

# ARTICLES 1 AND 2 (1-5)

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### TEXT OF ARTICLE 1

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;

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

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

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

#### TEXT OF ARTICLE 2 (1-5)

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

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

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

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

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.

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. The present study applies the same criteria for the selection and treatment of material as those used in the study of Articles 1 and 2 (1-5) in the Repertory.

2. As stated in the previous study, decisions of United Nations organs taken under other Articles of the Charter may be regarded, from a constitutional point of view, as also bearing on or implementing Articles 1 and 2. The majority of these decisions taken during the period under review are examined in this Supplement under those Articles to which they are directly related. Consequently, the present study is confined to an examination (1) of the general features of the practice of United Nations organs in making reference to the Purposes and Principles of the Charter as a basis for their decisions and (2) of certain decisions of the General Assembly as the organ with the widest ranging functions and responsibilities under the Charter.

3. In this Supplement, as in the Repertory, the practice of United Nations organs bearing on Article 2 (6) and 2 (7) is dealt with in separate studies.

4. Articles 1 (1) and 2 (3), in addition to Article 2 (6), refer to international peace and security. Under Article 24, the Security Council, in discharging its duties with respect to the maintenance of international peace and security, "shall act in accordance with the Purposes and Principles of the United Nations." The questions considered by the Council in this respect and the measures employed by the Council to deal with those questions in the period under review are listed in the annexes to the study of Article 24. The responsibility of the General Assembly for the maintenance of international peace and security is prescribed by the Charter under Articles 10, 11, 12 and 14.

5. Article 1 (2) regarding the principle of equal rights and self-determination of peoples and Article 1 (3) relating to international co-operation in the economic, social, cultural and human rights fields are given further expression in Article 55. The practice of the Economic and Social Council in this regard is dealt with under Article 55. However, certain decisions of the General Assembly in which Article 1 was expressly invoked are examined in the present study. To avoid repetition, cross reference is made, where appropriate, to the relevant material treated under Article 55.

6. Article 76 sets forth the basic objectives of the trusteeship system "in accordance with the Purposes of the United Nations laid down in Article 1" of the Charter. The question of the relationship of the provision contained in Articles 73 (b) and 76 (b) concerning self-government or independence of Non-Self-Governing and Trust Territories to the provision contained in Articles 1 (2) and 55 concerning the principle of self-determination of peoples was discussed in connexion with the two draft international covenants on human rights. In view of the fact that consideration of the two draft covenants has not yet been completed by the General Assembly, the present study includes only a brief reference to that question (see paragraphs 20 and 24 below).

7. On many occasions, the Purposes or Principles were invoked by representatives in organs of the United Nations in support of certain proposals. Such statements have often been countered by arguments invoking Article 2 (7) to deny the competence of the organ or organs concerned. The proceedings and decisions of United Nations organs in this connexion are treated in detail in the study of Article 2 (7).

8. The organization of the present study differs slightly from the previous study in the Repertory. While the general structure is maintained, it has been found necessary to add new sub-headings and to re-number the original sub-headings under the section "The Practice of the General Assembly."

### SUMMARY OF PRACTICE

9. Decisions taken by United Nations organs during the period under review have, as before, often related the Purposes and Principles of the Charter to a variety of subject matters dealt with by those organs. The practice summarized in paragraphs 8 to 15 of the previous study in the Repertory has remained unaltered.

10. While United Nations organs have sometimes relied on the Purposes and Principles or on a particular provision of Article 1 or Article 2 as a basis for erecting new international programmes or for prescribing new standards of conduct

to be followed by states in carrying out their obligations under the Charter, many decisions merely constituted continued practice since they either reaffirmed previous decisions or dealt with matters which had previously been considered by the organs concerned.

