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

TEXT OF ARTICLE 1 (1), 1 (3) AND 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 center for harmonizing the actions of nations in the attainment of these common ends.

TEXT OF ARTICLE 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 this Supplement, as in Supplement No. 3, 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 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. As before, the decisions of 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 as the organ with the widest functions and responsibilities under the Charter.

3. The relevant provisions of the resolutions adopted by the General Assembly during the period under review are tabulated in two annexes to the present study.
4. During the period under review, United Nations organs continued their practice of relying on the Purposes and Principles of the Charter as a whole, or on a particular provision of Article 1 or Article 2, as a basis for dealing with varied subject matters. The main features of that practice were summarized in paragraphs 8-15 of the Repertory study of Articles 1 and 2 (1-5).

The Practice of the General Assembly

1. The Purposes and Principles as a Whole

5. During the period covered by this Supplement, a number of General Assembly resolutions stressed the duty of all Member States to observe and support the Purposes and Principles of the Charter. In resolution 2160 (XXI) on strict observance of the prohibition of the threat or use of force in international relations and of the right of peoples to self-determination in particular, the General Assembly reminded all Members "of their duty to give their fullest support to the endeavours of the United Nations to ensure respect for and the observance of the principles enshrined in the Charter and to assist the Organization in discharging its responsibilities as assigned to it by the Charter for the maintenance of international peace and security". Again, in resolution 2606 (XXIV), on the strengthening of international security, the General Assembly expressed the belief that international security was "dependent upon the development of a world legal order based on justice and the strict observance by all States without exception of the principles of the United Nations". The General Assembly also emphasized the importance of the Purposes and Principles of the Charter in various resolutions in which it stressed the need to promote their teaching and dissemination. In resolution 2445 (XXIII), for instance, the General Assembly requested that new efforts be made on the occasion of the International Year for Human Rights in order to "teach in schools of the Purposes and Principles of the Charter in various resolutions in which it stressed the need to promote their teaching and dissemination. In resolution 2445 (XXIII), for instance, the General Assembly requested that new efforts be made on the occasion of the International Year for Human Rights in order to broaden "the teaching in schools of the Purposes and Principles of the Charter of the United Nations and the structure and activities of the United Nations and the specialized agencies, with particular reference to human rights". Similarly, in resolution 2545 (XXIV) on measures to be taken against nazism and racial intolerance, the General Assembly called upon all States "to take effective measures to inculcate the Purposes and Principles of the Charter of the United Nations and the Universal Declaration of Human Rights in young people and in that way to protect them against any influence of nazism and similar ideologies and practices".

6. Other General Assembly resolutions invoking the Purposes and Principles of the Charter dealt with the following matters: (a) Permanent sovereignty over natural resources; (b) Representation of China in the United Nations; (c) Question of general and complete disarmament; (d) International conference of plenipotentiaries on the law of treaties; (e) Reports of the International Law Commission; (f) Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations; (g) Establishment of the United Nations Capital Development Fund; (h) International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights and Optional Protocol to the International Covenant on Civil and Political Rights; (i) World social situation; (j) Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies; (k) The Korean question; (l) Question of American Samoa, Antigua, Bahamas, Bermuda, British Virgin Islands, Cayman Islands, Cocos (Keeling) Islands, Dominica, Gilbert and Ellice Islands, Grenada, Guam, Mauritius, Montserrat, New Hebrides, Niue, Pitcairn, St. Helena, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Tokelau Islands, Turks and Caicos Islands and the United States Virgin Islands; (m) Activities of foreign economic and other interests which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Southern Rhodesia, South West Africa and Territories under Portuguese domination and in all other Territories under colonial domination and efforts to eliminate colonialism, apartheid and racial discrimination in southern Africa; (n) Declaration on Territorial Asylum; (o) Measures to be taken against nazism and racial intolerance; (p) Status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights; (q) Examination of the question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond

\[^1\] G A resolution 2158 (XXII).
\[^2\] G A resolutions 2159 (XXII), 2271 (XXII), 2389 (XXIII) and 2500 (XXIV).
\[^3\] G A resolution 2162 B (XXI).
\[^4\] G A resolution 2166 (XXI).
\[^5\] G A resolutions 2161 (XXI), 2272 (XXII), 2400 (XXIII) and 2501 (XXIV).
\[^6\] G A resolutions 2181 (XXI), 2327 (XXII), 2463 (XXIII) and 2533 (XXIV).
\[^7\] G A resolution 2186 (XXI).
\[^8\] G A resolution 2200 A (XXI).
\[^9\] G A resolution 2215 (XXI).
\[^10\] G A resolution 2222 (XXI).
\[^11\] G A resolutions 2224 (XXII), 2269 (XXII), 2466 (XXIII) and 2516 (XXIV).
\[^12\] G A resolutions 2232 (XXII), 2357 (XXII), 2430 (XXIII) and 2592 (XXIV). By G A resolution 2372 (XXII), the name of the former Mandated Territory of South West Africa was changed to "Namibia".
\[^13\] G A resolutions 2288 (XXII), 2425 (XXIII) and 2554 (XXIV).
\[^14\] G A resolution 2312 (XXII).
\[^15\] G A resolutions 2331 (XXII) and 2438 (XXIII).
\[^16\] G A resolution 2337 (XXII).
the limits of present national jurisdiction, and the use of their resources in the interest of mankind;¹⁷ (r) Question of Gibraltar;¹⁸ (s) Respect for and implementation of human rights in occupied territories;¹⁹ (t) Freedom of information;²⁰ (u) The policies of apartheid of the Government of South Africa;²¹ (v) Question of Namibia;²² (w) Convention on Special Missions and Optional Protocol concerning the Compulsory Settlement of Disputes;²³ (x) Programme for the observance in 1971 of the International Year for Action to Combat Racism and Racial Discrimination;²⁶ (aa) Implementation of the recommendations of the Ad Hoc Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies;²⁴ (y) Declaration of Social Progress and Development;²⁵ (z) Programme for the observance in 1972 of the International Conference on Human Rights.²⁷

2. Article 1 (1)

7. In the period covered by this Supplement, no explicit reference was made to Article 1 (1) in resolutions of the General Assembly. The General Assembly did, however, adopt a few resolutions bearing on that Article. They related to the following items: (a) Consideration of principles of international law concerning friendly relations and cooperation among States in accordance with the Charter of the United Nations;²⁶ (b) Need to expedite the drafting of a definition of aggression in the light of the present international situation;²⁹ and (c) Celebration of the twenty-fifth anniversary of the United Nations.³⁰

3. Article 1 (3)

8. Article 1 (3) was twice invoked by the General Assembly in its resolutions during the period under review. In resolution 2152 (XXI), the General Assembly stated that the purpose of the United Nations Industrial Development Organization should be "to promote industrial development, in accordance with Article 1 (3) and Articles 55 and 56 of the Charter of the United Nations, and by encouraging the mobilization of national and international resources to assist in, promote and accelerate the industrialization of the developing countries, with particular emphasis on the manufacturing sector." By resolution 2205 (XXI), the General Assembly, convinced that it would be desirable for the United Nations to play a more active role towards reducing or removing legal obstacles to the flow of international trade, and noting that such action would be properly within the scope and competence of the Organization under the terms of Article 1 (3) and Article 13, and of Chapters IX and X of the Charter of the United Nations", decided to establish a United Nations Commission on International Trade Law.

9. Other General Assembly resolutions bearing on Article 1 (3) related to the following items: (a) International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights and Optional Protocol to the International Covenant on Civil and Political Rights;³¹ and (b) Celebration of the twenty-fifth anniversary of the United Nations.³²

4. Article 1 (4)

10. No reference was made to Article 1 (4) in General Assembly resolutions during the period under review.

5. Article 2 (1)

11. Two resolutions adopted by the General Assembly during the period under review referred to Article 2 (1). By resolution 2181 (XXI), on consideration of principles of international law concerning friendly relations and cooperation among States in accordance with the Charter of the United Nations, the General Assembly, taking note of the formulations of the 1966 Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States regarding the "principle of the sovereign equality of States", requested the Special Committee to examine any additional proposals with a view to widening the areas of agreement expressed in those formulations concerning that principle. In resolution 2373 (XXII), on the Treaty on the Non-Proliferation of Nuclear Weapons, the General Assembly affirmed that, in the interest of international peace and security, both nuclear-weapon and non-nuclear-weapon States carried the responsibility of acting in accordance with the principle of the Charter "that the sovereign equality of all States shall be respected".

6. Article 2 (2)

12. The principle embodied in Article 2 (2) was referred to by the General Assembly in resolution 2181 (XXI) on consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations.

7. Article 2 (3)

13. Two resolutions adopted by the General Assembly during the period under review referred to Article 2 (3). In resolution 2181 (XXI), on consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations, the General Assembly took note of the formulations of the 1966 Special Committee concerning the "principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered".

¹⁷ G A resolution 2340 (XXII).
¹⁸ G A resolutions 2353 (XXII) and 2429 (XXIII).
¹⁹ G A resolutions 2443 (XXII) and 2546 (XXIV).
²⁰ G A resolution 2448 (XXIII).
²¹ G A resolution 2506 B (XXIV).
²² G A resolution 2517 (XXIV).
²³ G A resolution 2530 (XXIV).
²⁴ G A resolution 2537 B (XXIV).
²⁵ G A resolution 2542 (XXIV).
²⁶ G A resolution 2544 (XXIV).
²⁷ G A resolution 2588 B (XXIV).
²⁸ G A resolution 2181 (XXI).
²⁹ G A resolution 2330 (XXII).
³⁰ G A resolution 2499 A (XXIV).
³¹ G A resolution 2200 A (XXII).
³² G A resolution 2499 A (XXIV).
³³ G A (XXI), Annexes, a.i., 87, A/6230, para. 22.
and requested the Special Committee to examine any additional proposals with a view to widening the areas of agreement expressed in the formulation concerning that principle. By resolution 2373 (XXII), on the Treaty on the Non-Proliferation of Nuclear Weapons, the General Assembly, affirming that “. . . international disputes shall be settled by peaceful means”, commended the Treaty annexed to the resolution.

8. ARTICLE 2 (5)

14. No reference was made to Article 2 (5) in General Assembly resolutions during the period under review.

ANNEX I

Tabulation of decisions of the General Assembly referring to the Purposes and Principles of the Charter as a whole (1 September 1966—31 December 1969)

<table>
<thead>
<tr>
<th>Resolution No</th>
<th>Title</th>
<th>Charter reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>2158 (XXI)</td>
<td>Permanent sovereignty over natural resources</td>
<td>The General Assembly reaffirmed the inalienable right of all countries to exercise permanent sovereignty over their natural resources in the interest of their national development, “in conformity with the spirit and principles of the Charter of the United Nations” and as recognized in General Assembly resolution 1803 (XXVII).</td>
</tr>
<tr>
<td>2159 (XXI)*</td>
<td>Representation of China in the United Nations</td>
<td>The General Assembly recalled the recommendation contained in its resolution 396 (V) that, whenever more than one authority claimed to be the government entitled to represent a Member State in the United Nations and this question became the subject of controversy in the United Nations, the question should be considered “in the light of the purposes and principles of the Charter of the United Nations and the circumstances of each case”.</td>
</tr>
<tr>
<td>2160 (XXI)</td>
<td>Strict observance of the prohibition of the threat or use of force in international relations, and of the right of peoples to self-determination</td>
<td>The General Assembly, recognizing that peoples subjected to colonial oppression were entitled to seek and receive all support in their struggle “which is in accordance with the purposes and principles of the Charter”, reminded all Members of their duty to give their fullest support to the endeavours of the United Nations “to ensure respect for and the observance of the principles enshrined in the Charter”.</td>
</tr>
<tr>
<td>2162 B (XXI)</td>
<td>Question of general and complete disarmament</td>
<td>The General Assembly was guided by “the principles of the Charter of the United Nations and of international law”.</td>
</tr>
<tr>
<td>2166 (XXI)</td>
<td>International conference of plenipotentiaries on the law of treaties</td>
<td>The General Assembly believed that the successful codification and progressive development of international law in order to make it a more effective means of “implementing the purposes and principles set forth in Articles 1 and 2 of the Charter”.</td>
</tr>
<tr>
<td>2167 (XXI)*</td>
<td>Reports of the International Law Commission</td>
<td>The General Assembly emphasized the need for the further codification and progressive development of international law governing the law of treaties would assist in “promoting and implementing the purposes and principles set forth in Articles 1 and 2 of the Charter”.</td>
</tr>
<tr>
<td>2181 (XXI)*</td>
<td>Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations</td>
<td>The General Assembly considered that the progressive development and codification of the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter, so as to secure their more effective application, would “promote the realization of the purposes of the United Nations”.</td>
</tr>
<tr>
<td>2186 (XXI)</td>
<td>Establishment of the United Nations Capital Development Fund</td>
<td>The General Assembly stated that the provision of assistance from the Capital Development Fund should be “in conformity with the purposes and principles of the Charter of the United Nations”.</td>
</tr>
<tr>
<td>2200 A (XXI)</td>
<td>International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights and Optional Protocol to the International Covenant on Civil and Political Rights</td>
<td>The States Parties to the International Covenants on Human Rights annexed to the resolution considered that, “in accordance with the principles proclaimed in the Charter of the United Nations”, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family was the foundation of freedom, justice and peace in the world.</td>
</tr>
<tr>
<td>2215 (XXI)</td>
<td>World social situation</td>
<td>The General Assembly called upon the Economic and Social Council to request the Commission for Social Development to prepare a draft declaration on social development “on the basis of the purposes and principles of the United Nations and the specialized agencies” and also on the basis of the relevant resolutions of the General Assembly and the Economic and Social Council.</td>
</tr>
<tr>
<td>2222 (XXI)</td>
<td>Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space</td>
<td>The States Parties to the Treaty annexed to the resolution were convinced that a Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space would assist in “promoting and implementing the purposes and principles set forth in Articles 1 and 2 of the Charter”.</td>
</tr>
</tbody>
</table>

* See also G A resolutions 2271 (XXII), 2389 (XXIII) and 2500 (XXIV).
* See also G A resolutions 2272 (XXII), 2400 (XXIII) and 2501 (XXIV).
* See also G A resolutions 2327 (XXII), 2463 (XXIII) and 2533 (XXIV).
Chapter I. Purposes and Principles

<table>
<thead>
<tr>
<th>Resolution No</th>
<th>Title</th>
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<tbody>
<tr>
<td>2224 (XXI)*</td>
<td>The Korean question</td>
<td></td>
</tr>
<tr>
<td>2232 (XXI)*</td>
<td>Question of American Samoa, Antigua, Bahamas, Bermuda, British Virgin Islands, Cocos (Keeling) Islands, Dominica, Gilbert and Ellice Islands, Grenada, Guam, Mauritius, Montserrat, New Hebrides, Niue, Pitcairn, St. Helena, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Tokelau Islands, Turks and Caicos Islands and the United States Virgin Islands</td>
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<tr>
<td>2288 (XXII)</td>
<td>Activities of foreign economic and other interests which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Southern Rhodesia, South West Africa and Territories under Portuguese domination and in all other Territories under colonial domination and efforts to eliminate colonialism, apartheid and racial discrimination in southern Africa.</td>
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<tr>
<td>2312 (XXII)</td>
<td>Declaration on Territorial Asylum</td>
<td></td>
</tr>
<tr>
<td>2331 (XXII)</td>
<td>Measures to be taken against nazism and racial intolerance</td>
<td></td>
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<tr>
<td>2337 (XXII)</td>
<td>Status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights</td>
<td></td>
</tr>
<tr>
<td>2340 (XXII)</td>
<td>Examination of the question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind</td>
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<tr>
<td>2353 (XXII)</td>
<td>Question of Gibraltar</td>
<td></td>
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<tr>
<td>2425 (XXIII)</td>
<td>Activities of foreign economic and other interests which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Southern Rhodesia, Namibia and Territories under Portuguese domination and in all other Territories under colonial domination and efforts to eliminate colonialism, apartheid and racial discrimination in southern Africa</td>
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</tbody>
</table>

and Use of Outer Space, including the Moon and Other Celestial Bodies, "will further the purposes and principles of the Charter of the United Nations".

The General Assembly recalled that the United Nations, under the Charter, was fully and rightfully empowered to take collective action to maintain peace and security and to extend its good offices in seeking a peaceful settlement in Korea "in accordance with the purposes and principles of the Charter".

The General Assembly reiterated its declaration that any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of colonial Territories and the establishment of military bases and installations in these Territories was "incompatible with the purposes and principles of the Charter of the United Nations and of General Assembly resolution 1514 (XV)".

The General Assembly, convinced that any economic or other activity which impeded the implementation of resolution 1514 (XV) was "incompatible with the purposes and principles of the Charter", called upon the colonial Powers to prohibit certain practices which ran "counter to the principles of the Charter"; violated the economic and social rights of the peoples of the Territories under colonial domination and impeded the rapid implementation of resolution 1514 (XV), and requested the United Nations Council for South West Africa to take urgent and effective measures to put an end to laws and practices established in the Territory of South West Africa by the Government of South Africa "contrary to the purposes and principles of the Charter".

The General Assembly noted in its Declaration on Territorial Asylum that "the purposes proclaimed in the Charter of the United Nations are to maintain international peace and security, to develop friendly relations among all nations and 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"; article 2 of the Declaration provided that the situation of persons entitled to invoke article 14 of the Universal Declaration of Human Rights was, "without prejudice to the sovereignty of States and the purposes and principles of the United Nations", of concern to the international community; and article 4 of the Declaration stated that States granting asylum should not permit persons who had received asylum to engage in activities "contrary to the purposes and principles of the United Nations".

The General Assembly resolutely condemned any ideology, including nazism, which is based on racial intolerance and terror as a gross violation of human rights and fundamental freedoms and of "the purposes and principles of the Charter of the United Nations".

The General Assembly was convinced that the "purposes and principles of the Charter of the United Nations" would be greatly enhanced by the coming into force of the International Covenants on Human Rights and the Optional Protocol to the International Covenant on Civil and Political Rights.

The General Assembly recognized that the exploration and use of the sea-bed and the ocean floor, and the subsoil thereof, should be conducted "in accordance with the purposes and principles of the Charter of the United Nations", in the interest of maintaining international peace and security and for the benefit of all mankind.

The General Assembly considered that any colonial situation which partially or completely destroyed the national unity and territorial integrity of a country was "incompatible with the purposes and principles of the Charter of the United Nations, and specifically with paragraph 6 of General Assembly resolution 1514 (XV)".

The General Assembly was convinced that any economic or other activity which impeded the implementation of resolution 1514 (XV) and which obstructed efforts aimed at the elimination of colonialism, apartheid and racial discrimination in southern Africa and other colonial Territories was "incompatible with the purposes and principles of the Charter of the United Nations".

See also G A resolutions 2269 (XXII), 2466 (XXIII) and 2516 (XXIV).

See also G A resolutions 2357 (XXII), 2430 (XXIII) and 2592 (XXIV).
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<thead>
<tr>
<th>Resolution No</th>
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<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>2429 (XXIII)</td>
<td>Question of Gibraltar</td>
<td>The General Assembly declared that the continuation of the colonial situation in Gibraltar was &quot;incompatible with the purposes and principles of the Charter of the United Nations of and of General Assembly resolution 1514 (XV)&quot;.</td>
</tr>
<tr>
<td>2438 (XXIII)</td>
<td>Measures to be taken against nazism and racial intolerance</td>
<td>The General Assembly resolutely condemned racism, nazism, apartheid and all similar ideologies and practices which are based on racial intolerance and terror as a gross violation of human rights and fundamental freedoms and of &quot;the principles of the Charter of the United Nations&quot;, and which may jeopardize world peace and the security of peoples.</td>
</tr>
<tr>
<td>2443 (XXIII)</td>
<td>Respect for and implementation of human rights in occupied territories</td>
<td>The General Assembly was guided &quot;by the purposes and principles of the Charter of the United Nations and by the Universal Declaration of Human Rights&quot;.</td>
</tr>
<tr>
<td>2445 (XXIII)</td>
<td>Teaching in schools of the purposes and principles of the Charter of the United Nations and the structure and activities of the United Nations and the specialized agencies, with particular reference to human rights</td>
<td>The General Assembly expressed the hope that the commemoration of the twenty-fifth anniversary of the United Nations in 1970 would be the occasion for new efforts to resolve the administrative, budgetary and financial problems of the United Nations in the context of renewed dedication and solemn commitment &quot;to the purposes and principles embodied in the Charter of the United Nations&quot;.</td>
</tr>
<tr>
<td>2448 (XXIII)</td>
<td>Freedom of Information</td>
<td>The General Assembly appealed to the media of information everywhere to cooperate in the strengthening of democratic institutions, the promotion of economic and social progress and friendly relations among nations, and combating propaganda for war or for national, racial or religious hatred, &quot;in accordance with the purposes of the United Nations&quot;.</td>
</tr>
<tr>
<td>2506 B (XXIV)</td>
<td>The policies of apartheid of the Government of South Africa</td>
<td>The General Assembly recognized the obligations of the United Nations to take urgent and effective measures to resolve the situation &quot;in accordance with the purposes and principles of the Charter&quot;.</td>
</tr>
<tr>
<td>2517 (XXIV)</td>
<td>Question of Namibia</td>
<td>The General Assembly condemned the Government of South Africa for its persistent refusal to withdraw its administration from the Territory and for its policies and actions designed to destroy the national unity and territorial integrity of Namibia, thus persistently &quot;violating the principles and obligations of the Charter of the United Nations&quot;.</td>
</tr>
<tr>
<td>2530 (XXIV)</td>
<td>Convention on Special Missions and Optional Protocol concerning the Compulsory Settlement of Disputes</td>
<td>The General Assembly considered that the codification and progressive development of international law contributes to the &quot;implementation of the purposes and principles set forth in Articles 1 and 2 of the Charter of the United Nations&quot;.</td>
</tr>
<tr>
<td>2537 B (XXIV)</td>
<td>Implementation of the recommendations of the Ad Hoc Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies</td>
<td>The General Assembly expressed the hope that the commemoration of the twenty-fifth anniversary of the United Nations in 1970 would be the occasion for new efforts to resolve the administrative, budgetary and financial problems of the United Nations in the context of renewed dedication and solemn commitment &quot;to the purposes and principles embodied in the Charter of the United Nations&quot;.</td>
</tr>
<tr>
<td>2542 (XXIV)</td>
<td>Declaration on Social Progress and Development</td>
<td>Article 2 of the Declaration proclaimed under the resolution stated that the promotion of human rights and social justice required the immediate and final elimination of all forms of inequality, exploitation of peoples and individuals, colonialism and racism, including nazism and apartheid, and all other policies and ideologies &quot;opposed to the purposes and principles of the United Nations&quot;; article 3 listed among the primary conditions of social progress and development the right and responsibility of each State and, as far as they are concerned, each nation and people to determine freely its own objectives of social development, to set its own priorities and to decide &quot;in conformity with the principles of the Charter of the United Nations&quot; the means and methods of their achievement without any external interference; article 9 provided that social progress and economic growth required recognition of the common interest of all nations in the exploration, conservation, use and exploitation, exclusively for peaceful purposes and in the interests of all mankind, of those areas of the environment such as outer space and the sea-bed and ocean floor and the subsoil thereof, beyond the limits of national jurisdiction, &quot;in accordance with the purposes and principles of the Charter of the United Nations&quot;; and article 12 mentioned, among the main objectives to be achieved by social progress and development, the elimination of all forms of discrimination and exploitation and all other practices and ideologies &quot;contrary to the purposes and principles of the Charter of the United Nations&quot;.</td>
</tr>
<tr>
<td>2544 (XXIV)</td>
<td>Programme for the observance in 1971 of the International Year for Action to Combat Racism and Racial Discrimination</td>
<td>The General Assembly recalled its decisions and the decisions of other United Nations organs designed to combat racism and condemning the policy of apartheid and racial discrimination as being &quot;incompatible with the principles of the Charter of the United Nations&quot; and constituting a crime against humanity.</td>
</tr>
<tr>
<td>2545 (XXIV)</td>
<td>Measures to be taken against nazism and racial intolerance</td>
<td>The General Assembly, reaffirming that nazism, including its present-day manifestations, racism and similar totalitarian ideologies and practices, which are based on terror and racial intolerance, are &quot;incompatible with the purposes and principles of the Charter of the United Nations&quot; and constitute a</td>
</tr>
</tbody>
</table>

*See also GA resolution 2546 (XXIV).*
2554 (XXIV) Activities of foreign economic and other interests which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Southern Rhodesia, Namibia and Territories under Portuguese domination and in all other Territories under colonial domination and efforts to eliminate colonialism, apartheid and racial discrimination in southern Africa.

The General Assembly was convinced that any economic or other activity which impeded the implementation of resolution 1514 (XV) and which obstructed efforts aimed at the elimination of colonialism, apartheid and racial discrimination in southern Africa and other colonial Territories violated the political, economic and social rights and interests of the people in these Territories and was therefore "incompatible with the purposes and principles of the Charter of the United Nations".

2588 B (XXIV) Implementation of the recommendations of the International Conference on Human Rights

The General Assembly was guided "by the Charter of the United Nations and its purposes and principles, including respect for human rights and fundamental freedoms and particularly the right to self-determination".

2606 (XXIV) The strengthening of international security

The General Assembly believed that international security was dependent upon the development of a world legal order based on justice and the strict observance by all States without exception "of the principles of the United Nations".

