

**Repertory of Practice of United Nations Organs  
Supplement No. 9**

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*Repertory of Practice of United Nations Organs*)

**ARTICLES 1(1), 1(3), 1(4), 2(1), 2(2), 2(3) and 2(5)**

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**ARTICLES 1 (1), 1(3), 1(4), 2(1), 2(2), 2(3) AND 2(5)**

**TEXT OF ARTICLES 1 (1), 1(3), 1(4)**

The Purposes of the United Nations are:

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

...

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

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

**TEXT OF ARTICLES 2(1), 2(2), 2(3) AND 2(5)**

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

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

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

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

...

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

### **INTRODUCTORY NOTE**

1. In the present *Supplement*, as in *Supplements* Nos. 2 to 8, Article 1(2), as well as paragraphs 4, 6 and 7 of Article 2, are treated in separate studies. The present study is therefore confined to the practice of the United Nations organs relating to paragraphs 1, 3 and 4 of Article 1 and to paragraphs 1, 2, 3 and 5 of Article 2.

2. Similarly to previous studies, decisions of the United Nations organs taken under other Articles of the Charter are dealt with under those Articles to which they are directly related. Consequently, the present study is confined, for the reasons stated in *Supplement* No. 2, to an examination: (a) of the general features of the practice of the General Assembly in making reference to the Purposes and Principles of the Charter; and (b) of certain decisions of the General Assembly with its widest-ranging functions and responsibilities under the Charter.

3. During the period under review, the United Nations organs continued their practice of relying on the Purposes and Principles of the Charter as a whole and/or on a particular provision of Article 1 or Article 2, as a basis of dealing with subject matters under consideration. The main features of that practice are summarized in paragraphs 5 to 13 below.

4. Following the practice established in *Supplement No.7*, this study does not have annexes containing tables of relevant paragraphs of resolutions adopted by the General Assembly during the period under review.<sup>1</sup> As the text of all resolutions are available on the Internet, only symbols of relevant General Assembly resolutions are provided for in the footnotes.<sup>2</sup>

## **The practice of the General Assembly**

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

5. During the period under review, the General Assembly adopted a number of resolutions relating to a wide range of subjects, in which it invoked, reaffirmed or called upon the Member States to observe and promote the Purposes and Principles of the Charter.<sup>3</sup>

### **2. Article 1 (1)**

6. No explicit references were made to Article 1(1) in the resolutions adopted by the General Assembly during the period under consideration. However, resolutions adopted by the Assembly on the following questions might be considered to have bearing on Article 1(1): (a) review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly;<sup>4</sup> (b) general and complete disarmament<sup>5</sup> (c) action to be taken in 1999 dedicated to the centennial of the first

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<sup>1</sup> See *Repertory of Practice of United Nations Organs, Supplement No. 7*, vol. I, under Articles 1(1), 1(3), 1(4), 2(1), 2(2), 2(3), and 2(5), paragraph 4.

<sup>2</sup> See <http://www.un.org/documents/>.

<sup>3</sup> General Assembly resolutions 49/49; 49/180; 49/201; 49/202; 49/203; 49/207; 49/244; 50/2; 50/5; 50/6; 50/10; 50/16; 50/17; 50/29; 50/31; 50/71; 50/75; 50/81; 50/172; 50/174; 50/178; 50/183; 50/192; 50/193; 50/196; 51/17; 51/18; 51/20; 51/45; 51/50; 51/55; 51/56; 51/98; 51/103; 51/105; 51/110; 51/115; 51/116; 51/131; 51/138; 51/156; 51/210; 51/241; 51/242; 52/4; 52/5; 52/10; 52/12; 52/21; 52/38; 52/43; 52/64; 52/72; 52/119; 52/131; 52/135; 52/138; 52/147; 52/155; 52/164; 52/165; 53/4; 53/8; 53/10; 53/16; 53/22; 53/25; 53/42; 53/43; 53/53; 53/71; 53/77; 53/82; 53/97; 53/101; 53/108; 53/115; 53/132; 53/144; 53/145; 53/149; 53/159; 53/169; 54/7; 54/9; 54/21; 54/34; 54/45; 54/54 L; 54/59; 54/62; 54/76; 54/78; 54/84; 54/109; 54/110; 54/121; 54/132 I; 54/154; 54/165; 54/174; 54/175; and 54/230.