## The Practice of the General Assembly

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

11. During the period under review the General Assembly has referred to its resolution 377 A (V) which emphasized the observance of all the Purposes and Principles established in the Charter. 1/ Thus, by resolution 809 (IX) 2/ on "Methods which might be used to maintain and strengthen international peace and security in accordance with the Purposes and Principles of the Charter: report of the Collective Measures Committee," the General Assembly instructed that Committee to take into account resolutions 377 A (V), 503 (VI) and 703 (VII).

12. The General Assembly has also in its decisions related the Principles set forth in the Charter to the following matters: (a) Strengthening of peace through the removal of barriers to free exchange of information and ideas; 3/ (b) The question of race conflict in South Africa resulting from the policies of apartheid of the Government of the Union of South Africa; 4/ and (c) Status of women in private law: customs, ancient laws and practices affecting the human dignity of women. 5/

13. At the ninth session of the General Assembly, in connexion with the agenda item "Application, under the auspices of the United Nations, of the principle of equal rights and self-determination of peoples in the case of the population of the Island of Cyprus" which was referred to the First Committee for consideration, the representative of New Zealand introduced a draft resolution 6/ proposing that the General Assembly should decide not to consider the item further. To this draft resolution, the representative of the Philippines submitted an amendment to insert the following introductory paragraph: 7/

"Having in mind the Purposes and Principles of the Charter".

Some representatives considered 8/ this amendment superfluous since all the resolutions of the General Assembly were in accordance with the Purposes and Principles of the Charter. In view of this opinion the representative of the Philippines withdrew 9/ his amendment.

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

14. By resolution 819 (IX), the General Assembly reaffirmed its resolutions 381 (V) and 110 (II) "condemning all forms of propaganda, in whatsoever country conducted,

1/ For the proceedings leading to the adoption of G A resolution 377 A (V), see in the Repertory, vol. I, under Articles 1 and 2 (1-5), paras. 17-20.

2/ See also G A resolution 917 (X).

3/ G A resolution 819 (IX).

4/ G A resolution 820 (IX).

5/ G A resolution 843 (IX).

6/ G A (IX), 1st Com., 749th mtg., para. 1, A/C.1/L.125.

7/ Ibid., 752nd mtg., para. 71, A/C.1/L.127.

8/ Ibid., paras. 88 and 94.

9/ Ibid., para. 95.

which is either designed or likely to provoke or encourage any threat to the peace, breach of the peace or act of aggression."

### 3. Article 1 (2)

15. Article 1 (2) was invoked in connexion with the following questions: 10/

a. APPLICATION, UNDER THE AUSPICES OF THE UNITED NATIONS, OF THE PRINCIPLE OF EQUAL RIGHTS AND SELF-DETERMINATION OF PEOPLES IN THE CASE OF THE POPULATION OF THE ISLAND OF CYPRUS

16. This question was included in the agenda of the ninth session of the General Assembly at the request of Greece. The Prime Minister of Greece explained 11/ that his Government had based its request on Articles 10, 14 and 1 (2).

17. In the First Committee to which the item was referred, the representative of Greece submitted a draft resolution reading as follows: 12/

"The General Assembly,

"Having examined the item concerning the application, under the auspices of the United Nations, of the principle of equal rights and self-determination of peoples in the case of the population of the island of Cyprus,

"Mindful that one of the purposes of the United Nations, as set forth in Article 1 of the Charter, is 'to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples',

"Recalling resolution 637 A (VII), of 16 December 1952,

"Expresses the wish that the principle of self-determination be applied in the case of the population of the island of Cyprus."

In view of the adoption by the First Committee of a draft resolution submitted by New Zealand and amended by Colombia and El Salvador according to which the General Assembly decided not to consider the item further, the draft resolution submitted by Greece was not voted upon.

b. RECOMMENDATIONS CONCERNING INTERNATIONAL RESPECT FOR THE RIGHT OF PEOPLES AND NATIONS TO SELF-DETERMINATION

18. By resolution 837 (IX), the General Assembly, "Considering that the preparation of recommendations on measures for promoting the right of self-determination as a

10/ At the ninth session of the General Assembly, Czechoslovakia requested the inclusion in the agenda of an item entitled "Prohibition of propaganda in favour of a new war." In an explanatory memorandum accompanying the request, Article 1 (2) and Article 2 (3) were invoked as justification for the request. See also in this Supplement under Article 2 (6).