ANNEX II

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

(1 September 1966–31 December 1969)

<table>
<thead>
<tr>
<th>Resolution No</th>
<th>Title</th>
<th>Extract of provisions</th>
<th>Charter Article</th>
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</thead>
<tbody>
<tr>
<td>2152 (XXI)*</td>
<td>United Nations Industrial Development Organization</td>
<td>&quot;The General Assembly...&quot;</td>
<td>1 (3)</td>
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<tr>
<td></td>
<td></td>
<td>&quot;Decides that the United Nations Industrial Development Organization (hereinafter referred to as the Organization), established as an organ of the General Assembly, shall function as an autonomous organization within the United Nations in accordance with the provisions set forth in section II below;&quot;</td>
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<td></td>
<td></td>
<td>&quot;II &quot;</td>
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<td></td>
<td></td>
<td>&quot;PURPOSE&quot;</td>
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<td></td>
<td>&quot;1. The purpose of the Organization shall be to promote industrial development, in accordance with Article 1, paragraph 3, and Articles 55 and 56 of the Charter of the United Nations...&quot;</td>
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<tr>
<td></td>
<td></td>
<td>&quot;The General Assembly...&quot;</td>
<td>2 (3)</td>
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<td></td>
<td></td>
<td>&quot;Recalling...that among the fundamental purposes of the United Nations are the maintenance of international peace and security and the development of friendly relations and co-operation among States...&quot;</td>
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<td></td>
<td></td>
<td>&quot;3. Takes note...of the formulations of the 1966 Special Committee concerning the principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered and the principle of sovereign equality of States...&quot;</td>
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<td>&quot;5. Requests the Special Committee...to complete the formulations of...&quot;</td>
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<td></td>
<td></td>
<td>&quot;(d) The principle that States shall fulfill in good faith the obligations assumed by them in accordance with the Charter;&quot;</td>
<td></td>
</tr>
<tr>
<td>2181 (XXI)*</td>
<td>Consideration of principles of international law concerning friendly relations and cooperation among States in accordance with the Charter of the United Nations</td>
<td>&quot;The General Assembly...&quot;</td>
<td>2 (1)</td>
</tr>
<tr>
<td></td>
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<td>&quot;Recalling...that among the fundamental purposes of the United Nations are the maintenance of international peace and security and the development of friendly relations and cooperation among States...&quot;</td>
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<td>&quot;(d) The principle that States shall fulfill in good faith the obligations assumed by them in accordance with the Charter;&quot;</td>
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<td>&quot;(e) Requests the Special Committee...&quot;</td>
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* See also GA resolutions 2299 (XXIII).
* See also GA resolutions 2327 (XXII), 2463 (XXIII) and 2533 (XXIV)
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<th>Resolution No</th>
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<th>Extract of provisions</th>
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<tbody>
<tr>
<td>2200 A (XXI)</td>
<td>International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights</td>
<td>1 (3)</td>
<td>&quot;The General Assembly,Considering that one of the purposes of the United Nations, as stated in Articles 1 and 55 of the Charter, is to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,...&quot;</td>
</tr>
<tr>
<td>2205 (XXI)</td>
<td>Establishment of the United Nations Commission on International Trade Law</td>
<td>1 (3)</td>
<td>&quot;The General Assembly,Convinced that it would therefore be desirable for the United Nations to play a more active role towards reducing or removing legal obstacles to the flow of international trade,...&quot;</td>
</tr>
<tr>
<td>2330 (XXII)</td>
<td>Need to expedite the drafting of a definition of aggression in the light of the present international situation</td>
<td>1 (1)</td>
<td>&quot;The General Assembly,Considering that one of the main purposes of the United Nations is 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,...&quot;</td>
</tr>
<tr>
<td>2373 (XXII)</td>
<td>Treaty on the Non-Proliferation of Nuclear Weapons</td>
<td>2 (1)</td>
<td>&quot;The General Assembly,Affirming that in the interest of international peace and security both nuclear-weapon and non-nuclear-weapon States carry the responsibility of acting in accordance with the principles of the Charter of the United Nations that the sovereign equality of all States shall be respected,...&quot;</td>
</tr>
<tr>
<td>2499 A (XXIV)</td>
<td>Celebration of the twenty-fifth anniversary of the United Nations</td>
<td>1 (1)</td>
<td>&quot;The General Assembly,Convinced that the twenty-fifth anniversary should be an occasion to strengthen the United Nations and make it more effective by reaffirming the faith of Governments and peoples in the purposes and principles of the Charter of the United Nations and renewing their endeavours to give them full effect,...&quot;</td>
</tr>
</tbody>
</table>
ARTICLE 1 (2)

CONTENTS

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Annex. Resolutions bearing on paragraph 2 of Article 1
ARTICLE 1 (2)

TEXT OF ARTICLE 1 (2)

The Purposes of the United Nations are:

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.

INTRODUCTORY NOTE

1. The present study is limited to the consideration by the General Assembly and Security Council of the general question of the implementation of Article 1(2) and the bearing of this Article on specific political questions, while other questions relating to self-determination are treated, where appropriate, under Articles 55 and 73 of the Charter.

2. The practice of the General Assembly concerning the application and interpretation of the concept of the right of self-determination, as formulated in resolution 1514 (XV) entitled "Declaration on the granting of independence to colonial countries and peoples", is dealt with under Article 73.

3. The General Survey refers to two cases. In one case the language of Article 1(2) was contained in a draft resolution which, however, was not pressed to a vote. In the second case, a Special Committee was requested by the General Assembly to formulate the principle of equal rights and self-determination of peoples.

4. The General Survey also lists the decisions of the General Assembly and of the Security Council containing explicit or implicit references to Article 1(2).

5. The annex contains extracts of provisions of those resolutions of the General Assembly and of the Security Council, adopted during the period under review, which were directly relevant to or might be considered as having a bearing on Article 1(2).

GENERAL SURVEY

6. Article 1(2) was explicitly invoked during the twenty-second session of the General Assembly in connexion with the discussion in the Special Political Committee on the agenda item "Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East" and during the twenty-fourth session in the plenary debate on the same item. During the twenty-fourth session, Article 1(2) was also explicitly referred to during the consideration by the First Committee of the item "The strengthening of international security" when the USSR submitted a draft resolution employing the language of Article 1(2); the draft resolution was not however pressed to a vote in the First Committee.

7. During the period under review, an extensive discussion of the principle of equal rights and self-determination of peoples took place in the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States. While, at the end of this period, the Special Committee had not yet reached agreement on the formulation of the principle, it had considered various aspects, including the following: (a) the nature of the rights involved in the concept of self-determination; (b) the scope of the principle and (c) implementation of the principle.

1 In the French text of the Charter, Article 1(2) reads as follows: "2. Développer entre les nations des relations amicales fondées sur le respect du principe de l'égalité des droits des peuples et de leur droit à disposer d'eux-mêmes et prendre toutes autres mesures propres à consolider le paix du monde".


3 G A (XXIV), Plen., 1827th mtg., Kuwait, para. 119.

4 G A (XXIV), 1st Com., 1654th mtg., Malta, para. 23.

5 G A (XXIV), Annexes, a.i. 103, A/7903, para. 7; A/C.1/L.468, part III.

6 G A resolution 2103 (XX) requested the Special Committee to consider this principle; see Repertory, Supplement No. 3, under Article 1(2), para. 25. In resolutions 2181 (XXI), 2327 (XXII), 2463 (XXIII) and 2533 (XXIV), the General Assembly repeatedly requested the Special Committee to complete the formulation of this principle.

7 For the discussion of this principle in the Special Committee, see G A (XXI), Annexes, a.i. 87, A/6230, paras. 456-521; G A (XXII), Annexes, a.i. 87, A/6799, paras. 171-235; G A (XXIII), a.i. 87, A/7326 (issued separately from the Annexes, a.i. 87), paras. 135-203 and G A (XXIV), Suppl. No. 19, paras. 137-192.
8. Implicit references to Article 1(2) were made in the following resolutions of the General Assembly and of the Security Council, the adoption of which was not preceded by any constitutional discussions.

1. IN THE GENERAL ASSEMBLY

Resolutions 2134 (XXI): “Question of Basutoland, Bechuanaland and Swaziland”; 2138 (XXI), 2151 (XXI), 2262 (XXIII), 2379 (XXIII), 2383 (XXIII) and 2508 (XXIV): “Question of Southern Rhodesia”; 2144 A (XXI): “Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories”; 2145 (XXI), 2248 (S-V), 2325 (XXII) and 2372 (XXII): “Question of South West Africa”; 2158 (XXI): “Permanent sovereignty over natural resources”; 2160 (XXI): “Strict observance of the prohibition of the threat or use of force in international relations, and of the right of peoples to self-determination”; 2181 (XXI), 2327 (XXII), 2463 (XXIII) and 2533 (XXIV): “Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations”; 2183 (XXI): “Question of Aden”; 2184 (XXI), 2270 (XXII), 2395 (XXIII) and 2507 (XXIV): “Question of Territories under Portuguese administration”; 2185 (XXI) and 2350 (XXII): “Question of Fiji”; 2189 (XXI), 2326 (XXII), 2465 (XXIII) and 2548 (XXIV): “Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples”; 2200 A (XXI): “International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights and Optional Protocol to the International Covenant on Civil and Political Rights”; 2224 (XXI), 2269 (XXII), 2466 (XXIII) and 2516 (XXIV): “The Korean question”; 2226 (XXI) and 2347 (XXII): “Question of the Trust Territory of Nauru”; 2227 (XXI), 2348 (XXII), 2427 (XXIII) and 2590 (XXIV): “Question of Papua and the Trust Territory of New Guinea”; 2228 (XXI) and 2356 (XXII): “Question of French Somaliland”; 2229 (XXI), 2354 (XXII) and 2428 (XXIII): “Question of Ifni and Spanish Sahara”; 2230 (XXI) and 2355 (XXII): “Question of Equatorial Guinea”; 2231 (XXI), 2353 (XXII) and 2429 (XXIII): “Question of Gibraltar”; 2232 (XXI), 2357 (XXII), 2430 (XXIII) and 2592 (XXIV): “Question of American Samoa, Antigua, Bahamas, Bermuda, British Virgin Islands, Cayman Islands, Cocos (Keeling) Islands, Dominica, Gilbert and Ellice Islands, Grenada, Guam, Mauritius, Montserrat, New Hebrides, Niue, Pitcairn, St. Helena, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Tokelau Islands, Turks and Caicos Islands and the United States Virgin Islands”; 2238 (XXI), 2302 (XXII), 2424 (XXIII) and 2559 (XXIV): “Question of Oman”; 2288 (XXII), 2425 (XXIII) and 2554 (XXIV): “Activities of foreign economic and other interests which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Southern Rhodesia, Namibia and Territories under Portuguese domination and in all other Territories under colonial domination and efforts to eliminate colonialism, apartheid and racial discrimination in southern Africa”; 2311 (XXII), 2426 (XXIII) and 2555 (XXIV): “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”; 2396 (XXIII) and 2506 B (XXIV): “The policies of apartheid of the Government of South Africa”; 2403 (XXIII), 2498 (XXIV) and 2517 (XXIV): “Question of Namibia”; 2439 (XXIII) and 2547 A (XXIV): “Measures for effectively combating racial discrimination and the policies of apartheid and segregation in southern Africa”; 2440 (XXIII): “Report of the Ad Hoc Working Group of Experts on the treatment of political prisoners in South Africa”; 2497 (XXIV): “Youth, its education in the respect for human rights and fundamental freedoms, its problems and needs, and its participation in national development”; 2535 B (XXIV): “United Nations Relief and Works Agency for Palestinian Refugees in the Near East”; 2588 B (XXIV): “Implementation of the recommendations of the International Conference on Human Rights”; 2591 (XXIV): “Question of Spanish Sahara”; 2593 (XXIV): “Question of Antigua, Dominica, Grenada, St. Kitts-Nevis-Anguilla, St. Lucia and St. Vincent”; and 2597 (XXIV): “Respect for human rights in armed conflicts”.

2. IN THE SECURITY COUNCIL


ANNEX

Resolutions bearing on paragraph 2 of Article 1

A. RESOLUTIONS OF THE GENERAL ASSEMBLY

<table>
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<tr>
<th>Resolution No</th>
<th>Title</th>
<th>Extract of provisions</th>
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<tbody>
<tr>
<td>2134 (XXI)</td>
<td>Question of Basutoland, Bechuanaland and Swaziland</td>
<td>“Reaffirming its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and its resolutions 1817 (XVII) of 18 December 1962, 1954 (XVIII) of 11 December 1963 and 2063 (XX) of 16 December 1965,” [third preambular paragraph].</td>
</tr>
<tr>
<td>2138 (XXI)</td>
<td>Question of Southern Rhodesia</td>
<td>“Recalling its resolution 1514 (XV) of 14 December 1960 [first preambular paragraph]”</td>
</tr>
</tbody>
</table>
2144 (XXI) Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories

2145 (XXI) Question of South West Africa

2151 (XXI) Question of Southern Rhodesia

2158 (XXI) Permanent sovereignty over natural resources

2160 (XXI) Strict observance of the prohibition of the threat or use of force in international relations, and of the right of peoples to self-determination

Resolution No Title Extract of provisions

2160 

1. Condemns any arrangement reached between the administering Power and the illegal racist minority régime which will not recognize the inalienable rights of the people of Zimbabwe to self-determination and independence in accordance with General Assembly resolution 1514 (XV);

2. Reaffirms the obligation of the administering Power to transfer power to the people of Zimbabwe on the basis of universal adult suffrage in accordance with the principle of "one man, one vote";

5. Calls upon all States to strengthen their efforts to promote the full observance of human rights and the right to self-determination in accordance with the Charter of the United Nations, and to attain the standards established by the Universal Declaration of Human Rights;

Reaffirming the inalienable right of the people of South West Africa to freedom and independence in accordance with the Charter of the United Nations, General Assembly resolution 1514 (XV) of 14 December 1960 and earlier Assembly resolutions concerning the Mandated Territory of South West Africa, [first preambular paragraph]

1. Reaffirms that the provisions of General Assembly resolution 1514 (XV) are fully applicable to the people of the Mandated Territory of South West Africa and that, therefore, the people of South West Africa have the inalienable right to self-determination, freedom and independence in accordance with the Charter of the United Nations".

Recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, [fourth preambular paragraph]

Reiterating its serious concern about the implications which the pourparlers between the administering Power and the representatives of the illegal racist minority régime have for the right of the African people of Zimbabwe to freedom and independence, [seventh preambular paragraph]

Reaffirming the inalienable right of the people of Zimbabwe to freedom and independence, and the legitimacy of their struggle for the exercise of that right;

Deplores the failure of the Government of the United Kingdom of Great Britain and Northern Ireland so far to put an end to the illegal racist minority régime in Southern Rhodesia;

Condemns any arrangement between the administering Power and the illegal racist minority régime in the Territory which would transfer power to the latter on any basis and which would fail to recognize the inalienable right of the people of Zimbabwe to self-determination and independence in accordance with General Assembly resolution 1514 (XV);

Calls once again upon the Government of the United Kingdom to take all the necessary measures, including in particular the use of force, in the exercise of its powers as the administering Power, to put an end to the illegal racist minority régime of Southern Rhodesia and to ensure the immediate application of General Assembly resolution 1514 (XV) and other relevant resolutions;

Calls upon all States to extend all moral and material support to the people of Zimbabwe in their legitimate struggle to overthrow the illegal racist régime and to achieve freedom and independence.

1. 1. Reaffirms the inalienable right of all countries to exercise permanent sovereignty over their natural resources in the interest of their national development, in conformity with the spirit and principles of the Charter of the United Nations and as recognized in General Assembly resolution 1803 (XVII);".

1. Drawing the attention of States to the fundamental obligations incumbent upon them in accordance with the Charter of the United Nations to 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 and to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, [first preambular paragraph]

Reaffirming the right of peoples under colonial rule to exercise their right to self-determination and independence and the right of every nation, large or small, to choose freely and without any external interference its political, social and economic system, [third preambular paragraph]

Recognizing that peoples subjected to colonial oppression are entitled to seek and receive all support in their struggle which is in accordance with the purposes and principles of the Charter, [fourth preambular paragraph]

Recalling the declarations contained in its resolutions 1514 (XV) of 14 De-
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<tr>
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<td>2181 (XXI)</td>
<td>Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations</td>
<td>(a) &amp; (b) Any forcible action, direct or indirect, which deprives peoples under foreign domination of their right to self-determination and freedom and independence and of their right to determine freely their political status and pursue their economic, social and cultural development constitutes a violation of the Charter of the United Nations. Accordingly, the use of force to deprive peoples of their national identity, as prohibited by the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty contained in General Assembly resolution 2131 (XX), constitutes a violation of their inalienable rights and of the principle of non-intervention:</td>
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<tr>
<td>2183 (XXI)</td>
<td>Question of Aden</td>
<td>(a) Urgent appeals to States:</td>
</tr>
<tr>
<td>2184 (XXI)</td>
<td>Question of Territories under Portuguese administration</td>
<td>(b) The principle of equal rights and self-determination of peoples:</td>
</tr>
<tr>
<td>2185 (XXI)</td>
<td>Question of Fiji</td>
<td>(c) The principle of equal rights and self-determination of peoples:</td>
</tr>
<tr>
<td>2189 (XXI)</td>
<td>Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples</td>
<td>(a) Reaffirms that:</td>
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<td>(b) Any forcible action, direct or indirect, which deprives peoples under foreign domination of their right to self-determination and freedom and independence and of their right to determine freely their political status and pursue their economic, social and cultural development constitutes a violation of the Charter of the United Nations. Accordingly, the use of force to deprive peoples of their national identity, as prohibited by the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty contained in General Assembly resolution 2131 (XX), constitutes a violation of their inalienable rights and of the principle of non-intervention:</td>
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</tbody>
</table>
attitude of certain colonial Powers, and in particular the intransigent attitude of
the Governments of Portugal and South Africa, which refuse to recognize
the right of colonial peoples to self-determination and independence. [fifth pream-
bular paragraph]

"1. Reaffirms its resolutions 1514 (XV), 1654 (XVI), 1810 (XVII), 1956
(XVIII) and 2105 (XX):

"7. Reaffirms its recognition of the legitimacy of the struggle of the peoples
under colonial rule to exercise their right to self-determination and indepen-
dence and urges all States to provide material and moral assistance to the na-
tional liberation movements in colonial Territories;

"11. Requests the colonial Powers to dismantle their military bases and in-
stallations in colonial Territories and to refrain from establishing new ones and
from using those that still exist to interfere with the liberation of the peoples in
colonial Territories in the exercise of their legitimate rights to freedom and in-
dependence;

"12. Condemns the activities of those foreign financial and economic inter-
est in colonial Territories, in particular in South West Africa, Southern Rhod-
esia and the Territories under Portuguese domination, which support colonial
regimes and thus constitute a serious obstacle to the implementation of the
Declaration on the Granting of Independence to Colonial Countries and Peo-

dles, and calls upon the Governments concerned to take the necessary meas-
ures to put an end to those activities;

"16. Invites the Special Committee to pay particular attention to the small
Territories and to recommend to the General Assembly the most appropriate
methods and also the steps to be taken to enable the populations of those Terri-
itories to exercise fully the right to self-determination and independence;

"17. Requests the Special Committee to continue to perform its tasks and to
seek suitable means for the immediate and full implementation of the Declara-
tion in all Territories which have not yet attained independence;

"18. Requests the Secretary-General to promote, through the various organs
and agencies of the United Nations, the continuous and large-scale publicizing
of the Declaration and of the work of the Special Committee, in order that
world opinion may be sufficiently aware of the situation in the colonial Territo-
ries and of the continuing struggle for liberation waged by the colonial peo-

dles;"

ANNEX

International Covenant on Economic, Social and Cultural Rights

"Part I

"Article 1

"1. All peoples have the right of self-determination. By virtue of that right
they freely determine their political status and freely pursue their economic, so-
cial and cultural development.

"2. All peoples may, for their own ends, freely dispose of their natural
wealth and resources without prejudice to any obligations arising out of inter-
national economic co-operation, based upon the principle of mutual benefit,
and international law. In no case may a people be deprived of its own means of
subsistence.

"3. The States Parties to the present Covenant, including those having re-


2200 (XXI) International Covenant on Economic, Social and
Cultural Rights, International Covenant on Civil
and Political Rights and Optional Protocol to the
International Covenant on Civil and Political
Rights

2224 (XXI) The Korean question

2226 (XXI) Question of the Trust Territory of Nauru

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"3. The States Parties to the present Covenant, including those having re-


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2224 (XXI) The Korean question

2226 (XXI) Question of the Trust Territory of Nauru

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"Part I

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"3. The States Parties to the present Covenant, including those having re-

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<td>2227 (XXI)</td>
<td>Question of Papua and the Trust Territory of New Guinea</td>
<td>“1. Reaffirms the inalienable right of the people of Papua and New Guinea to self-determination and independence in accordance with General Assembly resolution 1514 (XV):”</td>
</tr>
<tr>
<td></td>
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<td>“2. Calls upon the administering Power to implement fully resolution 1514 (XV), and to inform the Trusteeship Council at its thirty-fourth session and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples of the action taken in this regard;”</td>
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<td>“3. Calls upon the administering Power to implement the following measures:”</td>
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<td>“(c) Holding of elections on the basis of universal adult suffrage with a view to transferring power to the people of the Territories;”</td>
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<td>“(d) Fixing of an early date for independence;”</td>
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<td>“Recalling its resolution 1514 of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, [second preambular paragraph]”</td>
</tr>
<tr>
<td>2228 (XXI)</td>
<td>Question of French Somaliland</td>
<td>“1. Reaffirms the inalienable right of the people of French Somaliland (Djibouti) to self-determination and independence in accordance with General Assembly resolution 1514 (XV).”</td>
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<td>“2. Calls upon the administering Power to ensure that the right of self-determination shall be freely expressed and exercised by the indigenous inhabitants of the Territory on the basis of universal adult suffrage and with full respect for human rights and fundamental freedoms;”</td>
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<td>“3. Urges the administering Power to create a proper political climate for a referendum to be conducted on an entirely free and democratic basis;”</td>
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<td>“Recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, [third preambular paragraph]”</td>
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<tr>
<td>2229 (XXI)</td>
<td>Question of Ifni and Spanish Sahara</td>
<td>“1. Reaffirms the inalienable right of the peoples of Ifni and Spanish Sahara to self-determination in accordance with General Assembly resolution 1514 (XV);”</td>
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<td>“3. Requests the administering Power to take immediately the necessary steps to accelerate the decolonization of Ifni and to determine with the Government of Morocco, bearing in mind the aspirations of the indigenous population, procedures for the transfer of powers in accordance with the provisions of General Assembly resolution 1514 (XV);”</td>
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<td>“4. Invites the administering Power to determine at the earliest possible date, in conformity with the aspirations of the indigenous people of Spanish Sahara and in consultation with the Governments of Mauritania and Morocco and any other interested party, the procedures for the holding of a referendum under United Nations auspices with a view to enabling the indigenous population of the Territory to exercise freely its right to self-determination and, to this end:”</td>
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<td>“(a) To create a favourable climate for the referendum to be conducted on an entirely free, democratic and impartial basis, by permitting, inter alia, the return of exiles to the Territory;”</td>
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<td>“(b) To take all the necessary steps to ensure that only the indigenous people of the Territory participate in the referendum;”</td>
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<td>“(c) To refrain from any action likely to delay the process of the decolonization of Spanish Sahara;”</td>
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<td>“(d) To provide all the necessary facilities to a United Nations mission so that it may be able to participate actively in the organization and holding of the referendum;”</td>
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<td>“Recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, [fifth preambular paragraph]”</td>
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<td>“Noting the desire of the overwhelming majority of the people consulted that the Territory should become independent not later than July 1968, [eighth preambular paragraph]”</td>
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<td>“2. Reaffirms the inalienable right of the people of Equatorial Guinea to self-determination and independence in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV);”</td>
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<td>“4. Invites the administering Power to implement as soon as possible the following measures:”</td>
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<td>“(a) Removal of all restrictions on political activities and establishment of full democratic freedoms;”</td>
</tr>
</tbody>
</table>
Recalling further its resolution 1514 (XV) of 14 December 1960, [fifth preambular paragraph]

Reaffirms the inalienable right of the peoples of these Territories to self-determination and independence;

Decides that the United Nations should render all help to the peoples of these Territories in their efforts freely to decide their future status;". 

Recalling its resolution 1514 (XV) of 14 December 1960, [third preambular paragraph]

Reaffirms the inalienable right of the people of the Territory as a whole to self-determination and independence and recognizes the legitimacy of their struggle to achieve the rights laid down in the Charter of the United Nations, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples;

Deplores the refusal of the United Kingdom of Great Britain and Northern Ireland to implement General Assembly resolutions 1514 (XV) and 2073 (XX); 

Further deplores the policies of the United Kingdom in installing and supporting any unrepresentative regime in the Territory in contravention of the relevant General Assembly resolutions;

Recognizes that the natural resources of the Territory belong to the people of Oman and that the concessions given to foreign monopolies without the consent of the people constitute a violation of the rights of the people of the Territory;

Considers that the maintenance of military bases, depots and troops in the Territory constitutes a major hindrance to the exercise by the people of their right to self-determination and independence and is prejudicial to the peace and security of the region, and that their immediate removal is therefore essential;". 