<sup>4</sup> General Assembly resolutions 50/71 B (preamb.); 51/46 C (preamb.); 52/39 B (preamb.); 53/78 A (preamb.); and 54/55 A (preamb.).

<sup>5</sup> General Assembly resolutions 51/45 G and N (preamb.) and 52/38 K (preamb.).

International Peace Conference and to the closing of the United Nations Decade of International Law;<sup>6</sup> and (d) draft guiding principles for international negotiations.<sup>7</sup>

### 3. Article 1 (3)

7. During the period under review, the General Assembly referred explicitly to Article 1(3) in its resolutions on: (a) the Convention on the Elimination of All Forms of Discrimination against Women;<sup>8</sup> and (b) enhancement of international cooperation in the field of human rights.<sup>9</sup>

8. In addition, the General Assembly, although not explicitly referring to Article 1(3), adopted several resolutions which might be considered to have bearing on this Article. Those resolutions related, inter alia, to the following questions: (a) cooperation between the United Nations and the Economic Cooperation Organization;<sup>10</sup> (b) Third Decade to Combat Racism and Racial Discrimination;<sup>11</sup> (c) Third Decade to combat racism and racial discrimination and the convening of a world conference against racism, racial discrimination, xenophobia and related intolerance;<sup>12</sup> (d) International Decade of the World's Indigenous People;<sup>13</sup> (e) strengthening of United Nations action in the human rights field through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity;<sup>14</sup> (f) elimination of all forms of religious intolerance;<sup>15</sup> (g) strengthening of the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights;<sup>16</sup> (h) comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action;<sup>17</sup>

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<sup>6</sup> General Assembly resolution 51/159 (preamb.).

<sup>7</sup> General Assembly resolution 52/155 (preamb.).

<sup>8</sup> General Assembly resolutions 51/68 (preamb.) and 53/118 (preamb.).

<sup>9</sup> General Assembly resolutions 51/100 (preamb.); 53/154 (preamb.); and 54/181 (preamb.).

<sup>10</sup> General Assembly resolutions 50/1 (preamb.); 53/15 (preamb.); and 54/100 (preamb.).

<sup>11</sup> General Assembly resolutions 50/136 (preamb.) and 51/81 (preamb.).

<sup>12</sup> General Assembly resolutions 52/111 (preamb.); 53/132 (preamb.) and 54/154 (preamb.).

<sup>13</sup> General Assembly resolutions 50/157 (preamb.) and 51/78 (preamb.).

<sup>14</sup> General Assembly resolutions 50/174 (preamb. and para. 2); 51/105 (preamb. and para. 2); 52/131 (preamb. and para. 2); 53/149 (preamb. and para. 2); and 54/174 (preamb. and para. 2).

<sup>15</sup> General Assembly resolutions 50/183 (preamb.); 51/93 (preamb.); 52/122 (preamb.); 53/140 (preamb.); and 54/159 (preamb.).

<sup>16</sup> General Assembly resolutions 50/187 (preamb.) and 51/90 (preamb.).

<sup>17</sup> General Assembly resolutions 50/201 (preamb.); 51/118 (preamb.); and 52/148 (preamb.).

(i) cooperation between the United Nations and the Organization of American States;<sup>18</sup> (j) follow-up to the United Nations Year for Tolerance;<sup>19</sup> (k) United Nations Year of Dialogue among Civilizations;<sup>20</sup> and (l) Globalization and its impact on the full enjoyment of all human rights.<sup>21</sup>

#### **4. Article 1 (4)**

9. No explicit references were made to Article 1 (4) in resolutions adopted by the General Assembly during the period under review. However, resolutions adopted by the Assembly on the following questions might be considered to have bearing on this Article: (a) questions relating to information;<sup>22</sup> and (b) co-operation between the United Nations and the Organization of American States.<sup>23</sup>

#### **5. Article 2(1)**

10. The General Assembly referred to the principle of sovereign equality of States in several resolutions that it adopted: (a) necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba;<sup>24</sup> (b) use of mercenaries as a means to violate human rights and to impede the exercise of the right of people to self-determination;<sup>25</sup> (c) agenda for development;<sup>26</sup> (d) maintenance of international security - stability and development of South-Eastern Europe;<sup>27</sup> and (e) activities of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime: illicit manufacturing of and trafficking in firearms, their

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<sup>18</sup> General Assembly resolutions 51/4 (preamb.) and 53/9 (preamb.).