11/ G A (IX), annexes, a.i. 62, p. 1, A/2703.

12/ Ibid., p. 3, A/C.1/L.124. The representative of Greece stated in the First Committee that the request of his Government was based on Article 10 as to procedure, and on Article 1 (2) as to substance (G A (IX), 1st Com., 750th mtg., para. 26).

matter of immediate concern," requested the Commission on Human Rights to complete its recommendations concerning international respect for the right of peoples and nations to self-determination. 13/

19. By resolution 586 D (XX), the Economic and Social Council transmitted to the General Assembly two draft resolutions proposed by the Commission on Human Rights together with a draft resolution prepared by the Council itself which read as follows: 14/

"The General Assembly,

"Recalling that under Article 1 of the Charter it is among the purposes and principles of the United Nations 'to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples',

".....

"Considering that there is a wide difference of views regarding the meaning and applicability of the principles of equal rights and of self-determination of peoples as mentioned in Article 1 of the Charter, which differences it would be desirable to remove in the interest of friendly relations between States,

"Believing that, for the most effective action in this field by States Members of the United Nations, it is essential that there be the widest possible measure of understanding and agreement as to the meaning and applicability of the principle of equal rights and self-determination of peoples, and as to its relationship to other Charter principles,

"1. Decides to establish an Ad Hoc Commission on Self-Determination, consisting of five persons to be appointed by the Secretary-General, to conduct a thorough study of the concept of self-determination;"

#### c. DRAFT INTERNATIONAL COVENANTS ON HUMAN RIGHTS

20. By resolution 833 (IX) the General Assembly took note of two draft International Covenants on Human Rights (i.e., a draft Covenant on Civil and Political Rights and a draft Covenant on Economic, Social and Cultural Rights) and invited Governments of States Members and non-members of the United Nations to communicate to the Secretary-General any amendments or additions to those covenants. Both draft covenants referred in the preamble to the Principles of the Charter and provided in Article 1 for the right of all peoples and nations to self-determination. 15/ Consideration of the two draft covenants began at the tenth session of the General Assembly and will be continued at the twelfth session.

13/ For a summary of decisions previously taken by the Commission on Human Rights, the Economic and Social Council and the General Assembly, see in the Repertory, under Article 55, paras. 220-225. See also in this Supplement under Article 55.

14/ The item "Recommendations concerning international respect for the right of peoples and nations to self-determination" was included in the agenda of the tenth session of the General Assembly. Upon the recommendation of the Third Committee, the General Assembly decided to postpone the item to its eleventh session (G A (X), Suppl. No. 19 (A/3116), p. 15).

15/ For the discussion of the principle of self-determination in relation to the question of domestic jurisdiction, see in this Supplement, under Article 2 (7).

#### 4. Article 1 (3)

21. Article 1 (3) was invoked in connexion with the question of race conflict in South Africa resulting from the policies of apartheid of the Government of the Union of South Africa. In a report submitted by the United Nations Commission on the Racial Situation in the Union of South Africa, it was stated 16/ that certain measures adopted in that country were contrary to the purpose stated in Article 1 (3) of the Charter. During the consideration of the question in the Ad Hoc Political Committee at the ninth session of the General Assembly, a joint draft resolution was submitted by twenty States which included 17/ a provision that the General Assembly should invite the Government of the Union of South Africa to conform to its obligations under the Charter, "taking into account the provisions of the Charter and, in particular, the second and fourth paragraphs of the preamble; paragraphs 2, 3 and 4 of Article 1; Article 2, paragraph 2; Article 13, paragraph 1 b; Article 55 c; Article 56; and Article 62, paragraph 2". An amendment was submitted 18/ by the representative of Argentina which would insert the words "the pledge of all Member States to respect human rights and fundamental freedoms without distinction as to race" in place of the words beginning with "the provisions of the Charter and". This amendment was incorporated by the sponsors of the draft resolution in a revised version 19/ which, upon the recommendation of the Ad Hoc Political Committee, was adopted by the General Assembly as resolution 820 (IX).