Recalling its resolution 1514 (XV) of 14 December 1960, [fifth preambular paragraph]

Reaffirms the inalienable right of the people of the Territory as a whole to self-determination and independence and recognizes the legitimacy of their struggle to obtain the rights proclaimed in the Charter of the United Nations, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples;

Recognizes that the natural resources of the Territory of Oman belong to the indigenous population and that the concessions granted to foreign enterprises without the consent of the people constitute a violation of the rights of the people of the Territory;

Considers that the military presence of the United Kingdom and the existence of military bases in the Territory constitute a major hindrance to the exercise by the people of their right to self-determination and independence and are prejudicial to peace and security in the region;
<table>
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<tr>
<td>2288 (XXII)</td>
<td>Activities of foreign economic and other interests which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Southern Rhodesia, South West Africa and Territories under Portuguese domination and in all other Territories under Colonial domination and efforts to eliminate colonialism, apartheid and racial discrimination in southern Africa.</td>
<td>“2. Reaffirms the inalienable right of the peoples of the colonial Territories to self-determination and independence and to the natural resources of their Territories, as well as their right to dispose of these resources in their best interests;”</td>
</tr>
<tr>
<td>2270 (XXII)</td>
<td>Question of Territories under Portuguese administration</td>
<td>“Recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, [third preambular paragraph]”</td>
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<tr>
<td>2262 (XXII)</td>
<td>Question of Southern Rhodesia</td>
<td>“Recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, [second preambular paragraph]”</td>
</tr>
<tr>
<td>2269 (XXII)</td>
<td>The Korean question</td>
<td>“Hopeful that conditions can soon be created to facilitate the reunification of Korea on the basis of the freely expressed will of all the Korean people, [fifth preambular paragraph]”</td>
</tr>
<tr>
<td>2248 (S-V)</td>
<td>Question of South West Africa</td>
<td>“Reaffirming its resolution 1514 (XV) of 14 December 1960 containing the”</td>
</tr>
<tr>
<td>Resolution No</td>
<td>Title</td>
<td>Extract of preamble</td>
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<tr>
<td>2311 (XXII)</td>
<td>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</td>
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<td>2325 (XXII)</td>
<td>Question of South West Africa</td>
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</tr>
<tr>
<td>2326 (XXII)</td>
<td>Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples</td>
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</tr>
<tr>
<td>2327 (XXII)</td>
<td>Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations</td>
<td>[first preambular paragraph] [first preambular paragraph]</td>
</tr>
</tbody>
</table>
2347 (XXII) Question of the Trust Territory of Nauru

"Recalling the provisions of the Charter of the United Nations and General Assembly resolution 1514 (XV) of 14 December 1960, [first preambular paragraph]

"1. Reaffirms the inalienable right of the people of Papua and New Guinea to self-determination and independence in accordance with General Assembly resolution 1514 (XV);".

2348 (XXII) Question of Papua and the Trust Territory of New Guinea

"Recalling the provisions of the Charter of the United Nations and General Assembly resolution 1514 (XV) of 14 December 1960, [first preambular paragraph]

"1. Reaffirms the inalienable right of the people of Papua and New Guinea to self-determination and independence in accordance with General Assembly resolution 1514 (XV);".

2350 (XXII) Question of Fiji

"Recalling its resolution 1514 (XV) of 14 December 1960, [third preambular paragraph]

"1. Reaffirms the inalienable right of the people of Fiji to self-determination and independence, in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples;".

2353 (XXII) Question of Gibraltar

"Recalling its resolution 1514 (XV) of 14 December 1960,

"3. Invites the Governments of Spain and the United Kingdom of Great Britain and Northern Ireland to resume without delay the negotiations provided for in General Assembly resolutions 2070 (XX) and 2231 (XXI) with a view to putting an end to the colonial situation in Gibraltar and to safeguarding the interests of the population upon the termination of that situation;"

2354 (XXII) Question of Ifni and Spanish Sahara

"Recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, [second preambular paragraph]

"1. 1. Reaffirms the inalienable right of the people of Ifni to self-determination in accordance with General Assembly resolution 1514 (XV);".

"3. Requests the administering Power to take immediately the necessary steps to accelerate the decolonization of Ifni and to determine with the Government of Morocco, bearing in mind the aspirations of the indigenous population, the procedures for the transfer of powers in accordance with the provisions of General Assembly resolution 1514 (XV);"

"II. 1. Reaffirms the inalienable right of the people of Spanish Sahara to self-determination in accordance with General Assembly resolution 1514 (XV);

"3. Invites the administering Power to determine at the earliest possible date, in conformity with the aspirations of the indigenous people of Spanish Sahara and in consultation with the Governments of Mauritania and Morocco and any other interested party, the procedures for the holding of a referendum under United Nations auspices with a view to enabling the indigenous population of the Territory to exercise freely its right to self-determination, and, to this end:

"(a) To create a favourable climate for the referendum to be conducted on an entirely free, democratic and impartial basis by permitting, inter alia, the return of exiles to the Territory;

"(b) To take all the necessary steps to ensure that only the indigenous people of the Territory participate in the referendum;

"(c) To refrain from any action likely to delay the process of the decolonization of Spanish Sahara;"
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<td>Question of Equatorial Guinea</td>
<td>&quot;Recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, [fifth preambular paragraph]</td>
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<td>&quot;3. Reaffirms the inalienable right of the people of Equatorial Guinea to self-determination and independence, in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV);&quot;</td>
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<td>&quot;5. Invites the administering Power to implement as soon as possible the following measures:</td>
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<td>&quot;(a) To ensure respect for all democratic freedoms;</td>
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<td>&quot;(b) To institute an electoral system based on universal adult suffrage and to hold, before independence, a general election for the whole Territory on the basis of a unified electoral roll;&quot;</td>
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<td>&quot;(c) To transfer effective power to the government resulting from this election;</td>
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<td>&quot;6. Urges the administering Power to reconvene the constitutional conference referred to above in order to work out the modalities of the transfer of power, including the drawing up of an electoral law and of an independence constitution;&quot;</td>
</tr>
<tr>
<td>2356 (XXII)</td>
<td>Question of French Somaliland</td>
<td>&quot;Recalling its resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and its resolution 2228 (XXI) of 20 December 1966, [second preambular paragraph]</td>
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<tr>
<td></td>
<td></td>
<td>&quot;1. Reaffirms the inalienable right of the people of French Somaliland (Djibouti) to self-determination and independence in accordance with General Assembly resolution 1514 (XV).&quot;</td>
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<td>&quot;2. Regrets that the administering Power has not cooperated with the United Nations in the application of resolution 1514 (XV) and did not implement General Assembly resolution 2228 (XXI):&quot;</td>
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<td>&quot;3. Calls upon the administering Power to create the political conditions necessary for accelerating the implementation of the right of the people to self-determination and independence, including the full exercise of political freedoms, and to allow the return of all refugees to the Territory,&quot;</td>
</tr>
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<td>&quot;4. Urges the administering Power to co-operate fully with the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and with the United Nations in accelerating the process of decolonization in the Territory and to grant independence to the inhabitants at an early date;&quot;</td>
</tr>
<tr>
<td>2357 (XXII)</td>
<td>Question of American Samoa, Antigua, Bahamas, Bermuda, British Virgin Islands, Cayman Islands, Cocos (Keeling) Islands, Dominica, Gilbert and Ellice Islands, Grenada, Guam, Mauritius, Montserrat, New Hebrides, Nuea, Pitcairn, St. Helena, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Swaziland, Tokelau Islands, Turks and Caicos Islands and the United States Virgin Islands</td>
<td>&quot;Noting further the decision taken by the Special Committee that General Assembly resolution 1514 (XV) containing the Declaration on the Granting of Independence to Colonial Countries and Peoples and other relevant resolutions continue to apply to these Territories. [fifth preambular paragraph]&quot;</td>
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<td>&quot;2. Reaffirms the inalienable right of the peoples of these Territories to self-determination and independence.&quot;</td>
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<td>2372 (XXII)</td>
<td>Question of South West Africa</td>
<td>&quot;Recalling its resolution 1514 (XV) of 14 December 1960 [second preambular paragraph]&quot;</td>
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<td>&quot;5. Reaffirms the inalienable right of the Namibian people to freedom and independence and the legitimacy of their struggle against foreign occupation;&quot;</td>
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<td>2379 (XXIII)</td>
<td>Question of Southern Rhodesia</td>
<td>&quot;Recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, &quot;</td>
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<td>&quot;Recalling further all the resolutions adopted by the General Assembly and the Security Council concerning the question of Southern Rhodesia, &quot;</td>
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<td>&quot;Reaffirming the inalienable right of the people of Zimbabwe to self-determination, freedom and independence, &quot;</td>
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<td>&quot;Considering that any independence without a government elected by a majority of the people of Zimbabwe is contrary to the provisions and objectives of resolution 1514 (XV),&quot;</td>
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<td>&quot;1. Calls upon the Government of the United Kingdom of Great Britain and Northern Ireland not to grant independence to Southern Rhodesia unless it is preceded by the establishment of a government based on free elections by universal adult suffrage and on majority rule;&quot;</td>
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<td>&quot;2. Calls upon all States not to recognize any form of independence in Southern Rhodesia without the prior establishment of a government based on majority rule in accordance with General Assembly resolution 1514 (XV).&quot;</td>
</tr>
<tr>
<td>Resolution No</td>
<td>Title</td>
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<tr>
<td>2383 (XXIII)</td>
<td>Question of Southern Rhodesia</td>
<td>&quot;Recalling its resolution 1514 (XV) of 14 December 1960, all its previous resolutions and those of the Security Council concerning the question of Southern Rhodesia, [second preambular paragraph] &quot;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>&quot;1. Reaffirms the inalienable right of the people of Zimbabwe to freedom and independence and the legitimacy of their struggle to attain that right in conformity with the provisions of General Assembly resolution 1514 (XV);&quot;</td>
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<td>&quot;6. Considers that any independence without majority rule in Southern Rhodesia is contrary to the provisions of General Assembly resolution 1514 (XV) and calls upon the United Kingdom to enter immediately into consultations with the representatives of political parties favouring majority rule;&quot;</td>
</tr>
<tr>
<td>2395 (XXIII)</td>
<td>Question of Territories under Portuguese administration</td>
<td>&quot;Recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, [third preambular paragraph] &quot;</td>
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<td>&quot;Recalling also all the relevant resolutions concerning the Territories under Portuguese administration adopted by the General Assembly and the Security Council, [fourth preambular paragraph] &quot;</td>
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<td>&quot;1. Reaffirms the inalienable right of the peoples of the Territories under Portuguese domination to self-determination, freedom and independence, in accordance with General Assembly resolution 1514 (XV), and the legitimacy of their struggle to achieve that right;&quot;</td>
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<td>&quot;2. Condemns the persistent refusal of the Government of Portugal to implement resolution 1514 (XV) and all other relevant resolutions of the General Assembly and of the Security Council;&quot;</td>
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<td>&quot;3. Calls upon the Government of Portugal to apply without delay to the peoples of the Territories under its domination the principle of self-determination, freedom and independence in accordance with the provisions and objectives of the Charter of the United Nations and of resolution 1514 (XV);&quot;</td>
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<td>&quot;5. Appeals to all States to grant the peoples of the Territories under Portuguese domination the moral and material assistance necessary for the restoration of their inalienable rights;&quot;</td>
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<td>&quot;11. Deplores also the activities of the financial interests operating in the Territories under Portuguese domination, which obstruct the struggle of the peoples for self-determination, freedom and independence and which strengthen the military efforts of Portugal;&quot;</td>
</tr>
<tr>
<td>2396 (XXIII)</td>
<td>The policies of apartheid of the Government of South Africa</td>
<td>&quot;Recognizing that the policies and actions of the Government of South Africa constitute a serious obstacle to the exercise of the right of self-determination by the oppressed people of southern Africa, [fifth preambular paragraph] &quot;</td>
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<td>&quot;3. Reaffirms the urgent necessity of eliminating the policies of apartheid so that the people of South Africa as a whole can exercise their right to self-determination and attain majority rule based on universal suffrage;&quot;</td>
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<td>&quot;6. Reaffirms its recognition of the legitimacy of the struggle of the people of South Africa for all human rights, and in particular political rights and fundamental freedoms for all the people of South Africa irrespective of race, colour or creed;&quot;</td>
</tr>
<tr>
<td>2403 (XXIII)</td>
<td>Question of Namibia</td>
<td>&quot;Recalling its resolutions 1514 (XV) of 14 December 1960 and 2145 (XXI) of 27 October 1966 and subsequent resolutions on this question, [first preambular paragraph] &quot;</td>
</tr>
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<td>&quot;1. Reaffirms the inalienable right of the people of Namibia to self-determination and independence in conformity with General Assembly resolution 1514 (XV) and the legitimacy of their struggle against the foreign occupation of their country;&quot;</td>
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<td>&quot;4. Recommends the Security Council urgently to take all effective measures, in accordance with the relevant provisions of the Charter of the United Nations, to ensure the immediate withdrawal of South African authorities from Namibia so as to enable Namibia to attain independence in accordance with the provisions of General Assembly resolutions 1514 (XV) and 2145 (XXI);&quot;</td>
</tr>
<tr>
<td>2424 (XXIII)</td>
<td>Question of Oman</td>
<td>&quot;Recalling its resolution 1514 (XV) of 14 December 1960 and other relevant resolutions, [third preambular paragraph] &quot;</td>
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<td>&quot;Deploring the refusal of the United Kingdom of Great Britain and Northern Ireland to implement the relevant General Assembly resolutions concerning Oman, [fourth preambular paragraph] &quot;</td>
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<td>&quot;1. Reaffirms its resolutions 2238 (XXI) of 20 December 1966 and 2302 (XXII) of 12 December 1967; &quot;</td>
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<td>&quot;2. Calls upon the Government of the United Kingdom of Great Britain and Northern Ireland to implement fully General Assembly resolution 1514 (XV) and other relevant resolutions;&quot;</td>
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<th>Resolution No</th>
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<td>2425 (XXIII)</td>
<td>Activities of foreign economic and other interests which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Southern Rhodesia, Namibia and Territories under Portuguese domination and in all other Territories under colonial domination and efforts to eliminate colonialism, apartheid and racial discrimination in southern Africa</td>
<td>Recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, in particular the eighth preambular paragraph thereof, and its resolution 2288 (XXII) of 7 December 1967, [third preambular paragraph]</td>
</tr>
<tr>
<td>2426 (XXIII)</td>
<td>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</td>
<td>Recalling the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolutions 1514 (XV) of 14 December 1960, [second preambular paragraph]</td>
</tr>
<tr>
<td>2427 (XXIII)</td>
<td>Question of Papua and the Trust Territory of New Guinea</td>
<td>Recalling its resolution 2311 (XXII) of 14 December 1967 and other relevant General Assembly resolutions, [third preambular paragraph]</td>
</tr>
<tr>
<td>2428 (XXIII)</td>
<td>Question of Ifni and Spanish Sahara</td>
<td>Recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, [second preambular paragraph]</td>
</tr>
</tbody>
</table>

"Reaffirms the inalienable right of the peoples of dependent Territories to self-determination and independence and to the natural resources of their Territories, as well as their right to dispose of these resources in their best interest;"

"Declares that any administering Power, by depriving the colonial peoples of the exercise of these rights or by subordinating them to foreign economic and financial interests, violates the obligations it has assumed under Chapters XI and XII of the Charter of the United Nations and impedes the implementation of General Assembly resolution 1514 (XV);"

"Reaffirms the inalienable right of the people of Papua and the Trust Territory of New Guinea to self-determination and independence in accordance with General Assembly resolution 1514 (XV);"

"Regrets the fact that the administering Power has not yet fully implemented the provisions of resolution 1514 (XV) and other relevant resolutions relating to Papua and the Trust Territory of New Guinea;"

"Calls upon the administering Power to implement fully resolution 1514 (XV) and to this end to take the following measures in particular:"

"(a) To fix an early date for self-determination and independence in accordance with the freely expressed wishes of the people of the Territories;"

"(b) To hold free elections under United Nations supervision on the basis of universal adult suffrage in order to transfer effective power to the representatives of the people of the Territories;"

"Reaffirming its resolutions 2072 (XX) of 16 December 1965 and 2229 (XXI) of 20 December 1966, [fourth preambular paragraph]"

"Noting that the Government of Spain, as the administering Power, has not yet applied the provisions of resolution 1514 (XV), [fifth preambular paragraph]"

"Reaffirming its resolution 2354 (XXII) of 19 December 1967, [seventh preambular paragraph]"

"Noting the statement made by the administering Power on 7 December 1966 relating to Spanish Sahara, particularly with respect to the sending of a
special mission of the United Nations to this Territory, the return of exiles and the free exercise by the indigenous population of its right to self-determination, [eighth preambular paragraph]

"Ifni"

"1. Reaffirms the inalienable right of the people of Ifni to self-determination in accordance with General Assembly resolution 1514 (XV);

"2. Requests the administering Power to take immediately the necessary steps to accelerate the decolonization of Ifni and to determine with the Government of Morocco, bearing in mind the aspirations of the indigenous population, the procedures for the transfer of powers in accordance with the provisions of General Assembly resolution 1514 (XV);

"3. Invites the administering Power to continue the dialogue which has begun with the Government of Morocco, with a view to implementing the provisions of paragraph 3 above;"

"Spanish Sahara"

"II. 1. Reaffirms the inalienable right of the people of Spanish Sahara to self-determination in accordance with General Assembly resolution 1514 (XV);

"2. Invites the administering Power to determine at the earliest possible date, in conformity with the aspirations of the indigenous people of Spanish Sahara and in consultation with the Governments of Mauritania and Morocco and any other interested party, the procedures for the holding of a referendum under United Nations auspices with a view to enabling the indigenous population of the Territory to exercise freely its right to self-determination . . . \end{quote}

"Recalling its resolution 1514 (XV) of 14 December 1960, [third preambular paragraph]

\begin{quote}
..."Recalling also its resolution 2353 (XXII) of 19 December 1967, [fourth preambular paragraph]

"1. Requests that the administering Power has failed to comply with General Assembly resolution 2353 (XXII);

"2. Declares that the continued occupation of the Spanish Sahara is incompatible with the purposes and principles of the Charter of the United Nations and of General Assembly resolution 1514 (XV);"

"Recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples and other relevant resolutions, [third preambular paragraph]

"2. Reaffirms the inalienable right of the peoples of these Territories to self-determination and independence;

"3. Calls upon the administering Powers to implement without delay the relevant resolutions of the General Assembly;

"4. Reiterates its declaration that any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of colonial Territories and the establishment of military bases and installations in these Territories is incompatible with the purposes and principles of the Charter of the United Nations and of General Assembly resolution 1514 (XV);

"5. Declares that the United Nations should render all help to the peoples of these Territories in their efforts freely to decide their future status;".

"Recalling its resolutions 1815 (XVII) of 18 December 1962, 1966 (XVIII) of 16 December 1963, 2103 (XX) of 20 December 1965, 2181 (XXI) of 12 December 1966 and 2327 (XXII) of 18 December 1967, which affirm the importance of the progressive development and codification of the principles of international law concerning friendly relations and co-operation among States, [first preambular paragraph]

"Bearing in mind its resolution 2131 (XX) of 21 December 1965, [fifth preambular paragraph]

"Convinced of the significance of continuing the effort to achieve general agreement in the process of elaboration of the seven principles of international law set forth in General Assembly resolution 1815 (XVII), but without prejudice to the applicability of the rules of procedure of the Assembly, with a view to the adoption of a declaration which would constitute a landmark in the progressive development and codification of those principles, [sixth preambular paragraph]

"4. Requests the Special Committee, in the light of the debate which took place in the Sixth Committee during the previous and present sessions of the General Assembly and in the 1964, 1966, 1967 and 1968 sessions of the Special Committee, to endeavour to resolve, in the light of General Assembly resolution 2327 (XXII) all relevant questions relating to the formulation of the seven principles, in order to complete its work as far as possible, and to submit a comprehensive report to the General Assembly at its twenty-fourth session"."
Resolution No | Title | Extract of text
--- | --- | ---
2465 (XXIII) | Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples | *Recalling the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in its resolution 1514 (XV) of 14 December 1960,* [first preambular paragraph]
| | | *Recalling also its resolutions 2288 (XXII) of 7 December 1967 and 2425 (XXIII) of 18 December 1968,* [third preambular paragraph]
| | | *Recalling further its resolutions 2311 (XXII) of 14 December 1967 and 2426 (XXIII) of 18 December 1968* [fourth preambular paragraph]
| | | "1. Reaffirms its resolution 1514 (XV) and all its other resolutions on the question of decolonization;"
| | | "5. Reaffirms its recognition of the legitimacy of the struggle of the colonial peoples to exercise their right to self-determination and independence, . . .
| | | "6. Urges all States to comply strictly with the provisions of the various resolutions of the General Assembly and the Security Council concerning the colonial Territories, and in particular to give the necessary moral, political and material support to the peoples of those Territories in their legitimate struggle to achieve freedom and independence;"
| | | "9. Requests the colonial Powers to dismantle their military bases and installations in colonial Territories and to refrain from establishing new ones and from using those that still exist to interfere with the liberation of the peoples in colonial Territories in the exercise of their legitimate rights to freedom and independence;"
| | | "11. Requests the Special Committee to continue to perform its task and to seek suitable means for the immediate and full implementation of the Declaration in all Territories which have not yet attained independence;"
| | | "14. Invites the Special Committee to pay particular attention to the small Territories and to recommend to the General Assembly the most appropriate methods and also the steps to be taken to enable the populations of those Territories to exercise fully their right to self-determination and independence;"
| | | "Reaffirming its resolution 2269 (XXII) of 16 November 1967 and previous resolutions on the Korean question noted therein,* [second preambular paragraph]
| | | *Recognizing that the continued division of Korea does not correspond to the wishes of the Korean people and constitutes a source of tension which prevents the full restoration of international peace and security in the area,* [third preambular paragraph]
| | | "Anxious that progress be made towards creating conditions which would facilitate the reunification of Korea on the basis of the freely expressed will of the Korean people, [fifth preambular paragraph]
| | | "1. Reaffirms that the objectives of the United Nations in Korea are to bring about, by peaceful means, the establishment of a unified, independent and democratic Korea under a representative form of government, and the full restoration of international peace and security in the area;"
| | | "2. Expresses the belief that arrangements should be made to achieve these objectives through genuinely free elections held in accordance with the relevant resolutions of the General Assembly;"*
| | | "I. 3. Affirms that it is important to undertake all necessary measures to: (a) Promote by all appropriate means the education of youth in the countries and territories still under colonial and foreign occupation with a view to expediting the process of decolonization, liberation and self-determination in accordance with the relevant United Nations resolutions;"*
| | | "Recalling its resolution 1514 (XV) of 14 December 1960,* [first preambular paragraph]
| | | "1. Reaffirms the inalienable right of the people of Namibia to self-determination and independence, in conformity with General Assembly resolution 1514 (XV), and the legitimacy of their struggle against the foreign occupation of their country;"
| | | "Noting further that the Government of South Africa, in collaboration with the illegal racist minority régime in Southern Rhodesia and the Government of Portugal, continues to defy the United Nations and denies the peoples of southern Africa their inalienable right to self-determination, equality and independence,* [fourth preambular paragraph]

*Article 1 (2)*
Chapter I. Purposes and Principles

2507 (XXIV) Question of Territories under Portuguese administration

- “Reaffirms its resolution 2396 (XXIII) of 2 December 1968 and its other resolutions on the question of apartheid.”
- “Reaffirms its recognition of the legitimacy of the struggle of the oppressed people of South Africa for the exercise of their inalienable right of self-determination, and thus to attain majority rule based on universal suffrage.”
- “Recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, [third preambular paragraph]
- “Expressing its deep concern over the persistent refusal of the Government of Portugal to recognize the inalienable right of the African people under its domination to self-determination and independence and to co-operate with the United Nations in seeking solutions that would bring colonialism rapidly to an end, [fifth preambular paragraph]
- “Deeply disturbed by the continued and intensified activities of economic, financial and other interests which impede the realization by the African peoples of those Territories of their legitimate aspirations for self-determination and independence, [sixth preambular paragraph]
- “Reaffirms the inalienable right of the peoples of Angola, Mozambique and Guinea (Bissau) and of other Territories under Portuguese domination to self-determination and independence in accordance with General Assembly resolution 1514 (XV);”
- “Reaffirms the legitimacy of the struggle by the peoples of those Territories for their independence and freedom;”
- “Condemns the persistent refusal of the Government of Portugal to implement resolution 1514 (XV) and all other relevant resolutions of the General Assembly and of the Security Council;”
- “Deplores the activities of the financial interests which obstruct the struggle of the peoples under Portuguese domination for self-determination, freedom and independence and which strengthen the military efforts of Portugal;”
- “Calls upon the Government of Portugal to adopt immediate measures for the implementation of resolution 1514 (XV) in the Territories under its domination;”
- “Recommends that the Security Council, with a view to the immediate implementation of resolution 1514 (XV) in the Territories under Portuguese domination, should take effective steps in conformity with the relevant provisions of the Charter of the United Nations and in view of the determination of the international community to put an end to colonialism and racial discrimination in Africa;”

