintained that a political situation that existed in a particular Member State was the result of the armed intervention carried out by another Member State in contravention of Charter provisions, notably Article 2(4), that the situation under consideration was a threat to international peace and security and that it could rightly be addressed within the jurisdiction of the competent organs of the United Nations, i.e. the Security Council or the General Assembly.⁶⁴ Some other representatives, however, expressed the opinion that the political situation in question was the internal matter of the State concerned.⁶⁵

4. Whether the domestic jurisdiction of a State extends over all its territories

47. During the deliberations of the General Assembly concerning the Comorian island of Mayotte and the question of the Malagasy islands of Glorieuses, Juan de Nova, Europa and Bassas da India, the representative of France maintained that the above islands constituted an integral part of the French Republic and the discussion of the items constituted a violation of Article 2(7) of the Charter. That view was disputed by others, on the grounds that the principle of decolonization applied to the population of a colonial entity as a whole and that the wishes of Comoros and Madagascar regarding their independence, unity and territorial integrity had to be respected.⁶⁶

****5. Whether civil strife in certain situations is not a matter falling essentially within domestic jurisdiction**

****6. Whether minority questions can fall essentially within domestic jurisdiction**

⁶³ A/40/PV.109, p. 7; A/41/PV.53, pp. 7, 42 and 43; A/42/PV.64, pp. 18-20.

⁶⁴ A/BUR/40/SR.1, p. 9 (para. 53); A/BUR/42/SR.1, p. 7 (para. 41); A/40/PV.74, pp. 7 and 36; A/40/PV.63, p. 51; A/41/PV.44, p. 12; and A/42/PV.61, p. 91.

⁶⁵ S/PV.2582 (para. 53).

⁶⁶ A/40/PV.109, p. 8; A/41/PV.53, p. 11; and A/42/PV.64, p. 22.

****C. The last phrase of Article 2(7): “but this principle shall not prejudice the application of enforcement measures under Chapter VII”**

D. Procedure by which Article 2(7) was invoked

48. Objections to the jurisdiction of the United Nations organs on the basis of Article 2(7) of the Charter were made during the discussions of the General Committee on the agenda of each session of the Assembly⁶⁷ and in the course of the debates of the Security Council⁶⁸ and the General Assembly.⁶⁹ The same Article was also invoked as an explanation for casting negative vote on a number of resolutions adopted by the Assembly.⁷⁰

E. Effect of previous decisions by the General Assembly or the Security Council to deal with the question

49. In the deliberations of the General Assembly relating to the question of Kampuchea, the question of the Comorian island of Mayotte, the question of the Malagasy islands of Glorieuses, Juan de Nova, Europa and Bassas da India, the situation in Afghanistan and its implications for international peace and security, the contention that the discussion of the items constituted violations of Article 2(7) was opposed by many delegations, who observed that the discussion of the above items in the Assembly was justified by the earlier decisions of the Assembly.⁷¹

****F. Article 2(7) and the principle of non-intervention**

⁶⁷ A/BUR/40/SR.1 (paras. 44-45, 50 and 57); A/BUR/41/SR.1 (paras. 47-48, 52 and 58); A/BUR/42/SR.1 (paras. 36-37); and A/BUR/43/SR.1 (paras. 24 and 28).

⁶⁸ S/PV.2582, p. 3 (para. 28).

⁶⁹ A/40/PV.74, p. 47; A/40/PV.63, p. 63; A/40/PV.109, p. 42; A/41/PV.53, p. 43; A/41/PV.55, pp. 39-40; A/42/PV.64, p. 47; and A/43/PV.37, p. 36.

⁷⁰ A/40/PV.109, pp. 40-45; A/41/PV.53, pp. 42-45; A/42/PV.64, pp. 47-55; and A/43/PV.37, pp. 36-37.

⁷¹ A/BUR/40/SR.1, p. 10 (para. 66); A/BUR/41/SR.1, pp. 7-9 (paras. 49, 51, 53 and 69); A/BUR/42/SR.1, p. 5 (para. 31); A/BUR/43/SR.1, p. 7 (para. 43); A/40/PV.63, p. 52; A/40/PV.74, p. 7; A/40/PV.109, p. 8; A/41/PV.57, p. 26; A/41/PV.44, p. 13; and A/42/PV.60, p. 51.