22. In its resolution 933 (X), the General Assembly instructed the Committee on Information from Non-Self-Governing Territories to examine "in the spirit of paragraphs 3 and 4 of Article 1 and of Article 55 of the Charter" the summaries and analyses of information transmitted under Article 73 e.

#### 5. Article 1 (4)

23. Article 1 (4) was invoked by the General Assembly in resolution 933 (X) as described in the preceding paragraph.

#### 6. Article 2 as a whole

24. The General Assembly has sometimes referred to the Principles without mentioning the Purposes of the Charter. Examples are resolution 819 (IX) on "Strengthening of peace through the removal of barriers to free exchange of information and ideas" and resolution 843 (IX) on "Status of women in private law: customs, ancient laws and practices affecting the human dignity of women." At the

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16/ G A (IX), Suppl. No. 16 (A/2719), para. 102. The representative of the Union of South Africa maintained that with reference to the Purposes stated in Article 1 (3) of the Charter, in the absence of a convention on human rights, the Commission had not been entitled to make the remarks in its report and the Assembly was likewise not entitled to draw any conclusions therefrom. The particular purpose stated in Article 1 (3), he said, was nebulous and undefined and appeared at the present time incapable of an acceptable definition by the Assembly itself (G A (IX), Ad Hoc Pol. Com., 42nd mtg., para. 23).

17/ G A (IX), annexes, a.i. 23, p. 5, A/2857, para. 6, A/C.76/L.20.

18/ Ibid., para. 7, A/C.76/L.21. It was explained that the object of the amendment was to eliminate the lengthy enumeration of Articles of the Charter, which would be confusing to the reader, and replace it by a form of words which would concentrate attention on the basic purpose of the draft resolution (G A (IX), Ad Hoc Pol. Com., 46th mtg., para. 37).

19/ G A (IX), annexes, a.i. 23, p. 4, A/C.76/L.20/Rev.1.

tenth session of the General Assembly when the preambles to the two draft covenants on human rights which contained the phrase "in accordance with the principles proclaimed in the Charter of the United Nations" was under consideration by the Third Committee, the question arose whether that phrase was intended to apply only to the Principles laid down in Article 2 of the Charter or also to the Purposes specified in Article 1. It was said that the use of the word "principles" was intended to include also the Purposes laid down in the Charter. A suggestion that this point might be clarified by amending the text to read "in accordance with the purposes and principles laid down in different provisions of the Charter of the United Nations" was considered unnecessary and not moved formally. 20/

#### 7. Article 2 (1)

25. The principle of sovereign equality of all Members of the United Nations was not expressly invoked in decisions of the General Assembly during the period under review.

#### 8. Article 2 (2)

26. The principle that all Members should fulfil in good faith the obligations assumed by them under the Charter was sometimes referred to in debates when it was alleged that certain States did not act in accordance with the Charter (see paragraph 21 above). However, Article 2 (2) was not specifically invoked in decisions of the General Assembly during the period under review. 21/

#### 9. Article 2 (3)

27. The principle of peaceful settlement of international disputes is treated in this Supplement under Articles 11, 14, 33, 35 and 36.

#### 10. Article 2 (4)

28. Article 2 (4) was the subject of extensive discussion in the Special Committee on the Question of Defining Aggression and in the Sixth Committee of the General Assembly. Inasmuch as the General Assembly has not yet taken a decision on the substance of that question, 22/ the relevant material is not examined in this Supplement.

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20/ G A (X), annexes, a.i. 28 (Part I), p. 30, A/3077, para. 22.

21/ For references by the Security Council to the obligations of Members under the Charter, see in this Supplement under Article 25.