2508 (XXIV) Question of Southern Rhodesia

- “Recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, [third preambular paragraph]
- “Recalling further all previous resolutions concerning the question of Southern Rhodesia adopted by the General Assembly and by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, [fourth preambular paragraph]
- “Reaffirms the inalienable right of the people of Zimbabwe to freedom and independence and the legitimacy of their struggle to attain that right in conformity with the provisions of General Assembly resolution 1514 (XV);”
- “Declares illegal all measures taken by the racist minority régime to deprive the people of Zimbabwe of their legitimate rights and to entrench its policies of apartheid in Southern Rhodesia;”
- “Recognizing that the continued division of Korea does not correspond to the wishes of the Korean people and constitutes a source of tension which prevents the full restoration of international peace and security in the area, [third preambular paragraph]
- “Anxious that progress be made towards creating conditions which would facilitate the reunification of Korea on the basis of the freely expressed will of the Korean people, [fifth preambular paragraph]
- “Reaffirms that the objectives of the United Nations in Korea are to bring about, by peaceful means, the establishment of a unified, independent and democratic Korea under a representative form of government, and the full restoration of international peace and security in the area;”
- “Expresses the belief that arrangements should be made to achieve these objectives through genuinely free elections held in accordance with the relevant resolutions of the General Assembly;”

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<td>2517 (XXIV)</td>
<td>Question of Namibia</td>
<td>“Recalling its resolutions 1514 (XV) of 14 December 1960, 2145 (XXI) of 27 October 1966, 2248 (S-V) of 19 May 1967, 2498 (XXIV) of 31 October 1969 and its other relevant resolutions on the question of Namibia, as well as Security Council resolution 264 (1969) of 20 March 1969, [first preambular paragraph]</td>
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<td>“Considering” that the basic condition required, on the one hand, to enable the Namibian people to exercise their right to self-determination and independence and, on the other hand, to enable the United Nations to fulfill its responsibilities towards Namibia is the application of effective measures to bring to an end immediately the illegal presence of South Africa in the Territory, [fourth preambular paragraph]</td>
</tr>
<tr>
<td>2533 (XXIV)</td>
<td>Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations</td>
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<td>“Bearing in mind” its resolution 2131 (XX) of 21 December 1965, [fifth preambular paragraph]</td>
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<td>“Convinced of the significance of continuing the effort to achieve general agreement on the statements of the seven principles of international law set forth in General Assembly resolution 1815 (XVII), but without prejudice to the applicability of the rules of procedure of the Assembly, with a view to the adoption of a declaration which would constitute a landmark in the progressive development and codification of those principles, [sixth preambular paragraph]</td>
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<td>“4. Requests the Special Committee, in the light of the debate which took place in the Sixth Committee during the present and previous sessions of the General Assembly and at the 1964, 1966, 1967, 1968 and 1969 sessions of the Special Committee, to endeavour to resolve, in the light of Assembly resolution 2327 (XXII), the remaining questions relating to the formulation of the seven principles, in order to complete its work, and to submit to the Assembly at its twenty-fifth session a comprehensive report containing a draft Declaration on all of the seven principles”;</td>
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<td>2535 B (XXIV)</td>
<td>United Nations Relief and Works Agency for Palestine Refugees in the Near East</td>
<td>“Recognising that the problem of the Palestinian Arab refugees has arisen from the denial of their inalienable rights under the Charter of the United Nations and the Universal Declaration of Human Rights, [first preambular paragraph]</td>
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<td>“1. Reaffirms the inalienable rights of the people of Palestine;”</td>
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<td>2547 A (XXIV)</td>
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<td>“Further recalling paragraph 1 of its resolution 2395 (XXIII) of 29 November 1968, by which it reaffirmed the inalienable right of the peoples of the territories under Portuguese domination to self-determination, freedom and independence . . . . [second preambular paragraph]</td>
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<td>“Taking into account” paragraph 1 of its resolution 2383 (XXII) of 7 November 1968, by which it reaffirmed the inalienable right of the people of Zimbabwe to freedom and independence and the legitimacy of their struggle to attain that right . . . . [third preambular paragraph]</td>
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<td>“Determined to promote immediate and urgent action with a view to restoring the human rights and fundamental freedoms of the oppressed peoples of southern Africa, [eighth preambular paragraph]</td>
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<td>“1. Reaffirms its recognition of the legitimacy of the struggle by the opponents of apartheid, racial discrimination and Portuguese colonialism in southern Africa to realize their human rights and fundamental freedoms;”</td>
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<td>2548 (XXIV)</td>
<td>Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples</td>
<td>“Recalling the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in its resolution 1514 (XV) of 14 December 1960, [first preambular paragraph]</td>
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<td>“Recalling also” its resolution 2425 (XXIII) of 18 December 1968 concerning the item entitled “Activities of foreign economic and other interests which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Southern Rhodesia, Namibia and Territories under Portuguese domination and in all other Territories under...”</td>
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2554 (XXIV)  Activities of foreign economic and other interests which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Southern Rhodesia, Namibia and Territories under Portuguese domination and in all other Territories under colonial domination and efforts to eliminate colonialism, apartheid and racial discrimination in southern Africa.

2555 (XXIV)  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.

2559 (XXIV)  Question of Oman

Article 1 (2)

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| 2591 (XXIV) | Question of Spanish Sahara | "Recalling the provisions of the Charter of the United Nations and General Assembly resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, [first preambular paragraph]" |
| 2592 (XXIV) | Question of American Samoa, Antigua, Bahamas, Bermuda, British Virgin Islands, Brunei, Cayman Islands, Cocos (Keeling) Islands, Dominica, Gibson and Ellice Islands, Grenada, Guam, Montserrat, New Hebrides, Niue, Pitcairn, St. Helena, St. Kitts-Nevis-Anguilla, St. | "Recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and other relevant resolutions, [third preambular paragraph]" |
### B. RESOLUTIONS OF THE SECURITY COUNCIL

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<td>232 (1966) of 16 December 1966</td>
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</tr>
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<td>The question of South West Africa</td>
<td>&quot;Reaffirming the inalienable right of the people and Territory of South West Africa to freedom and independence in accordance with the Charter of the United Nations and with the provisions of General Assembly resolution 1514 (XV) of 14 December 1960,&quot; [third preambular paragraph]</td>
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| 264 (1969) of 20 March 1969 | The situation in Namibia | "1. Condemns all measures of political repression, including arrests, detentions, trials and executions which violate fundamental freedoms and rights of the people of Southern Rhodesia, and calls upon the Government of the United Kingdom to take all possible measures to put an end to such actions; "Calls upon the United Kingdom as the administering Power in the discharge of its responsibility to take urgently all effective measures to bring to an end the rebellion in Southern Rhodesia, and enable the people to secure the enjoyment of their rights as set forth in the Charter of the United Nations and in conformity with the objectives of General Assembly resolution 1514 (XV);" "Taking note of General Assembly resolutions 2248 (S-V) of 19 May 1967, 2324 (XXII) and 2325 (XXII) of 16 December 1967, 2372 (XXII) of 12 June 1968 and 2403 (XXIII) of 16 December 1968, [first preambular paragraph] "Recalling its resolutions 245 (1968) of 25 January 1968 and 246 (1968) of 14 March 1968, [third preambular paragraph] "Reaffirming the inalienable right of the people of Namibia to freedom and independence in accordance with the provisions of General Assembly resolution 1514 (XV) of 14 December 1960, [fourth preambular paragraph] "2. Considers that the continued presence of South Africa in Namibia is illegal and contrary to the principles of the Charter and the previous decisions of the United Nations and is detrimental to the interests of the population of the Territory and those of the international community; "6. Condemns the refusal of South Africa to comply with General Assembly resolutions 2145 (XXI), 2248 (S-V), 2324 (XXII), 2325 (XXII), 2372 (XXII), and 2403 (XXIII) and Security Council resolutions 245 (1968) and 246 (1968);"
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<td>Recalling its resolution 264 (1969) of 20 March 1960, [first preambular paragraph]</td>
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<td>Reaffirms its resolution 264 (1969);</td>
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<td>Condemns the Government of South Africa for its refusal to comply with resolution 264 (1969) and for its persistent defiance of the authority of the United Nations:</td>
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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 previous two Supplements covering the periods from 1 September 1956 to 31 August 1959 and from 1 September 1959 to 31 August 1966 respectively, Article 2(4) requires treatment in this Supplement in a separate study since there were a number of decisions of the Security Council and of the General Assembly bearing on its provisions or preceded by extensive constitutional discussions.

2. The General Survey contains a brief recapitulation of the decisions of the Security Council and of the General Assembly and indicates the items in connexion with which the provisions of Article 2(4) were considered from a constitutional point of view.

3. The Analytical Summary of Practice presents an account of the discussion in the Security Council and the General Assembly of questions concerning the interpretation and application of Article 2(4) that arose in connexion with various decisions.

4. The Security Council did not discuss Article 2(4) in a general way during the period under review. There were five instances of constitutional discussion dealing with Article 2(4) in connexion with the consideration of items of a general nature by the General Assembly. Two such instances, relating respectively to (a) the strict observance of the prohibition of the threat or use of force in international relations and of the right of peoples to self-determination, and (b) the status of the implementation of the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty, are treated in the Analytical Summary of Practice.

5. The third instance relates to the examination by the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States and the Sixth Committee, in 1967, 1968 and 1969, of the agenda item "Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations".

6. In the fourth instance the terms of Article 2(4) were the subject of extensive consideration by the Sixth Committee at the twenty-third and twenty-fourth sessions of the General Assembly in connexion with the question of defining aggression, and by the Special Committee on the Question of Defining Aggression at its 1968 and 1969 sessions. Since no final decision was taken by the General Assembly regarding this question, only the proceedings and interim decisions of the General Assembly connected with the consideration of this question are briefly reviewed in the General Survey of the present study.

7. The fifth instance relates to the consideration by the First Committee, at the twenty-fourth session of the General Assembly, of Article 2(4) in the context of territorial inviolability of each State and the inadmissibility of the acquisition of territory by the use of force, in connexion with the item: "The strengthening of international security".

8. The proceedings and constitutional discussions in the Security Council and the General Assembly in the cases

3 See paras. 137-153 and 154-164 below.
4 G A (XXI), Annexes, a.i. 87; G A (XXII), Annexes, a.i. 87; G A (XXIII), Annexes, a.i. 87; G A (XXIV), Annexes, a.i. 89; see also Repertory, Supplement No. 3, vol. I, under Article 2(4), paras. 34-42.
5 G A (XXII), Annexes, a.i. 95; G A (XXIII), Annexes, a.i. 86; G A (XXIV), Annexes, a.i. 88. For the background of the question, see: Repertory, Supplement No. 1, vol. I, under Article 2(4), p. 14, footnote 22; Repertory, Supplement No. 2, vol. I, under Article 2(4), p. 73, footnote 3. See also this Supplement under Article 13 (1) (a) below.
6 See paras. 40-42 below.
These categories were formulated, however, merely to enable the reader to have an over-all view of the cases relating to the interpretation and application of the provisions of Article 2(4), so that no special constitutional significance should be attached to them:

Consequently, the material in the Analytical Summary of Practice introductory paragraphs under the heading "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'" offer some indication as to which of the more specific questions were involved in the discussions treated in the case histories.9

I. GENERAL SURVEY

13. During the period under review, none of the resolutions adopted by the Security Council contained an explicit reference to Article 2(4).8 That paragraph was explicitly mentioned and the injunction contained therein cited, in the text of a resolution9 of the General Assembly regarding the celebration of the twenty-fifth anniversary of the United Nations. The same resolution also referred to the non-use of force, among other Principles of the Charter to be reaffirmed by Governments and peoples on the occasion of the twenty-fifth anniversary of the Organization.10

14. Certain other resolutions of the General Assembly, as well as some of the Security Council resolutions adopted during the period under review, may be regarded as having a bearing on Article 2(4) on the basis of the issues raised in the proceedings and discussions leading to their adoption and on the basis of certain of their provisions referring, expressly or tacitly, to the use or threat of use of force.

15. These resolutions were:

(a) Security Council resolutions 226 (1966), 239 (1967) and 241 (1967) on the question concerning the Democratic Republic of the Congo;
(b) Security Council resolution 228 (1966) on the Palestine question;
(d) Security Council resolution 268 (1969) on the complaint by Zambia;
(e) Security Council resolution 273 (1969) on the complaint by Senegal;

\[\text{\textsuperscript{7}See para. 45 below.}\]

\[\text{\textsuperscript{8}Article 2 as a whole was explicitly invoked in three decisions of the Security Council; resolution 232 (1966) of 16 December 1966 and resolution 253 (1968) of 29 May 1968 concerning the situation in Southern Rhodesia, paras. 7 and 14 respectively, and resolution 242 (1967) of 22 November 1967 on the situation in the Middle East, third preamb. para. In the three instances Article 2 was cited in the context of obligations incumbent upon Member States to act in accordance with the principles contained therein.}\]

\[\text{\textsuperscript{9}G A resolution 2499 (XXIV) of 31 October 1969, third preamb. para.}\]

\[\text{\textsuperscript{10}Ibid., second preamb. para.}\]
(f) Security Council resolution 275 (1969) on the complaint by Guinea;
(g) General Assembly resolution 2160 (XXI) on the strict observance of the prohibition of the threat or use of force in international relations and of the right of peoples to self-determination;
(h) General Assembly resolution 2225 (XXI) on the status of the implementation of the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty;
(i) General Assembly resolution 2270 (XXII) on the question of Territories under Portuguese administration;
(j) General Assembly resolutions 2383 (XXIII) and 2508 (XXIV) on the question of Southern Rhodesia;
(k) General Assembly resolution 2606 (XXIV) on the strengthening of international security.

16. Among these, the following resolutions are treated in the Analytical Summary of Practice: Security Council resolutions 228 (1966)\(^ {11} \), 248 (1968)\(^ {12} \), 256 (1968)\(^ {13} \), 262 (1968)\(^ {14} \), 265 (1969)\(^ {15} \), 270 (1969)\(^ {16} \), 268 (1969)\(^ {17} \), 273 (1969)\(^ {18} \) and 275 (1969)\(^ {19} \); and General Assembly resolutions 2160 (XXI)\(^ {20} \) and 2225 (XXI)\(^ {21} \).

17. Of these resolutions, four\(^ {22} \) reproduced the provisions of Article 2(4), in full or in part, in their preambular and/or operative paragraphs. In two\(^ {23} \) of these resolutions, as well as in seven others,\(^ {24} \) the Security Council, and in one instance, the General Assembly\(^ {25} \) concerned itself with the violation of the principle of the prohibition of the threat or use of force. In six instances,\(^ {26} \) the Security Council condemned a particular State for its premeditated military action against another State. In three\(^ {27} \) of these six instances, the Council declared that actions of military reprisal could not be tolerated, while in two\(^ {28} \) it considered premeditated acts of violence as endangering international peace and security. In three other cases\(^ {29} \) the Council called upon a given State to desist from violating the sovereignty and territorial integrity of other States. In one instance,\(^ {30} \) the General Assembly expressed concern about all forms of intervention in the domestic or external affairs of States and called upon all States to refrain from armed intervention or other indirect forms of intervention for the purpose of changing by violence the existing system in another State or interfering in civil strife in another State.

18. Three of the Security Council resolutions listed in paragraph 15 were recalled in subsequent resolutions.\(^ {31} \) Another one of those resolutions referred to earlier Council resolutions.\(^ {32} \) Both of the General Assembly resolutions considered in the Analytical Summary of Practice referred to an earlier Assembly resolution.\(^ {33} \)

19. With regard to resolutions not dealt with in the Analytical Summary of Practice, no constitutional discussion took place in the proceedings leading to their adoption. Their bearing on Article 2(4) may be considered to derive from certain of their provisions which are indicated below.

20. In its resolution 226 (1966) of 14 October 1966 on the question concerning the Democratic Republic of the Congo, the Security Council urged\(^ {34} \) the Government of Portugal not to allow foreign mercenaries to use Angola as a base of operations for interfering in the domestic affairs of the Democratic Republic of the Congo and called upon\(^ {35} \) all States to refrain or desist from intervening in the domestic affairs of the Democratic Republic of the Congo. This resolution was reaffirmed\(^ {36} \) by the Security Council in resolution 239 (1967) of 10 July 1967 by which the Council, concerned\(^ {37} \) by the threat posed by foreign interference to the independence and territorial integrity of the Democratic Republic of the Congo, condemned\(^ {38} \) any State which persisted in permitting or tolerating the recruitment of mercenaries, and the provision of facilities to them, with the objective of overthrowing the Governments of States Members of the United Nations, and called upon\(^ {39} \)

\(^ {11} \) See paras 53-59 below.
\(^ {12} \) See paras. 60-76 below.
\(^ {13} \) See paras. 70-76 below.
\(^ {14} \) See paras. 77-83 below.
\(^ {15} \) See paras. 84-92 below.
\(^ {16} \) See paras. 93-100 below.
\(^ {17} \) See paras. 109-117 below.
\(^ {18} \) See paras. 118-127 below.
\(^ {19} \) See paras. 128-136 below.
\(^ {20} \) See paras. 137-153 below.
\(^ {21} \) See paras. 154-164 below.
\(^ {23} \) S C resolutions 268 (1969) and 275 (1969).
\(^ {25} \) G A resolution 2225 (XXI).
\(^ {26} \) S C resolution 228 (1966), third preamb. para. and para. 2; S C resolution 248 (1968), fifth preamb. para. and para. 2; S C resolution 256 (1968), fifth preamb. para. and para. 4; S C resolution 262 (1968), fifth preamb. para. and para. 1; S C resolution 265 (1969), fifth preamb. para. and para. 3; S C resolution 270 (1969), para. 1.
\(^ {27} \) S C resolution 228 (1966), fourth preamb. para. and para. 3; S C resolution 248 (1968), para. 3; S C resolution 270 (1969), para. 4.
\(^ {28} \) S C resolution 256 (1968), para. 3; S C resolution 262 (1968), para. 2.
\(^ {29} \) S C resolution 268 (1969), para. 2; S C resolution 273 (1969), para. 2; S C resolution 275 (1969), para. 2.
\(^ {30} \) G A resolution 2225 (XXI), first preamb. para. and sub-paragraphs (a), (b) and (c).
\(^ {31} \) S C resolution 248 (1968) was recalled in Council resolution 256 (1968), para. 1 and both of those resolutions were recalled in resolution 265 (1969), para. 1. S C resolution 262 (1968) was recalled in Council resolution 270 (1969), seventh preamb. para.
\(^ {32} \) S C resolution 273 (1969), in its seventh preamb. para., recalled earlier Council resolutions 178 (1963) and 204 (1965) on the complaint by Senegal. For references to these resolutions see also Repertory, Supplement No. 3, vol. I, under Article 2(4), para. 18 (b).
\(^ {33} \) G A resolution 2311 (XX) of 21 December 1965 containing a “Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty” was recalled in the sixth preamb. para. of G A resolution 2160 (XXI); it was reaffirmed in paragraph (b) of that resolution and also in the second preamb. para., and in paragraph (c) of resolution 2225 (XXI) adopted by the General Assembly in connexion with the item “Status of the implementation of the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty”. See Repertory, Supplement No. 3, vol. I, under Article 2(4), para. 237-252.
\(^ {34} \) S C resolution 226 (1966), para. 1.
\(^ {35} \) Ibid., para. 2.
\(^ {36} \) S C resolution 239 (1967), para. 1.
\(^ {37} \) Ibid., third preamb. para.
\(^ {38} \) Ibid., para. 2.
\(^ {39} \) Ibid., para. 3.
Governments to ensure that their territory and other territories under their control, as well as their nationals, were not used for the planning of subversion and the recruitment, training and transit of mercenaries designed to overthrow the Government of the Democratic Republic of the Congo. Both of these resolutions were reaffirmed by the Security Council in its subsequent resolution 241 (1967) of 15 November 1967. Under the terms of that resolution, the Security Council, concerned by the serious situation created in the Democratic Republic of the Congo following the armed attacks committed against that country by foreign forces of mercenaries, further concerned that Portugal allowed those mercenaries to use the territory of Angola under its administration as a base for their armed attacks against the Democratic Republic of the Congo, taking into consideration the support and assistance that those mercenaries continued to receive from some foreign sources with regard to recruitment and training, as well as transport and supply of arms, and concerned at the threat which the organization of such forces posed to the territorial integrity and independence of States; condemned any act of interference in the internal affairs of the Democratic Republic of the Congo; condemned in particular, the failure of Portugal, in violation of the above-mentioned Security Council resolutions, to prevent the mercenaries from using the territory of Angola under its administration as a base of operations for armed attacks against the Democratic Republic of the Congo; called upon Portugal to put an end immediately to the provision to the mercenaries of any assistance whatsoever; called upon all countries receiving mercenaries who had participated in the armed attacks against the Democratic Republic of the Congo to take appropriate measures to prevent them from renewing their activities against any State.

21. By its resolution 242 (1967) of 22 November 1967, in connexion with the situation in the Middle East the Council emphasized the inadmissibility of the acquisition of territory by war; affirmed that the fulfilment of Charter principles required the establishment of a just and lasting peace in the Middle East which had to include the application of (a) the principle of withdrawal of Israel armed forces from territories occupied in the recent conflict, and (b) the principle of termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force; and affirmed further the necessity inter alia for guaranteeing the territorial inviolability and political independence of every State in the area through measures including the establishment of demilitarized zones.

This resolution was reaffirmed by the Security Council in its resolution 258 (1968) of 18 September 1968. Also reaffirmed by the Security Council in subsequent resolutions, namely, resolutions 252 (1968) of 21 May 1968, 267 (1969) of 3 July 1969 and 271 (1969) of 15 September 1969, was the principle that acquisition of territory by military conquest was inadmissible. Furthermore, resolution 252 (1968) was reaffirmed in resolution 267 (1969) and both of those resolutions were reaffirmed in Council resolution 271 (1969).

22. Resolutions adopted by the General Assembly on the question of Territories under Portuguese administration appeared to have a bearing on the provisions of Article 2(4). In the first instance, the General Assembly, in resolution 2270 (XXII) of 17 November 1967, reaffirmed the legitimacy of the struggle of the peoples of the Territories under Portuguese domination to achieve freedom and independence, condemned the policies of Portugal for using the Territories under its domination for violations of the territorial integrity and sovereignty of independent African States, in particular the Democratic Republic of the Congo; and drew the urgent attention of the Security Council to the continued deterioration of the situation in the Territories under Portuguese domination, as well as to the consequences of these violations by Portugal of the territorial integrity and sovereignty of the neighbouring independent African States that bordered its colonies. In resolution 2395 (XXIII) of 29 November 1968, the General Assembly, gravely concerned about the Portuguese Government’s constant threats against and violations of the sovereignty and territorial integrity of the independent African States that bordered the Territories under its domination, reaffirmed the legitimacy of the struggle by the peoples of those Territories to achieve their right to self-determination, freedom and independence, urgently appealed to all States to take all measures to prevent the recruitment or training in their territories of any persons as mercenaries for the colonial war being waged in the Territories under Portuguese domination and for violations of the territorial integrity and sovereignty of the independent African States. In its subsequent resolution 2507 (XXIV) of 21 November 1969, the General Assembly, having reaffirmed the inalienable right of the peoples of Territories under Portuguese domination to self-determination and independence, condemned Portugal’s policy of using the Territories under its domination for violations of the territorial integrity and sovereignty of independent African States.

23. During the period under review, Security Council...
resolution 186 (1964) of 4 March 1964 which, in its third preambular paragraph, had reproduced the text of Article 2(4), was reaffirmed in a number of resolutions adopted by the Security Council on the question of Cyprus; hence, those resolutions might be considered as having a bearing on Article 2(4). During the period under review, a number of resolutions adopted by the Security Council and by the General Assembly in connexion with the situation in Namibia, a Territory under the direct responsibility of the United Nations, employed, in certain of their operative paragraphs, terminology closely resembling the language of Article 2(4).  

24. In connexion with the question concerning the situation in the Territory of Southern Rhodesia, the General Assembly, by its resolutions 2383 (XXIII) of 7 November 1968 and 2508 (XXIV) of 21 November 1969, expressed concern about the threat to the sovereignty and territorial integrity of neighbouring African States resulting from the


65 S C resolution 269 (1969) of 12 August 1969 and G A resolutions 2325 (XXII) of 16 December 1967; 2372 (XXII) of 12 June 1968; 2403 (XXIII) of 16 December 1968; and 2517 (XXIV) of 1 December 1969.

66 By its resolution 2145 (XXI) of 27 October 1966, the General Assembly, having declared that South Africa had failed to fulfill its obligations under its Mandate over South West Africa, decided to terminate the Mandate, placed the Territory under the direct responsibility of the United Nations, and reaffirmed that South West Africa should maintain its international status until the achievement of independence. By resolution 2248 II (S-V) of 10 June 1969, the General Assembly adopted a United Nations Council for South West Africa to administer the territory until its independence. Subsequently, by resolution 2372 (XXII) of 12 June 1968, the Assembly proclaimed that, in accordance with the desires of its people, South West Africa would henceforth be known as Namibia and changed the name of the Council to the United Nations Council for Namibia. (See: G A resolutions 2145 (XXI), paras. 2 and 3; 2248 (S-V) part I; and part II, para. 1; and, 2372 (XXII), paras 1, 3 and 11.)

