

ARTICLE 51

TEXT OF ARTICLE 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

NOTE

1. As in *Repertory Supplement* No. 3, the question of the bearing of the injunction contained in Article 2(4) on the right of self-defence, as provided for in Article 51, is examined in this *Supplement* under Article 2(4).¹
2. During the period under review the Security Council adopted one resolution which contained an explicit reference to Article 51. However, except for a few comments, dealt with below, no constitutional discussion occurred in the proceedings leading to its adoption.
3. By resolution 255 (1968) of 19 June 1968 on the question relating to measures to safeguard non-nuclear-weapon States parties to the Treaty on the non-proliferation of nuclear weapons, the Security Council reaffirmed "the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security" (para. 3). In the course of the discussion, it was noted that the reaffirmation of Article 51 in the draft resolution and in the declarations of the nuclear Powers, namely, the USSR, the United Kingdom and the United States, regarding the question of safeguards to non-nuclear-weapon States parties to the Non-Proliferation Treaty, had great importance for the non-nuclear-weapon signatories of that Treaty in the sense that they could, in case of a nuclear threat or nuclear attack, reasonably expect assistance from one or more of the nuclear-weapon States until such time as the Security Council decided upon measures for the maintenance of international peace and security. In this connexion, the observation was made that the right of self-defence, recognized under Article 51, existed independently of the Charter and could not limit a State's option in the matter of obtaining assistance to prevent or counter a nuclear attack. Further, it was argued that the provisions of Article 51 were no longer adequate to the requirements of the right of self-defence in the qualitatively new situation created by the possibility of aggression with nuclear weapons: under the provisions of that Article the exercise of the right of self-defence was restricted to the actual occurrence of an armed attack, whereas very few non-nuclear-weapon States would be able to survive a nuclear strike to exercise that right.²

¹ See this *Supplement*, under Article 2 (4), part II, section C.

² S C, 23rd yr., 1430th mtg.: USSR, paras. 11-16; United Kingdom, para. 29; United States, para. 40; 1431st mtg.: Canada, paras. 6-9; Hungary, paras. 37 and 38; Paraguay, para. 22; 1433rd mtg.: China, para. 64; Pakistan, paras. 71, 78-83.

Chapter VIII
REGIONAL ARRANGEMENTS

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