22/ By resolution 599 (VI), the General Assembly established a Special Committee on the Question of Defining Aggression which submitted its report (G A (IX), Suppl. No. 11 (A/2638)) to the ninth session of the Assembly. During the consideration of the report in the Sixth Committee, a number of draft resolutions relating to the substance of the question of defining aggression were submitted but not put to the vote because of the adoption of a draft resolution to establish a new special committee to study the question further. The recommendation of the Sixth Committee was adopted by the General Assembly as resolution 895 (IX). The report of this special committee is to be considered by the Assembly at its twelfth session.

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**11. Article 2 (5)**

29. The actions taken by the United Nations in accordance with the Charter are wide in scope and varied in nature. In a sense many decisions taken by the organs of the United Nations which requested Member States to co-operate in such actions may be said to bear upon Article 2 (5). However, during the period under review, no decision has been taken by any organ of the United Nations concerning the obligation of Members to refrain from giving assistance "to any state against which the United Nations is taking preventive or enforcement action." 23/

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23/ In its third report to the General Assembly under the section "Principles of collective security", the Collective Measures Committee expressed the view that "The Security Council and the General Assembly may wish to take into account, in appropriate circumstances, the arms embargo list and the list of strategic items prepared by the Collective Measures Committee to expedite the application of any embargo which the United Nations may decide upon or recommend." (G A (IX), annexes, a.i. 19, p. 1, A/2713-S/3283, para. 10.) By resolution 809 (X), the General Assembly noted with approval the third report of the Collective Measures Committee, and in particular, the principles of collective security contained in that report.

## ANNEX I

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

(1 September 1954 - 1 September 1956)

<u>Resolution No.</u>	<u>Title</u>	<u>Charter reference</u>
809 (IX)	Methods which might be used to maintain and strengthen international peace and security in accordance with the Purposes and Principles of the Charter: report of the Collective Measures Committee	The General Assembly directed the Collective Measures Committee to pursue further studies, taking into account resolutions 377 A (V), 503 (VI) and 703 (VII).
819 (IX)	Strengthening of peace through the removal of barriers to free exchange of information and ideas	The General Assembly recalled its resolutions 110 (II) and 381 (V) concerning the condemnation and propaganda against peace, and resolution 290 (IV) on the essentials of peace which called upon Member States "to act in accordance with the principles set forth in the Charter of the United Nations".
820 (IX)	The question of race conflict in South Africa resulting from the policies of <u>apartheid</u> of the Government of the Union of South Africa	The General Assembly invited the Government of the Union of South Africa "to reconsider its position in the light of the high principles expressed in the United Nations Charter".
843 (IX)	Status of women in private law: customs, ancient laws and practices affecting the human dignity of women	The General Assembly recalled "the principles set forth in the United Nations Charter and in the Universal Declaration of Human Rights".
917 (X)	The question of race conflict in South Africa resulting from the policies of <u>apartheid</u> of the Government of the Union of South Africa	The General Assembly recalled resolution 377 A (V) "in which it expressed its conviction that a genuine and lasting peace depends also upon the observance of all the principles and purposes established in the Charter of the United Nations".