67 The Security Council, by resolution 269 (1969), para. 3, decided that the continued occupation of the Territory of Namibia by the South African authorities constituted an aggressive encroachment on the authority of the United Nations, a violation of the territorial integrity and a denial of the sovereign rights of Namibia. By resolution 2325 (XXII), para. 4, the General Assembly declared that the continued presence of South African authorities in South West Africa was a flagrant violation of its territorial integrity and international status as determined by the General Assembly. In resolution 2372 (XXII), para. 7, the General Assembly condemned the action of the Government of South Africa designed to consolidate its illegal control over Namibia and to destroy the unity of the people and the territorial integrity of Namibia. By resolution 2403 (XXIII), para. 2, the General Assembly reiterated its condemnation of the Government of South Africa, inter alia, for its policy and actions designed to destroy the national unity and territorial integrity of Namibia. In resolution 2517 (XXIV), para. 3, the Assembly again condemned the Government of South Africa for its policies and actions designed to destroy the national unity and territorial integrity of Namibia, thus persistently violating the principles and obligations of the Charter of the United Nations. No implication is intended, however, as to whether these resolutions may or may not be considered to have a bearing on the interpretation of Article 2(4).

68 The unilateral declaration of independence made on 11 November 1965 by the minority régime in power in Southern Rhodesia was looked upon as an act of rebellion by the Administering Power, namely the United Kingdom (S C resolution 217 (1965) of 20 November 1965, second preamb. para.), and condemned by both the Security Council and the General Assembly in their respective resolutions of 11 November 1965 and 12 November 1965 (S C resolution 216 (1965), para. 1; G A resolution 2024 (XXI), para. 1.)

69 G A resolution 2383 (XXIII), fifth preamb. para.; G A resolution 2508 (XXIV), seventh preamb. para. In the latter resolution, the existing situation in Southern Rhodesia was also mentioned as a threat to the sovereignty and territorial integrity of independent African States.

70 See paras. 46-52 below.

71 See paras. 53-59 below.

25. In connexion with the following questions, draft resolutions bearing on Article 2(4) were not adopted by the Security Council:

(a) The Palestine question (decision of 4 November 1966)  
(b) The Palestine question (decision of 25 November 1966)

(c) The situation in the Middle East (decision of 22 November 1967)  

72 Three of the draft resolutions submitted but not pressed to the vote during the consideration of this item by the Security Council at its 1373rd through 1382nd meetings, provisionally adopted by the Council under Article 2(4). In the first instance, a joint draft resolution by India, Mali and Nigeria (S/8227, incorporated in the record of SC, 22nd yr., 1373rd mtg., para. 91.) would, in paragraph 1, have had the Security Council affirm that peace in the Middle East must be achieved within the framework of the following Charter principles:

"(i) Occupation or acquisition of territory by military conquest is inadmissible under the Charter of the United Nations and consequently Israel’s armed forces should withdraw from all the territories occupied as a result of the recent conflict;

"(ii) Likewise, every State has the right to live in peace and complete security free from threats or acts of war and consequently all States in the area should terminate the state or claim of belligerency and settle their international disputes by peaceful means;

"(iii) Likewise, every State of the area has the right to be secure within its borders and it is obligatory on all Member States of the area to respect the sovereignty, territorial integrity and political independence of one another."  

In the second instance, under the fifth preambular paragraph, and paragraphs 1 and 2(c) of a United States draft resolution (S. C., 22nd yr., Suppl. for Oct. - Dec., S/8229), the Security Council, emphasizing that all Member States in their acceptance of the Charter had undertaken a commitment to act in accordance with Article 2 of the Charter, would have affirmed that the fulfillment of the above Charter principles required the achievement of a state of just and lasting peace in the Middle East embracing withdrawal of armed forces from occupied territories, termination of claims or states of belligerence, and mutual recognition and respect for the right of every State in the area to sovereign existence, territorial integrity, political independence, secure and recognized boundaries, and freedom from the threat or use of force; and would further have affirmed the necessity for guaranteeing the territorial inviolability and political independence of every State in the area, through measures including the establishment of demilitarized zones.

In the third instance, under paragraphs 1 and 2(a) and (b) of a USSR draft resolution (S/8253, incorporated in the record of S.C., 22nd yr., 1381st mtg., para. 7) the Security Council would have urged the parties to the conflict to withdraw their forces to the positions held before 5 June 1967 in keeping with the principle that the seizure of territory by means of war was inadmissible, and would have urged all States Members of the United Nations to refrain from recognizing the independence of any part of the area and to recognize that each had the right to exist as an independent national State and to live in peace and security and to renounce all claims and desist from all acts inconsistent with the foregoing. It would have deemed it necessary in that connexion to continue its consideration of the situation in the Middle East, working directly with the parties concerned and making use of the presence of the United Nations, with a view to achieving an appropriate and just solution of all aspects of the problem on the basis of the principle that the use or threat of force in relations between States was incompatible with the Charter of the United Nations; and the principle that every State had to respect the political independence and territorial integrity of all other States in the area. These draft resolutions were not pressed to the vote; the Security Council adopted instead resolution 292 (1967). See S.C., 22nd yr., 1382nd mtg., paras 54, 63, 67 and 68.
26. These draft resolutions, except for those indicated in footnote 72, evoked constitutional discussions which could be considered as having a bearing on the provisions of Article 2(4).  

27. At its twenty-first session, the General Assembly, 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" adopted resolution 2181 (XXI) of 12 December 1966 by which it inter alia requested\(^{73}\) the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States,\(^{68}\) in the light of the debate which had taken place in the Sixth Committee during the seventeenth, eighteenth, twentieth and twenty-first sessions of the General Assembly and in the 1964 and 1966 sessions of the Special Committee, to complete the formulation of the principle that States should refrain in their international relations from the threat or use of force against the territorial integrity and political independence of any State, or in any other manner inconsistent with the purposes of the United Nations. The Assembly had also requested\(^{77}\) the Special Committee to consider, as a matter of priority, proposals regarding the principle of non-intervention in matters within the domestic jurisdiction of any State, in accordance with the Charter, with the aim of widening the area of agreement already expressed in General Assembly resolution 2131 (XX) of 21 December 1965.\(^{78}\)  

28. At its 1967 session, the Special Committee, which had before it certain proposals and an amendment in written form\(^{79}\) in regard to the principle concerning the prohibition of the threat or use of force, referred the principle to its Drafting Committee.\(^{80}\) The Drafting Committee, having referred this principle to a working group, transmitted to the Special Committee the report of the working group in which points of agreement and points of disagreement were listed.\(^{81}\) The Special Committee took note of the report of the Drafting Committee and transmitted it to the General Assembly.\(^{82}\)  

29. At the same session, the Special Committee also referred the principle concerning non-intervention in matters within the domestic jurisdiction of any State to its Drafting Committee. The latter referred the principle to a working group, subsequently took note that no report had been received from the working group and so reported to the Special Committee.\(^{83}\) The Special Committee, having taken note of the 1967 Drafting Committee's report, transmitted it to the General Assembly.\(^{84}\)  

30. By resolution 2327 (XXII) of 18 December 1967, the General Assembly requested\(^{85}\) the Special Committee, in the light of the debate which had taken place in the Sixth Committee during the previous and current sessions of the General Assembly and in the 1964, 1966 and 1967 sessions of the Special Committee, to complete, at its 1968 session, the formulation of the principle concerning the prohibition of the threat or use of force. In the same resolution, the General Assembly also requested\(^{86}\) the Special Committee to consider proposals compatible with General Assembly resolution 2131 (XX) of 21 December 1965 on the principle of non-intervention with the aim of widening the area of agreement already expressed in that resolution. The Assembly further requested\(^{87}\) the Special Committee to submit to the twenty-third session of the General Assembly a comprehensive report on the principles entrusted to it.  

31. At its 1968 session, the Special Committee referred the principle concerning the prohibition of the threat or use of force to the 1968 Drafting Committee.\(^{88}\) The Drafting Committee's report extended the points of agreement contained in the report of the working group at the 1967 session,\(^{89}\) listed the points on which no agreement had yet been reached and also included a number of proposals which had been submitted as a basis for further negotiations.\(^{90}\) The Special Committee adopted\(^{91}\) the report of the 1968 Drafting Committee on the principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity and political independence of any State, or in any other manner inconsistent with the purposes of the United Nations.  

32. At the same session (1968), the Special Committee decided that, for lack of time, it had been unable to consider the principle concerning the duty not to intervene in matters within the domestic jurisdiction of any State.\(^{92}\)  

33. By resolution 2463 (XXIII) of 20 December 1968, the General Assembly took note\(^{93}\) of the report of the Special Committee at its 1968 session and requested\(^{94}\) the Special Committee, in the light of the debate which had taken place in the Sixth Committee during the previous and current sessions of the General Assembly and in the 1964, 1966, 1967 and 1968 sessions of the Special Committee, to endeavour to resolve all relevant questions relating to the formulation of the seven principles of international law concerning friendly relations and co-operation among States which had been set forth in General Assembly resolution 1815 (XVII) of 18 December 1962.\(^{95}\)

\(^{73}\) See paras. 60-69 below.  
\(^{74}\) See paras. 101-108 below.  
\(^{75}\) G A resolution 2181 (XXI), para. 5.  
\(^{76}\) See: Repertory, Supplement No. 3, under Article 2(4), paras. 34-42.  
\(^{77}\) G A resolution 2181 (XXI), paras. 6 and 7.  
\(^{79}\) G A (XXII), Annexes, a.i. 87, A/6799, para. 21-27.  
\(^{80}\) Ibid., para. 107.  
\(^{81}\) Ibid., paras. 21-27.  
\(^{82}\) Ibid., para. 474.  
\(^{83}\) Ibid., para. 365.  
\(^{84}\) Ibid., para. 474.  
\(^{85}\) G A resolution 2327 (XXII), para. 4.  
\(^{86}\) Ibid., para. 5.  
\(^{87}\) Ibid., para. 7.  
\(^{88}\) G A (XXIII), a.i. 87, A/7326 para. 20.  
\(^{89}\) G A (XXII), Annexes, a.i. 87, A/6799, para 107.  
\(^{90}\) G A (XXIII), a.i. 87, A/7326, para. 111.  
\(^{91}\) Ibid., para 134.  
\(^{92}\) Ibid., para. 204.  
\(^{93}\) G A resolution 2463 (XXIII), para. 1.  
\(^{94}\) Ibid., para. 4.  
\(^{95}\) See Repertory, Supplement No. 3, under Article 2(4), paras. 34 and 35.
34. At the 1969 session of the Special Committee, the principle concerning the prohibition of the threat or use of force was one of the two principles on which the Committee agreed to concentrate for the duration of that session. The principle was referred by the Special Committee to the 1969 Drafting Committee. The Drafting Committee took as its basis for its work the report of the 1968 Drafting Committee which, as noted above, had been adopted by the Special Committee. It submitted a report to the Special Committee listing points of agreement on various components of the principle, including some on which previously there had been no consensus, points on which no agreement had yet been reached and a number of proposals to be considered at a later stage of the work on the principle. The Drafting Committee's report was adopted by the Special Committee.

35. During its 1969 session, the Special Committee, having agreed to give priority to completing its work on the formulation of the principle concerning the prohibition of the threat or use of force and the principle of equal rights and self-determination of peoples, did not consider any questions relating to the formulation of the principle of non-intervention.

36. By its resolution 2533 (XXIV) of 8 December 1969, the General Assembly took note of the report of the Special Committee at its 1969 session and requested the Special Committee, in the light of the debate which had taken place in the Sixth Committee during the current and previous sessions of the General Assembly and at the 1964, 1966, 1967, 1968 and 1969 sessions of the Special Committee, to endeavour to resolve the remaining questions relating to the formulation of the seven principles, in order to complete its work, and to submit to the Assembly at its twenty-fifth session a comprehensive report containing a draft declaration on all of the seven principles.

37. At its twenty-second session the General Assembly actively resumed the consideration of the question of a definition of aggression and, on 18 December 1967, adopted resolution 2330 (XXII) entitled "Need to expedite the drafting of a definition of aggression in the light of the present international situation." By this resolution, citing the text of Article 2(4), the General Assembly inter alia recognized the need to expedite the definition of aggression and established a Special Committee on the Question of Defining Aggression.

38. During 1968 and 1969, the Special Committee on the Question of Defining Aggression examined the question and considered points of view and proposals presented. In order to study the various suggestions in greater detail, the Special Committee, at its 1969 session, set up a working group of the whole.

39. The Special Committee submitted reports to the twenty-third and twenty-fourth sessions of the General Assembly. Since the Special Committee had not been able to conclude its deliberations, the General Assembly, in resolutions 2420 (XXIII) of 18 December 1968 and 2549 (XXIV) of 12 December 1969, instructed the Special Committee to resume its task and to report to it at its twenty-fourth session.

40. At its twenty-fourth session, the General Assembly included in its agenda, at the request of the USSR, an item entitled "The strengthening of international security". Attached to the USSR letter requesting inclusion of the item was a draft "Appeal to all States of the world" on the strengthening of international security which, inter alia, would have had the Assembly refer to the provisions of Article 2(4); declare that international security required the withdrawal of troops from territories occupied as a result of armed conflict, the cessation of all measures to suppress liberation movements, and that it was necessary for all States strictly to abide in their international relations by the principles of peaceful co-existence, including the principle of territorial inviolability of each State and non-interference in the internal affairs of States. The Assembly was also asked to reaffirm among other things the importance of formulating a generally acceptable definition of aggression.

41. The USSR draft appeal, together with three other draft resolutions and amendments thereto, was discussed in the First Committee but not acted upon.

42. At its 1836th meeting on 16 December 1969, the
General Assembly adopted the draft resolution recommended by the First Committee as its resolution 2606 (XXIV) whereby it invited Members to study the proposals and statements made during the consideration of the item on the strengthening of international security, requested them to make their views and proposals on the subject known to the Secretary-General by 1 May 1970, and decided to include the item in the provisional agenda of its twenty-fifth session.

43. During the period under review the United Nations Conference on the Law of Treaties, for which provision had been made in General Assembly resolution 2166 (XXI) of 5 December 1966, adopted the Vienna Convention on the Law of Treaties, together with a Final Act containing a number of declarations and resolutions, on the basis of the draft articles on the law of treaties set forth in chapter II of the report of the International Law Commission on the work of its eighteenth session; these draft articles had been submitted to the General Assembly at its twenty-first session and referred to the future international conference as the basic proposal for its consideration.

44. The threat or use of force is cited in Article 52 of the Juridical Yearbook 1969, pp. 140-163. The threat or use of force—A treaty is void if its conclusion has been procured by the threat or use of force in violation of the principles of international law embodied in the Charter of the United Nations. See United Nations Juridical Yearbook 1969, p. 153.

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”

45. During the period under review, reference was made to Article 2(4) in the deliberations of both the Security Council and the General Assembly. In the former organ, Article 2(4) was referred to on numerous occasions in connexion with the consideration of questions which involved allegations of the threat or use of force against the territorial integrity or political independence of a State. In the latter organ, Article 2(4) was cited during consideration of items in the nature of a general constitutional discussion dealing with problems related to the interpretation of the provisions of that Article. In the course of these discussions the following questions arose concerning the scope and limits of the threat or use of force contrary to the provisions of Article 2(4).

1. In the Security Council:

a. In connexion with the Palestine question (decision of 4 November 1966) and in connexion with the situation in the Middle East (decision of 26 August 1969), the question whether failure by one State to prevent certain elements such as para-military refugee organizations present in the territory under its control from using that territory for hostile activities against another State constituted a violation of the prohibition in Article 2(4);

b. In connexion with the Palestine question (decision of 25 November 1966) and in connexion with the situation in the Middle East (decisions of 24 March, 16 August, 31 December 1968 and 1 April 1969), the question whether the use of force by one State intended to serve as a warning and a deterrent against future acts of violence perpetrated by individuals or armed groups operating from the territory of another State was compatible with the prohibition of Article 2(4);

c. In connexion with the situation in the Middle East (decision of 24 March 1968), the question whether sporadic violent acts of national resistance within occupied territories against foreign military occupation constituted a lawful exception to the prohibition of Article 2(4);

d. In connexion with the question concerning Czechoslovakia, the question whether armed intervention by some members of a collective defence treaty in the territory of another signatory State, without its request or permission and against its will, for the purpose of dispelling an alleged threat to the existing political system in that State and in allied States with similar political systems fell within the prohibition of Article 2(4);

e. In connexion with the complaint by Zambia, the complaint by Senegal and the complaint by Guinea, the question whether the use of force in direct or indirect support of resistance or liberation movements in territories under colonial rule, contributing to the implementation of General Assembly resolution 1514 (XV) containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, was permitted under Article 2(4);

f. In connexion with the complaint by Senegal and the complaint by Guinea, the question whether, in instances of non-compliance by an administering Power with the Declaration on the Granting of Independence to Colonial Countries and Peoples, resolutions adopted by the General Assembly or the Security Council appealing to, or urging, all Member States to render material and moral assistance to the peoples of those colonial
Territories in their struggles for self-determination and independence, were in conformity with Article 2(4);
g. In connexion with the complaint by Senegal and the complaint by Guinea, the question whether resort to force in order to repress national liberation movements may be justified on the part of an administering Power responding to violence organized in third countries and launched against Territories under its rule for the purpose of forcing a change in its colonial policies.

2. In the General Assembly:
a. In connexion with the item: "Strict observance of the prohibition of the threat or use of force in international relations, and of the right of peoples to self-determination", the question of the scope of the obligation ensuing from the provisions of Article 2(4);
b. In connexion with the item: "Status of the implementation of the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty", the question whether intervention, in other than armed forms, in internal or external matters of States, was in contravention of the provisions of Article 2(4).

1. IN THE SECURITY COUNCIL

a. Decisions of 4 November 1966 and 25 November 1966 in connexion with the Palestine question

(i) Decision of 4 November 1966

(a) Précis of proceedings

46. In a letter dated 12 October 1966 to the President of the Security Council, the representative of Israel requested an urgent meeting of the Security Council to consider Israel's complaints against Syria regarding acts of aggression committed by armed groups operating from Syrian territory against the citizens and territory of Israel, in violation of the United Nations Charter and the Israel-Syria General Armistice Agreement, in particular the sabotage and mine-laying incidents of 7 to 9 October 1966; and threats by Syria against the territorial integrity and political independence of Israel.

47. At its 1305th meeting on 14 October 1966, the Security Council decided to include the item in the agenda.

48. At the 1310th meeting on 28 October 1966, the Security Council had before it a draft resolution submitted on 27 October 1966 jointly by the United Kingdom and the United States, under which the Security Council, having recognized the imperative need for the Governments concerned to observe strictly their obligations under the Charter and the provisions of the General Armistice Agreements, would: deplore the incidents under consideration; remind the Government of Syria to fulfil its obligations by taking all measures to prevent the use of its territory as a base of operations for acts constituting a violation of the General Armistice Agreement; and call for strict adherence to Article III, paragraph 3, of the Syria-Israel General Armistice Agreement providing that no warlike act or act of hostility shall be conducted from the territory of one of the parties against the other parties.

49. At the 1316th meeting on 3 November 1966, another draft resolution, jointly sponsored by Argentina, Japan, Netherlands, New Zealand, Nigeria and Uganda, was introduced by the representative of Uganda, under which the Security Council would, among other things, deplore the incidents under consideration and invite the Government of Syria to strengthen its measures for preventing incidents that constituted a violation of the General Armistice Agreement.

Decision

At the 1319th meeting, on 4 November 1966, the six-Power draft resolution was voted upon. The result of the vote was 10 in favour, 4 against, with 1 abstention. The draft resolution was not adopted, one of the negative votes being that of a permanent member of the Council.

The sponsors of the two-Power draft resolution did not press it to the vote.

(b) Précis of relevant constitutional discussion

50. In his opening statement, the representative of Israel maintained that Syria was responsible for acts of violence perpetrated by groups of saboteurs operating from Syrian territory and that Syria's refusal to recognize its obligation to prevent the use of its territory by guerrilla groups for the mounting of activities, the aim of which was violence against Israel, was contrary to Syria's general obligations under the Charter, in particular the provisions of Article 2(4), its specific commitments under the 1949 Armistice Agreement, and also the provisions contained in General Assembly resolution 2131 (XX) of 21 December 1965, entitled "Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty."

51. The representative of Syria referred to his letter of 13 October 1966 to the President of the Security Council and reiterated the position of his Government that Syria fully respected its obligations and responsibilities under the Charter and the Armistice Agreement but that, it could not be held responsible for the behaviour of Arab refugees of Palestine and for the activities of Palestinian organizations, namely El-Fatah and El-Assefa, with which the Government of Syria had no association and over which it had no authority.

52. During the debate, it was stated that, as Members of the United Nations, both parties had undertaken, in Article 2(4) of the Charter, the obligation to abstain from the threat or use of force against the territorial integrity or political independence of another State. Furthermore, the parties concerned had assumed a contractual obligation, under Article III, paragraph 3, of the 1949 General Armistice Agreement.

132 S C, 21st yr., 1305th mtg., para. 131.
134 S C, 21st yr., 1310th mtg., para. 5.
137 S C, 21st yr., 1319th mtg., para. 55.
138 Ibid., para. 56.
stic Agreement between Syria and Israel that no war-like act or act of hostility should be conducted from the territory controlled by one of the parties against the other party or against civilians in territory under control of that party. The principle of the prohibition of the threat or use of force and the relevant provisions of the 1949 Armistice Agreement were reflected in General Assembly resolution 2131 (XX) of 21 December 1965 on the inadmissibility of intervention in the domestic affairs of States, which stipulated, inter alia, that armed intervention and all other forms of interference or attempted threats against the personality of the State or against its political, economic and cultural elements were condemned and that no State should organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards another State. It was emphasized that, under the provisions of the Charter and of the General Armistice Agreements, as well as those of resolution 2131 (XX), Syria and Israel were both under the obligation to respect each other’s territory, to refrain from the threat or use of force and from supporting any terrorist activities.

(ii) Decision of 25 November 1966

(a) Précis of proceedings

53. In a letter dated 15 November 1966 addressed to the President of the Security Council, the representative of Jordan requested an urgent meeting of the Council to consider “the act of aggression committed by the Israel armed forces against the citizens and territory of Jordan on 13 November 1966.”

54. At its 1320th meeting on 16 November 1966, the Security Council decided to include the item in the agenda.

55. At the 1327th meeting on 24 November 1966, the representative of Nigeria introduced a draft resolution, submitted jointly with Mali, which read as follows:

“The Security Council,

‘Having heard’ the statements of the representatives of Jordan and Israel concerning the grave Israel military action which took place in the Southern Hebron area on 13 November 1966,

‘Having noted’ the information provided by the Secretary-General concerning this military action in his statement of 16 November and also in his report of 18 November 1966,

‘Observing’ that this incident constituted a large-scale and carefully planned military action on the territory of Jordan by the armed forces of Israel,

‘Reaffirming’ the previous resolutions of the Security Council condemning past incidents of reprisal in breach of the General Armistice Agreement between Israel and Jordan and of the United Nations Charter,

‘Recollecting’ the repeated resolutions of the Security Council asking for the cessation of violent incidents across the demarcation line, and not overlooking past incidents of this nature,

‘. . .

‘2. Censures Israel for this large-scale military action in violation of the United Nations Charter and of the General Armistice Agreement between Israel and Jordan;

‘3. Emphasizes to Israel that actions of military reprisal cannot be tolerated and that, if they are repeated, the Security Council will have to consider further and more effective steps as envisaged in the Charter to ensure against the repetition of such acts.”

Decision

At the 1328th meeting on 25 November 1966, the joint draft resolution of Mali and Nigeria was adopted by 14 votes to none, with 1 abstention.

(b) Précis of relevant constitutional discussion

56. At the beginning of the discussion, the President called upon the Secretary-General to report to the Security Council on certain information received by him from the United Nations Military Observers, regarding the incident under consideration, namely a raid, on 13 November 1966, by the armed forces of Israel into Jordan with the support of tanks, armoured vehicles, heavy weapons and aircraft.

57. In his opening statement, the representative of Jordan contended that the incident before the Council constituted a deliberate act of aggression by Israel against Jordan.

58. The representative of Israel, having observed that each neighbouring Arab State had to be held to its commitment under the Charter and the Armistice Agreements to prevent any attack or incursion into Israel territory, maintained that Jordan had failed to fulfil this obligation; an Israeli army vehicle on a regular patrol had been blown up by a mine in the border area adjacent to Jordan and it was evident that the perpetrators had come from and returned to certain Jordanian villages. Noting that his Government was particularly concerned about the organization, training and use of para-military guerrilla and terrorist forces operating against Israel and that it had reason to believe that this incident was the first in a fresh series of attacks planned to take place in the locality, the representative of Israel stated that his Government had decided to carry out a local action, directed at the Jordanian villages involved and intended to serve as a warning and a deterrent. This limited defensive action, which had been carried out by a mobile task force, had been undertaken reluctantly and only as a last resort.