<sup>19</sup> General Assembly resolutions 51/95 (preamb.) and 53/151 (preamb.).

<sup>20</sup> General Assembly resolutions 53/22 (preamb.) and 54/113 (preamb.).

<sup>21</sup> General Assembly resolution 54/165 (preamb.).

<sup>22</sup> General Assembly resolutions 50/31 B (preamb.) and 51/138 B (preamb.).

<sup>23</sup> General Assembly resolutions 51/4 (preamb.) and 53/9 (preamb.).

<sup>24</sup> General Assembly resolutions 50/10 (preamb.); 51/17 (preamb.); 52/10 (preamb.); 53/4 (preamb.); and 54/21 (preamb.).

<sup>25</sup> General Assembly resolutions 50/138 (preamb.); 51/83 (preamb.); 52/112 (preamb.); 53/135 (preamb.); and 54/151 (preamb.).

<sup>26</sup> General Assembly resolution 51/240, annex (para. 232).

<sup>27</sup> General Assembly resolution 54/62 (para. 3).

parts and components and ammunition, as well as consideration of the need to develop an instrument on the illicit manufacturing of and trafficking in explosives.<sup>28</sup>

## **6. Article 2(2)**

11. The General Assembly referred to the principle of fulfilment of obligations in good faith, embodied in Article 2(2), in the following resolutions that it adopted: (a) report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;<sup>29</sup> and (b) applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Palestinian territory, including Jerusalem, and the other occupied Arab territories.<sup>30</sup>

## **7. Article 2 (3)**

12. During the period under review, Article 2(3) was explicitly referred to in the Agreement on Cooperation and Relationship between the United Nations and the International Tribunal for the Law of the Sea, adopted by the General Assembly.<sup>31</sup> During the same period, the General Assembly adopted the following resolutions invoking the principle of peaceful settlement of international disputes: (a) Declaration on the Occasion of the Fiftieth Anniversary of the United Nations;<sup>32</sup> (b) United Nations Decade of International Law;<sup>33</sup> and (c) principles and guidelines for international negotiations.<sup>34</sup>

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<sup>28</sup> General Assembly resolution 54/127 (preamb.).

<sup>29</sup> General Assembly resolutions 49/36 (preamb.) and 50/29 B (preamb.).

<sup>30</sup> General Assembly resolutions 51/132 (preamb.); 52/65 (preamb.); 53/54 (preamb.); and 54/77 (preamb.).

<sup>31</sup> General Assembly resolution 52/251, annex (preamb.).

<sup>32</sup> General Assembly resolution 50/6 (para. 13).

<sup>33</sup> General Assembly resolutions 50/44 (preamb.); 51/157 (preamb.); 52/153 (preamb.); 53/100 (preamb.); and 54/28 (preamb.).

<sup>34</sup> General Assembly resolutions 53/101 (preamb. and para. 1(g)).

## 8. Article 2 (5)

13. No explicit references were made to Article 2(5) in the resolutions of the General Assembly adopted during the period under review. However, on a number of occasions, the Assembly requested States to assist the United Nations on the implementation of actions it had taken under the United Nations Charter and/or to refrain from giving assistance to the State, against which the United Nations had taken preventive measures. These resolutions, which might be considered to have bearing on Article 2 (5), are the following: (a) the situation in the Middle East;<sup>35</sup> (b) report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;<sup>36</sup> (c) Jerusalem;<sup>37</sup> and (d) the occupied Syrian Golan.<sup>38</sup>

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<sup>35</sup> General Assembly resolution 50/22 A (paras. 2 and 3).

<sup>36</sup> General Assembly resolution 50/29 D (para. 6).

<sup>37</sup> General Assembly resolutions 51/27 (paras. 2 and 3); 52/53 (paras 2 and 3); 53/37 (paras. 2 and 3); and 54/37 (paras. 2 and 3).

<sup>38</sup> General Assembly resolutions 51/135 (para. 6); 52/68 (para. 6); 53/57 (para. 6); and 54/80 (para. 6).