## ANNEX II

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

<u>Resolution No.</u>	<u>Title</u>	<u>Extract of provisions</u>	<u>Charter provisions</u>
819 (IX)	Strengthening of peace through the removal of barriers to free exchange of information and ideas	<p><u>"The General Assembly,</u></p> <p><u>"Considering</u> that the cessation of hostilities in Korea and the restoration of peace in Indo-China have contributed to a relaxation of tension in international relations and that more favourable conditions have consequently been created for the settlement of unsolved international problems and the strengthening of peace,</p> <p><u>"Recalling</u> its resolutions 110 (II) of 3 November 1947 and 381 (V) of 17 November 1950 concerning the condemnation of propaganda against peace, and resolution 290 (IV) of 1 December 1949 on the essentials of peace which calls upon Member States to act in accordance with the principles set forth in the Charter of the United Nations and, in particular, calls upon every nation to remove the barriers which deny to peoples the free exchange of information and ideas essential to international understanding and peace,</p> <p><u>"Recognizing</u> that the maintenance of such barriers constitutes a major obstacle to the strengthening of peace and genuine international co-operation and fosters the continuation of false and hostile propaganda against other States and peoples,</p> <p><u>"1. Calls upon</u> all Governments to give effect faithfully to resolution 290 (IV) of 1 December 1949 on essentials of peace as a guide to the achievement of a genuine peace with freedom and justice;</p> <p><u>"2. Reaffirms</u> resolutions 381 (V) of 17 November 1950 and 110 (II) of 3 November 1947 condemning all forms of propaganda, in whatsoever country conducted, which is either designed or likely to provoke or encourage any threat to the peace, breach of the peace or act of aggression."</p>	<p>1 (1)</p> <p>1 (2)</p>

ANNEX II (continued)

<u>Resolution No.</u>	<u>Title</u>	<u>Extract of provisions</u>	<u>Charter provisions</u>
820 (IX)	The question of race conflict in South Africa resulting from the policies of apartheid of the Government of the Union of South Africa	<p><u>"The General Assembly,</u></p> <p>".....</p> <p><u>"Recalling</u> General Assembly resolution 103 (I), which states that it is in the higher interests of humanity to put an end to racial persecution and discrimination, and resolutions 395 (V) and 511 (VI),</p> <p><u>"Further recalling</u> that the Commission, in its first report, had concluded that the racial policies of the Government of the Union of South Africa are contrary to the United Nations Charter and to the Universal Declaration of Human Rights,</p> <p>".....</p> <p>"4. <u>Invites</u> the Government of the Union of South Africa to reconsider its position in the light of the high principles expressed in the United Nations Charter, taking into account the pledge of all Member States to respect human rights and fundamental freedoms without distinction as to race; and further taking account of the valuable experience of other multi-racial societies as set forth in chapter VII of the Commission's report;"</p>	1 (3)
837 (IX)	Recommendations concerning international respect for the right of peoples and nations to self-determination	<p><u>"The General Assembly,</u></p> <p>".....</p> <p><u>"Considering</u> that the preparation of recommendations on measures for promoting the right of self-determination is a matter of immediate concern,</p>	1 (2)

ANNEX II (continued)

<u>Resolution No.</u>	<u>Title</u>	<u>Extract of Provisions</u>	<u>Charter provisions</u>
		<p>"1. Requests the Commission on Human Rights to complete its recommendations concerning international respect for the right of peoples and nations to self-determination, including recommendations concerning their permanent sovereignty over their natural wealth and resources, having due regard to the rights and duties of States under international law and to the importance of encouraging international co-operation in the economic development of under-developed countries, in order that the General Assembly may give those recommendations full and due consideration at its next regular session;"</p>	
923 (X)	Question of the establishment of a Special United Nations Fund for Economic Development	<p>"<u>The General Assembly</u>,</p> <p>"<u>Reaffirming</u> the importance of the economic development of the under-developed countries as an essential condition for promoting such international relationships as are propitious for the strengthening of peace and the attainment of world-wide prosperity,"</p>	1 (2)
933 (X)	Renewal of the Committee on Information from Non-Self-Governing Territories	<p>"<u>The General Assembly</u>,</p> <p>".....</p> <p>"5. <u>Instructs</u> the Committee to examine, in the spirit of paragraphs 3 and 4 of Article 1 and of Article 55 of the Charter, the summaries and analyses of information transmitted under Article 73 e of the Charter on the economic, social and educational conditions in the Non-Self-Governing Territories, including any papers prepared by the specialized agencies and any reports or information on measures taken in pursuance of the resolutions adopted by the General Assembly concerning economic, social and educational conditions in the Non-Self-Governing Territories;"</p>	1 (3) 1 (4)

Articles 1 and 2 (1-5)

Annexes