59. In the course of the discussion, it was maintained that the Israeli military operation could not be justified by the incidents which had preceded it and in which the Government of Jordan had not been implicated. Even if it could be demonstrated that Jordan had any direct responsibility for the mining incident, the Israeli attack could not be

141 G A resolution 2131 (XX), paras. 1 and 2.
142 For texts of relevant statements, see S C, 21st yr., 1307th mtg.: France, paras. 100-101; Israel, paras. 31, 34, 38, 43 and 51-53; New Zealand, para. 134; Syria, paras. 66-68; United Kingdom, paras. 105 and 106; 1308th mtg.: China, para. 41; Israel, paras. 185 and 192-195; Netherlands, paras. 48-53; Uruguay, paras. 84, 99, 103, 105; 1309th mtg.: New Zealand, paras. 96-98; Nigeria, para. 93; Syria, paras. 149-152; Uganda, paras. 112 and 113; 1310th mtg.: Mali, paras. 120 and 121; New Zealand, para. 104; Jordan, paras. 40-42; United States, paras. 80-83; 1312th mtg.: Japan, para. 17; 1316th mtg.: Netherlands, paras. 68 and 72; 1317th mtg.: Syria, para. 16; 1319th mtg.: Bulgaria, para. 5; Mali, para. 115; Syria, para. 101.
144 S C, 21st yr., 1320th mtg., preceding para. 1.
145 S C, 21st yr., 1327th mtg., para. 39.
146 S/7598, adopted without change as S C resolution 228 (1966).
147 S C, 21st yr., 1328th mtg., para. 35.
condoned, for it was a calculated, admitted and wholly disproportionate act of military reprisal. The policy of retaliation constituted a violation of the obligations undertaken by Israel in the Israel-Jordan Armistice Agreement and was also contrary to the Charter requirement to refrain from the use of force against the territorial integrity and political independence of any State. In this connexion references were made to Security Council resolutions 111 (1956) of 19 January 1956, 171 (1962) of 9 April 1962 in which the Council had condemned military action in breach of the General Armistice Agreements, whether or not undertaken by way of retaliation, and also to Council resolution 188 (1964) of 9 April 1964, wherein the Council had condemned reprisals as incompatible with the purposes and principles of the United Nations. It was maintained further that such a military reprisal as the operation carried out by Israel was, in its character, both different from, and out of proportion to, the incidents which had allegedly provoked it. While incidents of terrorism were not to be underestimated, a unilateral exercise of force in retaliation could, under no circumstances, be condoned. Under the obligations imposed by the United Nations Charter, in particular Article 2, there existed a clear difference between a mere act of armed reprisal and the exercise of the right of self-defence. 148

b. Decisions of 24 March, 16 August, 31 December 1968, and 1 April and 26 August 1969 in connexion with the situation in the Middle East

(i) Decision of 24 March 1968

(a) Précis of proceedings

60. By letter 149 dated 21 March 1968, the representative of Jordan requested the President of the Security Council to convene the Council urgently for the purpose of considering the serious situation resulting from an act of aggression, namely, a mass armed attack committed by Israel against the east bank of Jordan.

61. By letter 150 dated 21 March 1968, the representative of Israel brought to the attention of the President of the Security Council the localized and limited preventive measures which the Israel Defence Forces had taken, on the basis of information received that an increased large-scale campaign of raids was about to be launched from Jordan, against the training centres and staging bases of the raiders situated on the east bank of the Jordan River, and requested the Council be urgently convened in order to deal with the continuous acts of aggression and violations of the cease-fire by Jordan.

62. At the 1401st meeting on 21 March 1968, the Security Council decided to include 151 the Jordanian and the Israel letters in the agenda.

63. On 23 March 1968, a draft resolution 152 was submitted jointly by India, Pakistan and Senegal, 153 providing inter alia, that:

"The Security Council,

..." Observing that this military action by the armed forces of Israel on the territory of Jordan was of a large-scale and carefully planned nature,

..." 1. Condemns this military action launched by Israel in flagrant violation of the United Nations Charter and the cease-fire resolutions;

2. Warns Israel that actions of military reprisals cannot be tolerated and that the Security Council would have to consider such measures as are envisaged in the Charter to ensure against repetition of such acts".

64. At the 1407th meeting on 24 March 1968, the President of the Security Council announced that negotiations among the members of the Council had resulted in a draft resolution 154 whereby:

"The Security Council,

..." Observing that the military action by the armed forces of Israel on the territory of Jordan was of a large-scale and carefully planned nature,

..." 2. Condemns the military action launched by Israel in flagrant violation of the United Nations Charter and the cease-fire resolutions;

3. Deplores all violent incidents in violation of the cease-fire and declares that such actions of military reprisal and other grave violations of the cease-fire cannot be tolerated and that the Security Council would have to consider further and more effective steps as envisaged in the Charter to ensure against repetition of such acts".

Decision

At the 1407th meeting on 24 March 1968, the above-mentioned draft resolution was adopted 155 unanimously. The joint draft resolution of India, Pakistan and Senegal was not pressed to the vote. 156

(b) Précis of relevant constitutional discussion

65. In his opening statement, the representative of Jordan maintained that Israel had committed an act of aggression by launching a mass armed attack against Jordanian territory. Having noted that his Government had informed the Security Council 157 of the attack being contemplated by Israel, the representative of Jordan stated that the operation had been larger than the usual retaliatory raid with the in-

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148 For texts of relevant statements, see S C, 21st yr., 1320th mtg.: President (United States), para. 3; Israel, paras. 53, 58 and 63-65; Jordan paras. 22-26, 28, 29 and 34; United Kingdom, paras. 79, 80 and 82; United States, paras. 89-91 and 97; Secretary-General, paras. 6-12; 1321st mtg.: France, paras. 3 and 4; USSR, paras. 11-15, 19 and 23; Jordan, para. 31; 1322nd mtg.: Argentina, paras. 2-8; Japan, paras. 9-14; New Zealand, paras. 18-21; 1323rd mtg.: China, paras. 15-18; Israel, para. 51; Jordan, para. 59; Netherlands, paras. 5-9; 1324th mtg.: Israel, paras. 90-92; Jordan, paras. 30 and 31; Uruguay, paras. 65-80; 1325th mtg.: Bulgaria, paras. 4-7; 1327th mtg.: Nigeria, paras. 39 and 42-44; Uganda, paras. 15 and 16; 1328th mtg.: Bulgaria, para. 31; Netherlands, para. 17; New Zealand, paras. 7 and 11; USSR, para. 22.


150 Ibid., paras. 280 and 281, S/8486.

151 S C, 23rd yr., 1401st mtg., para. 1.


153 S C, 23rd yr., 1407th mtg., para. 56.

154 Adopted without change as S C resolution 248 (1968).

155 S C, 23rd yr., 1407th mtg., para. 5.

156 Ibid., paras. 55-57.

tion to terrorize, intimidate and expel the inhabitants of a refugee camp, together with the other citizens and soldiers in the neighbouring areas. Recalling the provisions of Security Council resolution 228 (1966), in the third paragraph of which the Council had emphasized to Israel that actions of military reprisals could not be tolerated and that, if repeated, the Council would have to consider further and more effective steps as envisaged in the Charter to ensure the repetition of such acts, he asked the Security Council to respond to the violation by Israel of the Charter and the above-cited Council resolution by applying sanctions under Chapter VII of the Charter.

66. The representative of Israel referred to the two letters of 18 March 1968158 by which he had informed the Security Council of the hostile acts being perpetrated from Jordanian territory and directed against Israel. He also referred to his letter of 21 March 1968159 in which he had stated that the Israel defence force had been compelled to take limited, preventive measures to put an end to acts of aggression and to avert their increase and spread. He quoted certain passages from a statement by the Prime Minister of Israel which, inter alia, stated that Israel, having authoritative information that a new wave of terror was about to take place and aggravate the security situation, had acted in self-defence to avert the dangers and that Israel would continue to abide by the cease-fire agreement. Further, the Prime Minister, having noted that observance of the cease-fire required not only the abstention from military activities by regular armies but also the prevention of any acts of aggression and terrorism on the part of any element present within the territory of those States which had agreed to the cease-fire, had demanded that Jordan should also respect the cease-fire agreement.

67. In the course of the discussion, it was maintained that the Israel operation could not be considered as a preventive, localized and limited measure; it was a premeditated act of large-scale military reprisal out of proportion to the events alleged to have preceded it. Acts of retaliation were not permissible under the Charter; further, the Prime Minister, who were in territory under its control; further, the Security Council had to consider the grave situation resulting from the continued Israel acts of aggression against Jordan.

68. It was observed, on the one hand, that the Security Council had to consider the situation as a whole and that it could not condone the use of force under any form whatsoever. While the major military action by Israel could not be tolerated by the Council, violent incidents, such as the series of armed attacks launched from Jordanian territory, were also intolerable. Reference was made to Security Council resolution 56 (1948) of 19 August 1948 by which the Council had declared that every party had the obligation to use all means at its disposal to prevent action violating the truce by individuals or groups who were subject to its authority or who were in territory under its control; further, no party was permitted to violate the truce on the ground that it was undertaking reprisals or retaliation against the other party. Both military counter-actions, such as the Israel operation, and the preceding acts of terrorism constituted violations of the Israel-Jordan cease-fire resolution of June 1967.

69. It was contended, on the other hand, that a distinction had to be drawn between military operations waged deliberately and planned thoroughly by Governments and sporadic acts perpetrated by individuals or groups of individuals under military occupation. Civilian populations in occupied areas could not be denied the right to resist occupation and to fight in legitimate self-defence against the occupiers. In the given instance, the so-called acts of terrorism were a manifestation of an inevitable Arab resistance movement against occupation by Israel subsequent to the hostilities of June 1967.160

(ii) Decision of 16 August 1968

(a) Précis of proceedings

70. By letter161 dated 5 August 1968 to the President of the Security Council, the representative of Jordan requested an urgent meeting of the Security Council to consider the grave situation resulting from the continued Israeli acts of aggression against Jordan.

71. By letter162 dated 5 August 1968, the representative of Israel requested the President of the Security Council to convene an urgent meeting to resume consideration163 of the Israeli complaint of grave and continued violations of the cease-fire by Jordan, including firing across the cease-fire lines and armed infiltration and terrorist acts from Jordanian territory, with the connivance, aid and encouragement of the Jordanian Government and armed forces.

72. At its 1434th meeting on 5 August 1968, the Security Council decided to include the Jordanian and Israeli letters164 in the agenda.

73. At the 1440th meeting on 16 August 1968, the President announced165 that as a result of consultations a draft resolution166 had emerged reflecting the views of the Council members on the course to be adopted by that organ on the item under consideration. The draft resolution, inter alia, provided:

"The Security Council,

. . . ."

"Recalling its previous resolution 248 (1968) condemning the military action launched by Israel in flagrant violation of the United Nations Charter and the cease-fire resolutions and deplored all violent incidents in violation of the cease-fire,

158 S C, 23rd yr., Suppl. for Jan.-March, pp. 267, 268, 272 and 273, S/8470 and S/8475 respectively.

159 See footnote 150 above.

160 For texts of relevant statements, see: S C, 23rd yr., 1401st mtg.: Is-


162 Ibid., pp. 115 and 116, S/8724.

163 Both the Jordanian and the Israeli requests for an urgent meeting of the Security Council to consider their above-presented complaints had been made by their respective letters of 5 June 1968. (S C, 23rd yr., Suppl. for Apr.-June, pp. 186 and 187, S/8616 and S/8617 respectively). These letters had been placed on the provisional agenda of the 1429th meeting of the Security Council on 5 June 1968; the provisional agenda of that meeting was not adopted as the Council decided to adjourn in view of the attempt made on the life of Senator Robert Kennedy. (S C, 23rd yr., 1429th mtg., paras. 46 and 50).

164 S C, 23rd yr., 1434th mtg., para. 18.

165 S C, 23rd yr., 1440th mtg., para. 2.

166 Ibid., p. 6. Oral draft resolution adopted without change as S C reso-

167 S C, 23rd yr., 1429th mtg., paras. 46 and 50.

168 Ibid., pp. 115 and 116, S/8724.

169 For texts of relevant statements, see: S C, 23rd yr., 1401st mtg.: Is-

163 Both the Jordanian and the Israeli requests for an urgent meeting of the Security Council to consider their above-presented complaints had been made by their respective letters of 5 June 1968. (S C, 23rd yr., Suppl. for Apr.-June, pp. 186 and 187, S/8616 and S/8617 respectively). These letters had been placed on the provisional agenda of the 1429th meeting of the Security Council on 5 June 1968; the provisional agenda of that meeting was not adopted as the Council decided to adjourn in view of the attempt made on the life of Senator Robert Kennedy. (S C, 23rd yr., 1429th mtg., paras. 46 and 50).

164 S C, 23rd yr., 1434th mtg., para. 18.

165 S C, 23rd yr., 1440th mtg., para. 2.

166 Ibid., p. 6. Oral draft resolution adopted without change as S C reso-

167 S C, 23rd yr., 1429th mtg., paras. 46 and 50.

168 Ibid., pp. 115 and 116, S/8724.
"Observing that both massive air attacks by Israel on Jordanian territory were of a large-scale and carefully planned nature in violation of resolution 248 (1968)."

"1. Reaffirms its resolution 248 (1968) which, inter alia, declares that 'grave violations of the cease-fire cannot be tolerated and that the Council would have to consider further and more effective steps as envisaged in the Charter to ensure against repetition of such acts';

"3. Considers that premeditated and repeated military attacks endanger the maintenance of the peace;

"4. Condemns the further military attacks launched by Israel in flagrant violation of the United Nations Charter and resolution 248 (1968) and warns that if such attacks were to be repeated the Council would duly take account of the failure to comply with the present resolution.'"

**Decision**

At the same meeting, the draft resolution was put to the vote and adopted unanimously. 167

(b) Précis of relevant constitutional discussion

74. In his opening statement, the representative of Jordan charged that Israel forces had launched a premeditated attack, involving shelling and bombing by military aircraft, against the unarmed civilian population of a Jordanian city and its surrounding areas, which could not be dismissed as an isolated military operation. Having recalled that the Security Council had time and again emphasized to Israel that actions of military reprisal could not be tolerated and that if repeated the Council would have to consider further and more effective steps as envisaged in the Charter to ensure against the repetition of such acts, the representative of Jordan maintained that it was incumbent upon the Security Council to take more effective measures as envisaged in Chapter VII of the Charter in response to continued acts of aggression by Israel.

75. The representative of Israel maintained that, although in its resolution 248 (1968) of 24 March 1968 the Security Council had deplored all violent incidents in violation of the cease-fire and had declared such acts to be intolerable, Jordan had interpreted this resolution as non-applicable to the cease-fire and had declared such acts to be intolerable, and more effective steps as envisaged in the Charter to ensure against repetition of such acts, 168 the time had come for the Council to take the effective steps provided for in the Charter. 169

(iii) Decision of 31 December 1968

(a) Précis of proceedings

77. By a letter 170 dated 29 December 1968 to the President of the Security Council, the representative of Lebanon charged that Israel had committed an act of aggression against Lebanon on 28 December 1968 by the premeditated attack of the Israel air force against the civilian international airport of Beirut and requested an urgent meeting of the Council.

78. By a letter 171 dated 29 December 1968, the representative of Israel requested the President of the Security Council to convene an urgent meeting to consider the constant violation by Lebanon of the United Nations Charter and the cease-fire resolutions of the Security Council, by assisting and abetting acts of warfare, violence and terror by irregular forces and organizations operating from Lebanon against Israel territory, citizens and property and in particular with regard to attacks upon Israeli civil aviation.

79. At the 1460th meeting on 29 December 1968, the Security Council decided to include 172 the Lebanese and Israel letters in the agenda.

80. At the 1462nd meeting on 31 December 1968, the President of the Security Council announced 173 that, after consultations, the members of the Security Council had reached agreement on the text of a draft resolution 174 which, inter alia, would provide:

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167 S/C, resolution 248 (1968), para. 3. See paras. 60-69 above.
168 For texts of relevant statements, see S/C, 23rd yr., 1434th mtg.: Algeria, paras. 148-158; Iraq, paras. 127-147; Israel, paras. 57-125; 219-230; Jordan, paras. 22-55; 206-216; USSR, paras. 159-185; United Kingdom, paras. 198-203; United States, paras. 187-196, 1435th mtg.: France, paras. 23-31; Pakistan, paras. 62-76; United Arab Republic, paras. 6-22; 1436th mtg.: Hungary, paras. 120-122; Iraq, paras. 105-116; Senegal, paras. 128-138; 1437th mtg.: China, paras. 20-25; India, paras. 30-34; 1439th mtg.: Ethiopia, paras. 8-20; 1440th mtg.: President (Brazil), paras. 80-83.
171 Ibid., S/8946.
172 S/C, 23rd yr., 1440th mtg., para. 2.
173 Ibid., 1462nd mtg., para. 3.
174 S/C, 23rd yr., 1462nd mtg., para. 5. The draft resolution was adopted without change as S/C resolution 262 (1968).
"The Security Council,

"..."

"Having heard the statements of the representative of Lebanon and of the representative of Israel concerning the grave attack committed against the civil International Airport of Beirut,

"Observing that the military action by the armed forces of Israel against the civil International Airport of Beirut was premeditated and of a large scale and carefully planned nature,

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

"..."

1. Condemns Israel for its premeditated military action in violation of its obligations under the Charter and the cease-fire resolutions;

2. Considers that such premeditated acts of violence endanger the maintenance of the peace;

3. Issues a solemn warning to Israel that if such acts were to be repeated, the Council would have to consider further steps to give effect to its decisions".

Decision

At the same meeting the draft resolution was put to the vote and adopted unanimously.

(b) Précis of relevant constitutional discussion

81. In his opening statement, the representative of Lebanon, having stated that on 28 December 1968 the Israeli air force had staged a surprise attack, involving explosive and incendiary bombs and rockets, on the civilian and defenceless international airport of Beirut, maintained that this aggressive act was a flagrant violation of the principles and objectives of the United Nations Charter and asked the Council to take effective measures under Chapter VII of the Charter.

82. The representative of Israel stated, in turn, that on 26 December 1968 an Israeli civil airliner on a regular scheduled commercial flight had been attacked by bombs and machine guns in the Athens international airport by assailants that had been trained and equipped by a terrorist organization operating out of Beirut. He held that insofar as the major Arab terrorist organizations had established their headquarters and set up their international networks in Beirut, wherefrom they were directing their acts of sabotage against Israel, the Government of Lebanon had direct responsibilities. The representative of Israel contended that any attack against an Israeli civil aircraft, wherever it might be, was as much a violation of the cease-fire between Israel and Lebanon as any attack on Israeli territory and entitled the Government of Israel to exercise its right of self-defence. On the occasion of the incident of 26 December 1968, his Government had been duty bound to take appropriate action in self-defence designed to prevent repetition of such incidents. That action had to be seen in the broader context of the continuation by Arab States, including Lebanon, of active belligerency and warfare against Israel, in violation of the United Nations Charter, and of the cease-fire régime, through the instrumentality of irregular forces and organizations armed, trained and financed by the Arab Governments, including the Government of Lebanon.

83. During the discussion, it was argued that the use of subversive violence, which was no less aggression than open attack, could not be condoned by the Security Council and that the action of 28 December 1968 was the consequence of the prior action of 26 December 1968 and of the failure of the Lebanese Government to take measures to prevent any repetition thereof. It was maintained on the other hand that, while violent acts, such as the incident of 26 December 1968, could not be condoned by the Council, no responsibility of the Lebanese Government, direct or indirect, had been established in that connexion and that therefore Israel’s action of 28 December 1968 was unjustifiable and in violation of the United Nations Charter and the relevant Security Council resolutions. Further, it was emphasized that no Government, even under extreme provocation, should resort to the unilateral use of force in the nature of retaliation or reprisal contrary to the provisions of the United Nations Charter prohibiting the use of force.176

(iv) Decision of 1 April 1969

(a) Précis of proceedings

84. By a letter177 dated 26 March 1969 to the President of the Security Council, the representative of Jordan requested an urgent meeting to consider continuous and grave violations of the United Nations cease-fire resolutions by Israel and to adopt more adequate and effective measures to check Israeli acts of aggression and restore international peace and security.

85. By a letter178 dated 27 March 1969, the representative of Israel also requested the President of the Security Council to convene an urgent meeting to consider the complaint of grave and continual violations by Jordan of the cease-fire, the provisions of the United Nations Charter, and of international law, including: (a) armed attacks, armed infiltration and violence by terrorist groups operating from Jordan territory with the official support, aid and encouragement of the Jordanian Government and armed forces; (b) firing across the cease-fire lines by Jordanian forces.

86. At its 1466th meeting on 27 March 1969 the Security Council decided179 to include the Jordanian and Israeli letters in the agenda.

At the 1472nd meeting on 1 April 1969, the representative of Pakistan introduced180 a draft resolution,181 jointly sponsored with Senegal and Zambia. At the 1473rd meeting held on the same day, the representative of Paki-

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176 For texts of relevant statements, see S C, 23rd yr., 1460th mtg.: Algeria, paras. 122-134; Brazil, paras. 141-147; France, paras. 85-90; Hungary, paras. 110-121; India, paras. 103-108; Israel, paras. 27-30; 38-68; 156-160; Lebanon, paras. 14-23; Senegal, paras. 133-139; USSR, paras. 91-100; United Kingdom, paras. 80-83; United States, paras. 71-77; 1461st mtg.: Canada, paras. 34-40; China, paras. 59-65; Denmark, paras. 30-32; Israel, paras. 95-131; 197-200; Lebanon, paras. 11-23; 156-160; Pakistan, paras. 70-81; Paraguay, paras. 85-90; USSR, paras. 132-153; United Kingdom, paras. 42-57; 1462nd mtg.: Brazil, paras. 13-19; Denmark, paras. 22 and 23; France, paras. 26-34; USSR, paras. 46-73.


179 S C, 24th yr., 1466th mtg., para. 6.

180 S C, 24th yr., 1472nd mtg., para. 8.

181 S/9120 replaced by S/9120/Rev. 1 which was adopted without change as S C resolution 265 (1969).
Decision

whereby:

he asked the Council to take adequate

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dan River where there were no military installations and

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Viewing with deep concern that the recent air attacks

184

on Jordanian villages and other populated areas were of

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a revised

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stan, on behalf of the sponsors, introduced \[182\] a revised
text whereby:

"The Security Council,

181

"Viewing with deep concern that the recent air attacks

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resolutions condemning reprisals and violations of the cease-

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on Jordanian villages and other populated areas were of

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a pre-planned nature, in violation of resolutions 248

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(1968) of 24 March 1968 and 256 (1968) of 16 August

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Gravely concerned about the deteriorating situation

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which endangers peace and security in the area,

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1. Reaffirms resolutions 248 (1968) and 256 (1968);

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3. Condemns the recent premeditated air attacks

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launched by Israel on Jordanian villages and populated

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areas in flagrant violation of the United Nations Charter

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and the cease-fire resolutions, and warns once again that

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if such attacks were to be repeated the Security Council

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would have to meet to consider further and more effective

steps as envisaged in the Charter to ensure against

repetition of such attacks."

Decision

At the 1473rd meeting on 1 April 1969, the revised draft
resolution was adopted \[184\] by 11 votes to none, with 4 abstentions.

(b) Précis of relevant constitutional discussion

88. In his opening statement, the representative of Jordan,

87. having noted that acts of aggression committed by Is-

86.ael aircraft against civilian centres and means of commu-

85. nication deep inside Jordan territory had not been

84. continuing in direct violation of the cease-fire resolutions

83. and the Armistice Agreement but had also intensified,

82. complained of an air raid by Israel jet fighters on civilian

81. areas between the East Bank and the West Bank of the Jor-

80. dan River where there were no military installations and

79. where no anti-aircraft fire had been directed against Israel

78. planes. He held that the incident was a clear-cut act of ag-

77.gression and that the so-called Israel policy of "active self-

76. defence" in fact constituted an offensive policy of aggres-

75. sion. Referring to Security Council resolution 262 (1968)

74. of 31 December 1968 in which the Council had con-

73. demned Israel for its premeditated military action and had

72. issued a warning that if such acts were to be repeated, the

71. Council would have to consider further steps to give effect
to its decision, \[185\] he asked the Council to take adequate

70. and effective action under Chapter VII of the Charter.

69. The representative of Israel, noting that the Arab war

68. against Israel was continuing and being pursued in particu-

67. lar by the method of terror warfare, referred to Security

66. Council resolution 56 (1948) of 19 August 1948 and stated

65. that terror attacks were violations of the cease-fire and that

64. the Governments from whose territory these attacks were

launched were responsible regardless of the extent of their
direct involvement in the terrorist operations, especially
when they directly engaged in sponsoring, organizing and
assisting such warfare. He held that Jordan's role in warfare
by terror against the people of Israel was a major one
since that country was the central base for operations by
the terror organizations which maintained headquarters,
branches and bases there. In the incidents under consider-
ation, Israel had acted in self-defence: the target of its
action had been terror bases and centres of armed elements
hostile to Israel. He emphasized that until an end was put
to Arab terror warfare and the Arab States maintained
the cease-fire to which they had pledged themselves, Israel's
right to self-defence would remain inalienable. It could not
be questioned or curtailed by labeling Israel defence coun-
teractions as reprisals, a concept which had no application
to the present situation in the Middle East.

90. During the debate, it was stated that the air attack

91. carried out by the Israel air force was in breach of the

92. United Nations Charter, in particular the prohibition of the
use or threat of use of force, and the previous Council res-

93. olutions condemning reprisals and violations of the cease-

94. fire established in the area. It was emphasized that the Se-

95. curity Council could not accept as valid any arguments of
active self-defence put forth to justify unilateral military
action, premeditated and deliberately executed by the regu-

96. lar forces of one country against the people and territory
of another. Primitive attacks of this sort were wholly incon-

97. sistent with the requirements of self-defence; rather, they

98. formed part of a tactic of reprisal contrary to the mandates
of the Charter. Also, it was contended that, in trying to de-

99. fend its present borders which included Jordanian territory
occupied through the use of force, Israel was in fact inter-

100. ferring in alien, namely, Jordanian territory. In this connec-

101. tion, it was noted that the Security Council had to uphold
the sovereignty of nations, the inviolability of the provi-
sions of the Charter, the inadmissibility of acquisition of
territory by the use of force and the validity of previous
Council decisions applying these principles to the situation
in the Middle East.

91. It was maintained, on the other hand, that the given
incident could not be treated in isolation and that the Mid-

92. dellest East situation as a whole had to be taken into account.
Reference was made to Council resolution 242 (1967) of
22 November 1967 the provisions and principles of which
contained the essential elements of a solution to the prob-
lem in the Middle East and which, if implemented, would
have prevented the occurrence of incidents such as the one
under consideration. It was also maintained that Arab
countries could not escape responsibility for acts of terror-
ism and sabotage: all acts of violence and the breaches of
the cease-fire were to be condemned, whatever their
source.

92. It was stated, in response, that premeditated large-

93. scale attacks launched by a Government could not be
equated with sporadic violent acts of national resistance
within occupied territories against foreign military occupa-
tion. Furthermore, it was held that in so far as the occupy-
ing Power did not exercise jurisdiction over occupied ter-
tories, the occupied State could not be accused of aggres-
sion for individual acts of violence against the forces of
occupation in those territories. The Security Council
was asked to condemn the aggression committed against
Jordan and to envisage taking the necessary measures in
conformity with the Charter so as to put an end to repeated aggressions by the advocates of the use of force. 187.

(v) Decision of 26 August 1969

(a) Précis of proceedings

93. By a letter188 dated 12 August 1969, the representative of Lebanon requested the President of the Security Council to convene an urgent meeting of the Council to consider the situation resulting from the premeditated and unprovoked aggression committed by Israel against civilian villages in Lebanon and endangering the peace and security of that country.

94. By letter dated 12 August 1969,189 the representative of Israel also requested the President of the Security Council to convene an urgent meeting of that organ in order to consider the situation created by the intensification of armed attacks perpetrated against Israel from Lebanese territory.

95. At the 1498th meeting on 13 August 1969, the Security Council decided to include190 the Lebanese and Israel letters in the agenda.

96. At the 1504th meeting on 26 August 1969, the President announced191 that, as a result of intensive consultations among the members of the Security Council, an agreement had been reached on a draft resolution which represented a consensus among the Council members. That draft resolution,192 inter alia, read as follows:

"The Security Council,

... ... ...

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

"Recalling the General Armistice Agreement between Israel and Lebanon of 23 March 1949, and the cease-fire established pursuant to resolutions 233 (1967) and 234 (1967) of 6 and 7 June 1967, respectively,

"Recalling its resolution 262 (1968) of 31 December 1968,

"Mindful of its responsibility under the relevant provisions of the Charter of the United Nations,

"1. Condemns the premeditated air attack by Israel on villages in southern Lebanon in violation of its obligations under the Charter and Security Council resolutions;

"2. Deplores all violent incidents in violation of the cease-fire;"..."..."..."..."

187 For texts of relevant statements, see S C, 24th yr., 1466th mtg.: Israel, paras. 57-114; 135-139; Jordan, paras. 27-55; 116-133; 1467th mtg.: Nepal, paras. 32-46; USSR, paras. 4-31; United States, paras. 47-54; 1468th mtg.: Algeria, paras. 2-17; Finland, paras. 18-23; France, paras. 32-40, Pakistan, paras. 41-56; United Kingdom, paras. 24-31; 1469th mtg.: Colombia, paras. 73-89; Hungary (President), paras. 130-138; Spain, paras. 52-68, Zambia, paras. 122-128; 1470th mtg.: China, paras. 48-52; Paraguay, paras. 34-49; 1472nd mtg.: Pakistan, paras. 6-19; United Kingdom, paras. 49-55; United States, paras. 39-45; 1473rd mtg.: Finland, paras. 79-83; Pakistan, paras. 2-5.


189 S C, 24th yr., Suppl. for July-Sept., p 156, S/9387

190 S C, 24th yr., 1498th mtg., para. 9.

191 Ibid., 1504th mtg., para. 2.

192 S/9410 adopted without change as S C resolution 270 (1969)

"4. Declares that such actions of military reprisal and other grave violations of the cease-fire cannot be tolerated and that the Security Council would have to consider further and more effective steps envisaged in the Charter to ensure against repetition of such acts."

Decision

At the same meeting, the President of the Security Council declared that, in the absence of objections, the draft resolution had been unanimously adopted.193

(b) Précis of relevant constitutional discussion

97. In his opening statement the representative of Lebanon maintained that Israel had committed an act of aggression against Lebanon by the sudden and unprovoked massive air strike, including the use of napalm bombs, on civilian settlements in southern Lebanon. Referring to the argument that the strike by the Israel air force was in retaliation for attacks on Israeli alleged to have been launched from Lebanese territory by the Palestinian commandos, he stated that in so far as Israel refused to resort to the Mixed Commission established under the Armistice Agreement to allow any investigation on its territory, these allegations remained unsubstantiated. Furthermore, he held that Lebanon could not be held responsible for the actions of Palestinians who, in self-defence to regain their right to self-determination, were fighting against the occupier. Having recalled the provisions of Council resolution 262 (1968) of 31 December 1968, the representative of Lebanon requested the Security Council to take prompt and effective action in the form of sanctions provided for in the Charter so that attacks similar to the one under consideration could be forestalled in the future.

98. The representative of Israel held that the Government of Lebanon could not be absolved of its responsibility for the use of its territory as a base of terror warfare against Israel. Noting that shelling and mining raids from Lebanese territory had been continuing in disregard of the cease-fire and that the Lebanese authorities seemed unable or unwilling to curtail these attacks, he contended that Israel had had no alternative but to resort to self-defence.

99. During the debate, it was stated that a Government could not be justified, in the name of self-defence, in launching air attacks on alleged hostile encampments in a foreign State whose official participation in the hostile activities had not been established. It was maintained that the premeditated and unprovoked attack by Israel on Lebanon constituted an act of aggression in violation of Israel's obligations under the Charter and also under the Armistice Agreement with Lebanon and the decision of the United Nations on the cease-fire. It was noted that the provisions of Article 2(4) had to be regarded as prohibiting reprisals or retaliation of the kind under consideration and that the past instances of retaliatory action had repeatedly been censured by the Council. It was observed further that in so far as the Security Council, by its resolution 262 (1968), had issued a warning to Israel that, if its premeditated acts against Lebanon were to be repeated, the Council would have to consider further steps to give effect to its decisions, it should, now that it was confronted with a repetition of such acts, consider suitable further steps.

100. It was contended, on the other hand, that Governments could not claim immunity from responsibility for the
hostile armed activities carried out from their territories against neighbouring States: all acts of violence and counter-violence were to be deemed regardless of their source or origin. The incident under consideration had to be viewed in the broader context of the general situation in the Middle East. In this connexion, emphasis was placed on the need to implement Security Council resolution 242 (1967) containing guidelines for the solution of the broader problem.  

104. At the 1441st meeting on 21 August 1968, the Security Council decided to include the item in the agenda by 13 votes in favour and 2 against.

105. At the 1442nd meeting on 22 August 1968, the representative of Denmark introduced, on behalf of the delegations of Brazil, Canada, Denmark, France, Paraguay, the United Kingdom and the United States, a draft resolution under which the Security Council, being gravely concerned that as announced by the Presidium of the Central Committee of the Communist Party of Czechoslovakia, troops of the Union of Soviet Socialist Republics and other members of the Warsaw Pact had entered that country without the knowledge and against the wishes of the Government of Czechoslovakia; considering that the action taken by the Government of the United States of America and other members of the Warsaw Pact in invading the Czechoslovak Socialist Republic was a violation of the United Nations Charter and, in particular, of the principle that 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; being gravely concerned also by risks of violence and reprisals as well as by threats to individual liberty and human rights which could not fail to result from imposed military occupation, would: affirm that the sovereignty, political independence and territorial integrity of the Czechoslovak Socialist Republic must be fully respected; and condemn the armed intervention of the Union of Soviet Socialist Republics and other members of the Warsaw Pact in the internal affairs of the Czechoslovak Socialist Republic and call upon them to take no action of violence or reprisal that could result in further suffering or loss of life, forthwith to withdraw their forces, and to cease all other forms of intervention in Czechoslovakia's internal affairs.

**Decision**

At the 1443rd meeting, on 22 August 1968, the eight-Power draft resolution was voted upon. The result of the vote was 10 in favour, 2 against, with 3 abstentions. The draft resolution was not adopted, one of the negative votes being that of a permanent member of the Council.

106. The representative of Czechoslovakia stated that the armed intervention in Czechoslovakia by the five members of the Warsaw Pact was an act of use of force that could not be justified. It had not taken place upon request or demand of the Government of Czechoslovakia or of any other constitutional organs of that State and, to the knowledge of a permanent member of the Council, there was never any formal appeal to the Government of the Czechoslovak Socialist Republic and call upon them to take no action of violence or reprisal. So, there being that of a permanent member of the Council.
for complete and immediate termination of the occupation, the withdrawal of all occupation forces from the territory of the Czechoslovak Socialist Republic and the full restitution of the sovereignty and territorial integrity of that country.

107. During the debate, it was maintained that invasion and occupation by foreign troops of a country, undertaken without the knowledge and without the consent of the lawful authorities of that country, was a matter which was international in character and which constituted an act of use of force in violation of, inter alia, Article 2(4) and could not be justified as being the exercise of the right of individual and collective self-defence.

108. It was argued, on the other hand, that the decision of socialist countries to give military assistance to an allied socialist State in conformity with mutual treaty obligations and for the purpose of dispelling an existing threat to socialism in that country and the corollary threat to the security of the socialist States, was consonant with Article 51 of the Charter which allowed States to take collective and individual measures of self-defence. Accordingly, the granting of such assistance could not juridically be considered interference in the internal affairs of that country; nor could it be considered to constitute a matter falling within the purview of Article 2(4).

d. Decision of 28 July 1969 in connexion with the complaint by Zambia

(a) Précis of proceedings

109. In a letter dated 15 July 1969 to the President of the Security Council, the representative of Zambia requested an early meeting of the Security Council to discuss the calculated Portuguese violations of the territorial integrity of Zambia, in particular the bombing, on 30 June 1969, of a village situated along the border of the Republic of Zambia and the Portuguese colony of Mozambique. Expressing his Government’s concern that, in its application of the right of self-defence recognized in Article 51 of the Charter a more serious situation might arise, he held it to be incumbent upon the Security Council to envisage corrective measures to bring an end to acts which constituted a threat to international peace and security.

110. By a letter dated 18 July 1969, the African States acting on behalf of the Organization of African Unity and on the basis of the Charter of that Organization which obliged all member States to promote the unity and solidarity of the African States and to eradicate all forms of colonialism in Africa, supported the Zambian request for a meeting of the Security Council. Noting that the Organization of African Unity had been and still was preoccupied by the threats and acts of aggression perpetrated by Portugal against the African States bordering on the territories under Portuguese domination, the African States expressed the hope that the Security Council, acting in accordance with Chapter VII of the Charter, would take the necessary measures to put an end to such aggressions.

111. At its 1486th meeting on 18 July 1969, the Security Council decided to include the item on the agenda.

112. At the 1491st meeting on 28 July 1969, the representative of Pakistan introduced, on behalf of the delegations of Algeria, Nepal, Pakistan and Senegal, a draft resolution which, inter alia, would provide as follows:

"The Security Council,

1. Bearing in mind that all States should 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,

2. Concerned about the grave situation created by the Portuguese bombing of Lote village in the Katete District of the Eastern Province of Zambia bordering the Territory of Mozambique,

Gravely concerned that incidents of this nature endanger international peace and security,

1. Strongly censures the Portuguese attacks on Lote village in the Katete District of the Eastern Province of Zambia resulting in the loss of Zambian civilian life and property;

2. Calls upon Portugal to desist forthwith from violating the territorial integrity of, and from carrying out unprovoked raids against, Zambia;

3. Declares that in the event of failure on the part of Portugal to comply with paragraph 2 of the present resolution, the Security Council will meet to consider further measures."

Decision

At the same meeting, the four-power draft resolution was adopted by 11 votes to none, with 4 abstentions.

(b) Précis of relevant constitutional discussion

113. In his opening statement, the representative of Zambia, having recalled past incidents of alleged aggression by Portugal against Zambia, cited Article 2(4) of the Charter, charged Portugal with unprovoked and premeditated violation of Zambia’s territorial integrity, in particular the bombing incident of 30 June 1969, and stated that, in so far as his Government’s policy of seeking to settle the matter through bilateral negotiations had not been successful due to a lack of co-operation by Portugal, Zambia had decided to bring the matter before the Security Council while...
regarding the complaint under consideration had not been made. The representative of Portugal categorically rejected the charges brought by Zambia and observed that Portuguese territories were being violated by Zambian armed forces and the Zambian air force. He maintained that in so far as the Zambian Government had authorized in its territory the establishment of training and supply bases for armed attacks on the adjoining Portuguese territories of Angola and Mozambique, that Government could not claim responsibility for the unlawful, violent activities against the Portuguese security forces in such frontier areas. When fired upon by hostile elements, those security forces had had to react in self-defence. Referring to Article 2(4) of the Charter, the representative of Portugal held that the Zambian Government had the obligation not to permit its territory to be used for hostile actions against foreign territories. He also noted that a Mixed Luso-Zambian Commission existed to investigate, on the spot, all allegations made by either side and that, as a result of bilateral talks between the two countries, all the past incidents, whether they had actually taken place or not, had been considered as settled. The representative of Portugal contended that, in the present instance, Zambia had bypassed the talks between the two countries on all the recent allegations by bringing the alleged incident of 30 June 1969 to the Security Council and stated that his Government remained willing to continue the bilateral talks.

115. During the debate, it was contended, on the one hand, that the Security Council should condemn Portugal for committing repeated acts of aggression against Zambia and should take the necessary decisions to enable Zambia to defend the integrity of its territory and its political independence. The view was expressed also that assistance rendered to a resistance movement in a Non-Self-Governing Territory, such as Angola, Mozambique and Guinea (Bissau), when the right of a people to self-determination, as recognized in the Charter, was being denied and suppressed, should not expose the country which accorded it to reprisals.

116. It was maintained, on the other hand, that the facts regarding the complaint under consideration had not been substantiated and that, without a complete and impartial investigation, the Security Council should not proceed to assessments and findings. Rather, the Council had to encourage and assist the two parties to settle the question through bilateral negotiation and conciliation.

117. It was also noted that the incident of alleged aggression before the Council should be considered in the context of the developments in the whole of Africa and that the situation in that continent caused by the presence of Portuguese forces had had to react in self-defence. Referring to Article 51 of the Charter, the representative of Portugal categorically rejected the charges brought by Zambia and observed that Portuguese territories were being violated by Zambian armed forces and the Zambian air force. He maintained that in so far as the Zambian Government had authorized in its territory the establishment of training and supply bases for armed attacks on the adjoining Portuguese territories of Angola and Mozambique, that Government could not claim responsibility for the unlawful, violent activities against the Portuguese security forces in such frontier areas. When fired upon by hostile elements, those security forces had had to react in self-defence. Referring to Article 2(4) of the Charter, the representative of Portugal held that the Zambian Government had the obligation not to permit its territory to be used for hostile actions against foreign territories. He also noted that a Mixed Luso-Zambian Commission existed to investigate, on the spot, all allegations made by either side and that, as a result of bilateral talks between the two countries, all the past incidents, whether they had actually taken place or not, had been considered as settled. The representative of Portugal contended that, in the present instance, Zambia had bypassed the talks between the two countries on all the recent allegations by bringing the alleged incident of 30 June 1969 to the Security Council and stated that his Government remained willing to continue the bilateral talks.

118. By a letter210 dated 27 November 1969, the representative of Senegal requested the President of the Security Council to convene a meeting as quickly as possible to consider the question regarding the systematic and deliberate violation of Senegalese national territory by Portugal, in particular the incident of 25 November 1969 whereby a village in the southern part of Senegal had been shelled by the regular Portuguese army.

119. By a letter211 dated 2 December 1969 to the President of the Security Council thirty-six African States supported the request for the convening of the Security Council made by the representative of Senegal following deliberate violations of the territorial integrity of the Republic of Senegal by Portugal. Noting that their request for the convening of the Security Council was made in accordance with the Charter of the Organization of African Unity which obliged all member States to promote the solidarity of the African States and to eradicate all forms of colonialism from Africa, the thirty-six African States stated that that Organization continued to be concerned at the threats and acts of aggression committed by Portugal against the African States bordering on the Territories under Portuguese domination and expressed hope that the Security Council, acting under Chapter VII of the Charter, would take the necessary action to put an end to these acts of aggression.

120. At the 1516th meeting of 4 December 1969, the Security Council decided213 to include the letter of Senegal in the agenda.

121. By a letter214 dated 7 December 1969 to the President of the Security Council, the representative of Senegal requested an urgent meeting of the Security Council to consider a further complaint by Senegal against Portugal as a result of a new incident, namely, renewed shelling of the Senegalese village subject of the complaint already under consideration by the Council and the announced Portuguese intention to shell the capital of the southern region of the Casamance (province bordering on Senegal, Guinea and Guinea (Bissau)).

122. At the 1518th meeting on 8 December 1969, the Security Council decided215 to include the second Senegalese complaint in the agenda and to consider it together with the previous one.

123. At the 1519th meeting held on the same day, the representative of Pakistan, on behalf of the delegations of Algeria, Nepal, Pakistan and Zambia, introduced216 a draft decision of the Council: 213.

211 Ibid., p 114, S/9524 and Add. 1.
212 Algeria, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Dahomey, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Kenya, Lesotho, Liberia, Libya, Madagascar, Mali, Mauritania, Mauritius, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta, Zambia.
213 S C, 24th yr., 1516th mtg., preceding para. 40.
215 S C, 24th yr., 1518th mtg., preceding para. 1, and para. 4.
216 S C, 24th yr., 1519th mtg., para. 23.
which were officially aiding and encouraging, directly and indirectly, violence against Portuguese territories in Africa which in turn created incidents at the frontiers forcing Portugal to exercise its right of self-defence. Noting that dislike for the internal policy of another country did not justify the use of violence to force that country to change its policy, the representative of Portugal recalled that the Charter explicitly condemned the use of violence, whatever might be the political differences. Regarding the Senegalese complaint, he held that incidents such as the one under consideration resulted from the fact that armed attacks against Portuguese Guinea were allowed to be initiated from Senegalese territory where anti-Portuguese organizations had been given bases and where they took refuge when pursued by Portuguese security forces in defensive action. Al.leging that the village in question was one of such bases, the representative of Portugal maintained that his country’s right of self-defence could not be contested; it had to be taken into consideration in the assessment of the Senegalese complaint. In that connexion, he pointed out that the Government of Senegal had not contacted the Portuguese Government on the subject of its present complaint before notifying the Security Council so as to have the matter investigated by a mixed commission with a view towards a settlement through conciliation; he expressed the willingness of his Government to comply with such a course.

126. During the discussion, the view was expressed that repeated incidents along the borders between African Territories under Portuguese administration and neighbouring independent African States had to be seen against a background of colonialism and non-compliance of Portugal with the United Nations resolutions calling on the administering Power to implement forthwith the provisions of General Assembly resolution 1514 (XV) containing a Declaration on the Granting of Independence to Colonial Countries and Peoples. It was stated that, while the right of any State to self-defence could not be challenged, that right pertained to the national territory of the given State. In the specific circumstances of the case under consideration, there could be no argument of self-defence on the part of Portugal because Senegal had neither attacked nor permitted attacks to be initiated from its territory against the territory of Portugal. It was emphasized that regardless of what the Portuguese municipal law might decree, the African Territories, under Portuguese administration, namely, Angola, Mozambique and Guinea (Bissau), were not an integral part of metropolitan Portugal wherein that country’s sovereignty existed; rather, these were Non-Self-Governing Territories within the meaning of Chapter XI of the Charter, as substantiated by General Assembly resolution 1542 (XV) of 15 December 1960. In this connexion reference was made also to the following General Assembly resolutions: 2105 (XX) of 20 December 1965 in which the General Assembly had recognized the legitimacy of the struggle by the peoples under colonial rule to exercise their right to self-determination and independence, and had invited all States to provide material and moral assistance to the national liberation movements in colonial Territories; 2107 (XX) of 21 December 1965 in which the Assembly had appealed to all States, in co-operation with

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217 S/9542/Rev. 1, as amended, adopted without change as S C resolution 273 (1969). At the 1520th meeting on 9 December 1969, S/9542/Rev. 1 was amended as follows: in paragraph 1 the word "colonial" after the word "Portuguese" was deleted. See: S C, 24th yr., 1520th mtg., para. 3.

218 S C, 24th yr., 1520th mtg., para. 56.
the Organization of African Unity, to render the people of the Territories under Portuguese administration the moral and material support necessary for the restoration of their inalienable rights; 2395 (XXIII) of 29 November 1968 in which the General Assembly had repeated that appeal and had condemned the violations by the Government of Portugal of the territorial integrity and sovereignty of independent African States; and 2507 (XXIV) of 21 November 1969 in which the General Assembly had condemned Portugal's policy of using the Territories under its domination for violations of the territorial integrity and sovereignty of independent African States. In this context, reference was made also to Security Council resolution 253 (1968) of 29 May 1968 on the question concerning the situation in Southern Rhodesia by which the Council had similarly urged all States Members of the United Nations to render moral and material assistance to the people of that territory in their struggle to achieve their freedom and independence. In view of these resolutions, it was maintained that the action of the Portuguese armed forces, alleged to have been taken in response to the provocation of armed bands which found refuge in the territory of Senegal, was contrary to Article 2 of the Charter required all member States to promote the unity and solidarity of the African States and to eradicate all forms of colonialism from Africa, the Guinean request for the convening of a meeting of the Security Council. The African States expressed the hope that the Council, acting under Chapter VII of the Charter, would take the necessary steps to put an end to acts of aggression, such as the one which was the subject of the Guinean complaint.

127. In response, the representative of Portugal stated that Portugal had been admitted as a State Member of the United Nations with all its territories as defined in the Portuguese Constitution: it did not lie within the competence of the United Nations to question the territorial integrity of the Portuguese State. Regarding assistance rendered to national liberation movements in territories under colonial rule, he contended that violence organized in third countries and launched across frontiers in order to force a country to change its internal policy was contrary to the Charter of the Organization of African Unity which required all member States to promote the unity and solidarity of the African States and to eradicate all forms of colonialism from Africa, the Guinean request for the convening of a meeting of the Security Council. The African States expressed the hope that the Council, acting under Chapter VII of the Charter, would take the necessary steps to put an end to acts of aggression, such as the one which was the subject of the Guinean complaint.

128. In a letter dated 2 December 1969 to the President of the Security Council, the representative of Guinea charged that the regular Portuguese army had committed yet another act of aggression against the national sovereignty of the Republic of Guinea by the repeated shelling of two Guinean frontier villages. By a subsequent letter of 4 December 1969, the representative of Guinea requested the President of the Security Council to convene a meeting to consider the Portuguese aggression against the territorial integrity of the Republic of Guinea. In a further letter dated 12 December 1969, the representative of Guinea informed the Security Council of incidents of aerial bombing, penetration of Guinean territorial waters and abduction of a Guinean boat, detentions of Guinean citizens, mortar shelling, destruction of life and property committed by Portugal between April and November 1969 and stated that the Government of Guinea felt itself obliged to bring these matters before the Council in order to denounce the systematic policy of provocation and violations which the Portuguese Government was imposing on the inhabitants of a certain part of Guinean national territory.

129. By a letter dated 5 December 1969, the representatives of forty African States supported, on the basis of the Charter of the Organization of African Unity which required all member States to promote the unity and solidarity of the African States and to eradicate all forms of colonialism from Africa, the Guinean request for the convening of a meeting of the Security Council. The African States expressed the hope that the Council, acting under Chapter VII of the Charter, would take the necessary steps to put an end to acts of aggression, such as the one which was the subject of the Guinean complaint.

130. At the 1522nd meeting on 15 December 1969, the Security Council decided to include the item in the agenda.

131. At the 1525th meeting on 19 December 1969, the
representative of Nepal presented,234 on behalf of the delegations of Algeria, Nepal, Pakistan, Senegal and Zambia, a joint draft resolution235 which, inter alia, would provide:

"The Security Council,

... Observing that incidents of this nature jeopardize international peace and security,

"Mindful that no State should act in any manner inconsistent with the principles and purposes of the Charter of the United Nations,

"Gravely concerned with any and all such attacks by Portugal directed against independent African States,

"Grieved at the extensive damage caused by the Portuguese shelling of Guinean villages from positions in the Territory of Guinea (Bissau),

"1. Deeply deplores the loss of life and heavy damage to several Guinean villages inflicted by the Portuguese military authorities operating from bases in Guinea (Bissau);

"2. Call upon Portugal to desist forthwith from violating the sovereignty and territorial integrity of the Republic of Guinea;

...,

"5. Solemnly warns Portugal that if such acts were to be repeated in future, the Council would have to seriously consider further steps to give effect to this decision."

Decision

At the 1526th meeting on 22 December 1969, the five-Power draft resolution was adopted236 by 9 votes to none, with 6 abstentions.

(b) Précis of relevant constitutional discussion

132. In his opening statement, the representative of Guinea noted that the complaint of his Government against Portugal was a "standing complaint" in so far as the acts of provocation and systematic violations of the sovereignty and territorial integrity of Guinea by Portugal had been continuing on a daily basis over a period of several years. He maintained that, in so far as the facts and circumstances which existed on the borders between the Republic of Guinea and Guinea (Bissau) were the same as those which existed between the Republic of Senegal and Guinea (Bissau), Security Council resolution 273 (1969) of 9 December 1969237 condemning Portugal for attacks against Senegal would constitute a condemnation also of similar offences committed by Portugal against Guinea. However, the most recent provocations by Portugal against Guinea and other similar Portuguese provocations undertaken simultaneously against other African States, had convinced his Government of the necessity to bring to the attention of the Security Council the serious threat to the peace and security of the African continent posed by the constant provocations by Portugal. Having detailed the particulars of the incidents under consideration, the representative of Guinea asked the Security Council to condemn Portugal for its acts of aggression against Guinea and also for maintaining control over Mozambique, Angola and Guinea (Bissau).

133. The representative of Portugal rejected the Guinean allegations and contended that the Guinean complaint of constant and continuing aggression by Portugal against that country was an inversion of facts: it was Guinea (Bissau) which, for several years, had been the subject of constant attacks launched from the Republic of Guinea. In that connexion, he charged that the Government of the Republic of Guinea had authorized the organization in its territory of violent movements to operate against Guinea (Bissau) and had officially aided and abetted these movements. He stated that Portugal held the Republic of Guinea responsible for the consequences of attacks launched from its territory against Guinea (Bissau). Having charged further that the military personnel of certain foreign Powers extraneous to the African continent were present in the Republic of Guinea and were participating actively in armed raids against Guinea (Bissau), the representative of Portugal held that an equitable Council decision on the complaint under consideration required an investigation to determine who organized, aided and launched violence against whom.

134. During the discussion, it was maintained that the continued presence of a colonial Power, such as Portugal, by force and against the wishes of the people of a Territory, such as Guinea (Bissau), to which Chapter XI of the Charter and the Declaration on decolonization238 applied, was in itself a permanent act of aggression. It was recalled that the Security Council, by resolution 180 (1963) of 31 July 1963239 had affirmed that the policies of Portugal in claiming the Territories under its administration, namely Angola, Mozambique and Guinea (Bissau), as "overseas territories" and as integral parts of metropolitan Portugal were contrary to the principles of the Charter and the relevant resolutions of the General Assembly and the Security Council. It was noted that Portuguese acts of violence, such as those under consideration, could not be regarded as isolated incidents; rather, they were deliberate acts of policy. Through the use of force, Portugal was attempting to intimidate independent States whose territories adjoined those of Guinea (Bissau), Angola and Mozambique, namely, African Territories under Portuguese rule, and to prevent African populations of those Territories from fighting for their inalienable rights to self-determination and independence and from fleeing Portuguese oppression by seeking refuge in neighbouring independent African States. It was contended that violations by Portugal of the territorial integrity of those independent African States adjacent to the African Territories under its administration were contrary to the provisions of Article 2 of the Charter and could not be justified by the argument of self-defence. The right of self-defence, recognized by the Charter, had to be exercised within the limits imposed by the Charter and not for the purpose of flouting the obligations set forth in Chapter XI of the Charter and also in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV). In this connexion, reference was made to General Assembly resolution 2507 (XXIV) of 21 November 1969 which had recommended that the Security Council, with a view to the immediate implementation of Assembly resolution 1514 (XV) in the Territories under Portuguese domination, should take effective steps in conformity with the

234 Ibid., 1525th mtg., para. 9.
236 S C, 24th yr., 1526th mtg., para. 48.
237 See para. 123 of the present study.
238 General Assembly resolution 1514 (XV) of 14 December 1960.
239 S C resolution 180 (1963), para. 2.
Charter, and had asked the Security Council to take such steps, as well as the necessary measures to halt, and prevent the recurrence of, aggressive acts by Portugal against independent African States.

135. The view was expressed also that, if colonies could not be liberated through the peaceful efforts of sovereign States, then there was no alternative but to drive the colonial Power out by force. In this context, it was noted that the General Assembly, in a number of resolutions, had enjoined all States, including African States, to afford moral and material assistance to the peoples of the Territories under Portuguese rule in their struggle to attain self-determination and national independence. Accordingly, it was held that rendering of assistance to the liberation movements in Territories under Portuguese rule, was fully in accord with the obligations set forth in the Charter and the relevant Assembly resolutions.

136. In response, the representative of Portugal stated that, no matter what action it might take against attacks launched on Guinea (Bissau), it was always on its own territory and its actions were of a defensive nature. He observed that Portugal’s sovereignty in Africa had been internationally recognized for nearly 500 years and that it was on that basis that Portugal had been admitted to the United Nations. He maintained that it was beyond the competence of the United Nations to question the territorial composition of the Portuguese State or its sovereignty in any part of its territory. He held that there could be no doubt as to the legitimacy of Portuguese sovereignty in Guinea (Bissau), as in other parts of its territory, and that no doctrinal considerations could make Portugal abdicate or compromise its lawful and sovereign right to defend itself, under Article 51 of the Charter, against all violence from outside its frontiers, whatever its form and whatever the motives that might be set forth in order to justify it. The representative of Portugal emphasized that the Charter did not condone, either directly or by implication, violence as a political instrument: under the most incontrovertible principles of the Charter, it was not permissible to impose through the use of armed force and by aggressive action the solution of any question, particularly a change in the internal policies of another State.

2. IN THE GENERAL ASSEMBLY

a. Decision of 30 November 1966 in connexion with the item:

"Strict observance of the prohibition of the threat or use of force in international relations, and of the right of peoples to self-determination"

(a) Précis of proceedings

137. By a letter dated 19 September 1966 to the Secretariat-General, the representative of Czechoslovakia requested the inclusion in the agenda of the twenty-first session of the General Assembly of an additional item of an urgent and important character entitled: "Strict observance of the prohibition of the threat or use of force in international relations, and of the right of peoples to self-determination." In the explanatory memorandum, attached to the letter, it was stated that, in view of the situation currently prevailing in the world, it was desirable that the General Assembly should solemnly affirm the prohibition of the threat or use of force in international relations as well as the right of peoples to self-determination; should condemn any violation of these principles and should call upon all States to observe them strictly and unconditionally.

138. At the 1415th plenary meeting on 24 September 1966 the General Assembly decided to include the item in its agenda and to allocate it to plenary meetings.

139. On 11 November 1966 the representatives of Algeria, Congo (Brazzaville), Czechoslovakia, Guinea, India, Iraq, Mali, Mauritania, Poland, Singapore, Sudan, United Arab Republic, Yemen and Yugoslavia submitted a joint draft resolution, hereinafter referred to as the fourteen-Power draft resolution, which read:

"The General Assembly,

"Drawing the attention of States to the fundamental obligations incumbent upon them in accordance with the Charter of the United Nations to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State and to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples,

"Deeply concerned at the existence of dangerous situations in the world constituting a direct threat to universal peace and security due to the arbitrary use of force in international relations,

"Reaffirming the legitimacy of the struggle by the peoples under colonial rule to exercise their right to self-determination and independence and the right of every nation, large or small, to choose freely and without any external interference its political, social and economic system,

"Recognizing that peoples subjected to colonial oppression are entitled to seek and receive support and assistance in their legitimate struggle,

"Firmly convinced that it is within the power and in the vital interest of the nations of the world to establish genuinely sound relations between States, based on justice, equality, mutual understanding and co-operation,

"Recalling the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty, contained in General Assembly resolution 2131 (XX) of 21 December 1965,

"Solemnly declares:

"1. All States are in duty bound strictly to observe,

2. In the General Assembly

3. "Strict observance of the prohibition of the threat or use of force in international relations, and of the right of peoples to self-determination"

4. By a letter dated 19 September 1966 to the Secretariat-General, the representative of Czechoslovakia requested the inclusion in the agenda of the twenty-first session of the General Assembly of an additional item of an urgent and important character entitled: "Strict observance of the prohibition of the threat or use of force in international relations, and of the right of peoples to self-determination." In the explanatory memorandum, attached to the letter, it was stated that, in view of the situation currently prevailing in the world, it was desirable that the General Assembly should solemnly affirm the prohibition of the threat or use of force in international relations as well as the right of peoples to self-determination; should condemn any violation of these principles and should call upon all States to observe them strictly and unconditionally.

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"Drawing the attention of States to the fundamental obligations incumbent upon them in accordance with the Charter of the United Nations to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State and to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples,

"Deeply concerned at the existence of dangerous situations in the world constituting a direct threat to universal peace and security due to the arbitrary use of force in international relations,

"Reaffirming the legitimacy of the struggle by the peoples under colonial rule to exercise their right to self-determination and independence and the right of every nation, large or small, to choose freely and without any external interference its political, social and economic system,

"Recognizing that peoples subjected to colonial oppression are entitled to seek and receive support and assistance in their legitimate struggle,

"Firmly convinced that it is within the power and in the vital interest of the nations of the world to establish genuinely sound relations between States, based on justice, equality, mutual understanding and co-operation,

"Recalling the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty, contained in General Assembly resolution 2131 (XX) of 21 December 1965,

"Solemnly declares:

"1. All States are in duty bound strictly to observe,
in their international relations, the prohibition of 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. Accordingly, an armed attack by one State against another or the use of force in any other form, including military, political or economic pressure, is contrary to the Charter of the United Nations and constitutes a gross violation of international law giving rise to international responsibility;

"2. Any forcible action, direct or indirect, against peoples struggling against colonialism for their right to freedom and self-determination, which hinders the exercise of their right to determine freely their political status and pursue their economic, social and cultural development is illegal and constitutes a flagrant violation of the Charter of the United Nations. Accordingly, the use of force to deprive peoples of their national identity, as prohibited by the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty, contained in General Assembly resolution 2131 (XX), constitutes a violation of their inalienable right to freedom;

"II

"Urgently appeals to all States Members of the United Nations:

"1. To renounce and to refrain from any action contrary to the above-stated fundamental principles and to bring their policy into full harmony with the interests of international peace and security;

"2. To exert every effort and to undertake all necessary measures with a view to lessening international tension, strengthening peace and promoting peaceful coexistence among States irrespective of their social systems."

140. On 16 November 1966 Costa Rica and the United States submitted the following joint draft resolution:

"The General Assembly,

"Drawing the attention of all countries to their obligations under the Charter of the United Nations to renounce 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, to settle their international disputes in such a manner that international peace and security and justice are not endangered, and to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples,

"Deeply concerned at the existence of dangerous situations in the world constituting a direct threat to universal peace and security due to the arbitrary use of force in international relations,

"Concerned also at the continued use of force in violation both of the Charter and of other treaties in force, and at the deprivation of, or external interference with, the right of all peoples to self-determination and freedom,

"Recalling the principles set forth in General Assembly resolution 1514 (XV), of 14 December 1960, that all peoples have the right to self-determination and that, by virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development, and that the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter, and is an impediment to the promotion of world peace and co-operation,

"Recalling also the principles set forth in General Assembly resolution 2131 (XX) of 21 December 1965 that all States shall respect the right of self-determination and independence of peoples and nations, to be freely exercised without any foreign pressure and with absolute respect for human rights and fundamental freedoms, that the use of force to deprive peoples of their national identity constitutes a violation of their inalienable rights and of the principle of non-intervention, and that all States shall contribute to the complete elimination of racial discrimination and colonialism in all its forms and manifestations,

"1. Calls upon all countries to facilitate the exercise of the right of self-determination by the peoples concerned and to refrain from employing armed force to deny or otherwise interfere with this right;

"2. Further calls upon all countries to renounce any doctrines advocating the use of overt armed force, subversion or terrorism directed towards the violent overthrow of the Governments of other States, or interference in civil strife;

"3. Urgently appeals to all countries;

"(a) To renounce and to refrain from any action contrary to the above-stated fundamental principles;

(b) To exert every effort to lessen international tension, strengthen peace and promote friendly relations among nations irrespective of their social systems;

(c) To give fullest support to the principles of the Charter of the United Nations and to all organs of the United Nations so that the Organization will be better able to discharge the responsibility assigned to it by the Charter for the maintenance of international peace and security."

141. On 16 November 1961, the representative of the Congo (Democratic Republic of) submitted the following amendments to the fourteen-Power draft resolution:

"1. In the second sentence of paragraph 1 of section I, replace the words 'an armed attack' by the words 'armed attack'.

"2. In the same sentence, replace the words 'or the use of force in any other form' by the words 'the use of threat or coercion in any form'.

"3. In the same sentence, insert the following after the words 'economic pressure': 'in order to interfere with the exercise by a State of legitimate rights inherent in its sovereignty'.

"4. Delete the second sentence of paragraph 2 of section I.

"In view of amendments 1 to 3 above, the second
252. The following joint draft resolution was submitted to the General Assembly, on 30 November 1966, the representatives of Algeria, Austria, Canada, Chile, Congo (Brazzaville), Costa Rica, Czechoslovakia, Denmark, Guinea, Iceland, India, Iraq, Madagascar, Mali, Mauritania, Norway, Poland, Singapore, Sudan, United Arab Republic, Yemen and Yugoslavia submitted a joint draft resolution which read, inter alia, as follows:

"The General Assembly, 

..."

"Considering that it is imperative that the principles of the prohibition of the threat or use of force and of the self-determination of independent peoples be solemnly reaffirmed and elaborated by the United Nations at the earliest possible date in order to ensure full compliance by all states, (fifth preambular paragraph)"

"Considering that the above principles, together with the other five principles of friendly relations and cooperation among States, have been the object of a study in depth on the part of the 1964 and 1966 Special Committees on the Principles of International Law concerning Friendly Relations and Co-operation among States on the basis of General Assembly resolutions 1815 (XVII) of 18 December 1962, 1966 (XVIII) of 16 December 1963 and 2103 (XX) of 20 December 1965, (sixth preambular paragraph)

"... 1. Recommends that the principles of the prohibition of the threat or use of force and of the self-determination of dependent peoples should receive priority in the further study and elaboration of the seven principles of international law concerning friendly relations and cooperation among States;

"2. Requests the Secretary-General to include the records of the debate on the item entitled ‘Strict observance of the prohibition of the threat or use of force in international relations, and of the right of peoples to self-determination’, together with the proposals and suggestions made during the debate, among the documentation to be considered in the further study of the principles of international law concerning friendly relations and cooperation among States in accordance with the Charter of the United Nations, with a view to the early adoption of a declaration containing an enunciation of these principles.”

143. At the 1482nd plenary meeting of the General Assembly, on 30 November 1966, the representatives of Algeria, Austria, Canada, Chile, Congo (Brazzaville), Costa Rica, Czechoslovakia, Denmark, Guinea, Iceland, India, Iraq, Madagascar, Mali, Mauritania, Norway, Poland, Singapore, Sudan, United Arab Republic, Yemen and Yugoslavia submitted the following joint draft resolution as a text agreeable to the co-sponsors of the previous three draft resolutions (A/L.493 and Add. 1-2, A/L.495 and A/L.498):

"The General Assembly,..."

"Drawing the attention of States to the fundamental obligations incumbent upon them in accordance with the Charter of the United Nations to refrain from 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 and to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples,

"Deeply concerned at the existence of dangerous situations in the world constituting a direct threat to universal peace and security, due to the arbitrary use of force in international relations,

"Reaffirming the rights of peoples under colonial rule to exercise their right to self-determination and independence and the right of every nation, large or small, to choose freely and without any external interference its political, social and economic system,

"Recognizing that peoples subjected to colonial opposition are entitled to seek and receive all support in their struggle which is in accordance with the purposes and principles of the Charter,

"Firmly convinced that it is within the power and in the vital interest of the nations of the world to establish genuinely sound relations between States, based on justice, equality, mutual understanding and co-operation,

"Recalling the declarations contained in its resolutions 1514 (XV) of 14 December 1960 and 2131 (XX) of 21 December 1965,

"1. Reaffirms that:

"(a) States shall strictly observe, in their international relations, the prohibition of 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. Accordingly, armed attack by one State against another or the use of force in any other form contrary to the Charter of the United Nations constitutes a violation of international law giving rise to international responsibility;

"(b) Any forcible action, direct or indirect, which deprives peoples under foreign domination of their right to self-determination and freedom and independence and of their right to determine freely their political status and pursue their economic, social and cultural development constitutes a violation of the Charter of the United Nations. Accordingly, the use of force to deprive peoples of their national identity, as prohibited by the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty contained in General Assembly resolution 2131 (XX), constitutes a violation of their inalienable rights and of the principle of non-intervention;

"2. Urgently appeals to States:

"(a) To renounce and to refrain from any action contrary to the above-stated fundamental principles and to assure that their activities in international relations are in..."
full harmony with the interests of international peace and security;

“(b) To exert every effort and to undertake all necessary measures with a view to facilitating the exercise of the right of self-determination of peoples under colonial rule, lessening international tension, strengthening peace and promoting friendly relations and co-operation among States;

“3. Reminds all Members of their duty to give their fullest support to the endeavours of the United Nations to ensure respect for and the observance of the principles enshrined in the Charter and to assist the Organization in discharging its responsibilities as assigned to it by the Charter for the maintenance of international peace and security;

“II

"Considering that the above principles, together with the other five principles of friendly relations and co-operation among States, have been the object of a study with a view to their progressive development and codification on the basis of General Assembly resolutions 1815 (XVII) of 18 December 1962, 1966 (XVIII) of 16 December 1963 and 2103 (XX) of 20 December 1965.

"Requests the Secretary-General to include the present resolution and the records of the debate on the item entitled “Strict observance of the prohibition of the threat or use of force in international relations, and of the right of peoples to self-determination” in the documentation to be considered in the further study of the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations, with a view to the early adoption of a declaration containing an enunciation of these principles.”

Decision

At the 1482nd plenary meeting, the twenty-two-Power draft resolution was adopted\(^{254}\) by 98 votes to 2, with 8 abstentions, as resolution 2160 (XXI).

(b) Précis of constitutional discussion

144. In his introductory statement, the representative of Czechoslovakia maintained that the obligations deriving from the principles of the Charter were indivisible. For this reason, the requirement to abstain from a policy of force in international relations constituted the fundamental basis for international co-operation and progress in solving the current important problems. The recognition of the general responsibility of Member States of the United Nations for world peace and security made it incumbent on the General Assembly to remind States of their duty to observe the principle of the prohibition of the threat or use of force in international relations. The illegal use of force assumed different forms: for example, the form of an armed attack against the territory of another State, including bombing, the use of armed repression, and so on. The use of force against peoples endeavouring to exercise their rights to self-determination and independence as stated in General Assembly resolution 2105 (XX) of 20 December 1965, entitled “Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples”, constituted a direct threat to international peace and security. The General Assembly should therefore proclaim the obligation to abstain from the use of force and forcible actions against peoples struggling for their freedom and independence.

145. The representative of the Democratic Republic of the Congo, referring to his amendment\(^{255}\) to the fourteen-Power draft resolution by which he proposed to revise the second sentence of paragraph 1 of section I of the draft resolution, said that the purpose of the amendment was to make the meaning of the phrase “manner inconsistent with the purpose of the United Nations”, used in the first sentence, clearer and to bring out the link between the two sentences.

146. The representative of the United States, referring to the fourteen-Power draft resolution, said that the prohibition against the illegitimate use of armed force had so deep a meaning for all States that great care was required in purporting further to declare the law without a careful analysis of the language used. In introducing the draft resolution submitted jointly with Costa Rica, he stated that the second preambular paragraph was borrowed from the fourteen-Power draft. However, another thought which was of the utmost importance had been added, namely, concern over continued use of force in violation not only of the Charter but also of other treaties in force. With respect to the meaning of the second sentence of paragraph I of section I of that draft,\(^{256}\) the representative pointed out that he could agree that armed attacks were illegal. Article 51 of the Charter, however, expressly preserved the inherent right of self-defence against armed attack. He queried what situations the sponsor of that draft had in mind in the rest of the characterization in the paragraph cited.

147. The representative of Costa Rica, referring to the same sentence, stated that it was in disagreement with the provisions of the Charter, which did not prohibit or prescribe the use of force; it sought rather to regulate and govern it in the sole interest of the international community. Thus, the Preamble of the Charter declared that the peoples of the United Nations were determined that “armed force shall not be used, save in the common interest”; Article 51 explicitly recognized the right of all States to come to the help of any other State using force in the exercise of its inherent right of self-defence; and Articles 42 and 49 contained provisions relating to the armed action to be taken by any or all Member States when the Security Council so decided in accordance with the provisions of the Charter. Since the use of force was envisaged in the Articles referred to, the statement in the second sentence of paragraph 1 of section I of the draft resolution in question was contrary to the Charter and must be corrected or amended so that its terms did not conflict with those of the Charter. The draft resolution submitted by Costa Rica and the United States incorporated the fundamental ideas of the fourteen-Power draft resolution and omitted those which were not in accordance with the Charter.

\(^{254}\) See above, para. 141.

\(^{255}\) See above, para. 141.

\(^{256}\) The sentence read: “... Accordingly, an armed attack by one State against another or the use of force in any other form, including military, political, economic pressure, is contrary to the Charter of the United Nations and constitutes a gross violation of international law giving rise to international responsibility.”
148. The representative of Italy stated that it could not be denied that the United Nations had in a number of instances been unable to ensure compliance by Member States or by all States with the prohibition set forth in Article 2(4). The observance of the principle under discussion by all States, particularly by Member States, could be pursued by the United Nations in two ways. One was the functional, or institutional, approach; the other was the normative approach. The functional approach consisted of the ad hoc intervention of United Nations organs in international conflicts or disputes involving the principle under discussion, and of attempts by the Organization to strengthen its ability to exercise its essential functions, particularly the maintenance of international peace and security, by collective action. The normative approach consisted of the restatement and development of the principle itself, namely of its codification as a norm of inter-State conduct, considered per se, distinctly from, although concurrently with, the development of the institutional action on the part of the competent United Nations organs. The first method had been, and was, pursued by the Organization, leaving aside the more or less effective action taken in individual instances involving Article 2(4). In the field of the prohibition of the threat or use of force, initiatives might be recalled ranging from the various proposals, recommendations and decisions concerning the organization of peace-keeping operations, or peaceful settlement, to the establishment of the Disarmament and Atomic Energy Commission, and to the current efforts of the Eighteen-Nation Disarmament Commissions in the direction of both general and complete disarmament and arms control. The second, normative method, was mainly being pursued under 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.” The fourteen-Power draft resolution, as well as the draft resolution submitted by Costa Rica and the United States, fell within the framework of the normative approach; thus they fell entirely within the purview of the work undertaken by the General Assembly for the codification and progressive development of the law of friendly relations. The outcome of the current debate should be for the General Assembly to maintain that the text of the declaration on the principle under discussion should be prepared not by the Assembly itself but by the appropriate technical organ, namely, the Special Committee on Friendly Relations. With this in mind, Italy, with seven other sponsors, had submitted a draft resolution (A/L.498).257

149. One representative stated that Article 2(4) was very broad in scope because it did not speak of the prohibition of the recourse to war, as had the Covenant of the League of Nations, but unequivocally provided that States “shall refrain from the threat or use of force against the territorial integrity or political independence of any State.” One of the first implications, therefore, was that although the Charter spoke of force in general, there could be no doubt that, in its context and particularly in that of the preamble, the reference was to armed force. The Charter took a further step forward by prohibiting not only physical force as an instrument of international policy, but also the threat of such force. Despite the interpretations which had been placed upon the expressions “force” and “threat of force”, it could not be denied that the use of armed force in whatever form was prohibited in the international community and that this prohibition included armed reprisals, which it had formerly been the tradition to condone. The principle further implied that force or the threat of force might not be used “against the territorial integrity or political independence of any State”. Those tenets, which had been included in the Charter in order to afford better protection for small States, had nevertheless been given tenacious interpretations. The fact was that it had always been the powerful countries having limitless forces and means at their disposal which had enforced their will. The representative stated further that, in analysing the terms “territorial integrity” and “political independence”, concepts which were bound up with the notion of sovereignty, it had been said that as the latter was restricted by contemporary international law certain measures of armed self-protection were permissible. However, the territory of a State was inviolable and there could be no justification at all for a violation of this right which was inherent in the very existence of the State. Similarly, “political independence would be violated if one State compelled another, through the threat or use of force, to take measures which it would not otherwise have adopted. In this connexion, it would be opportune to undertake a juridical study to determine whether or not Article 2(4) was violated if foreign troops occupied the territory of a State at the invitation or request of its Government. This was a subject which had to be of concern to the United Nations, since this type of procedure had frequently been adopted so that it could be maintained that the presence of such troops served the purposes and principles of the Charter. Nevertheless, in undertaking such a study and in fixing the scope of the obligation involved in Article 2(4), it had to be borne in mind that the obligation was not only to refrain from the threat or use of force against “territorial integrity” and “political independence” but also “in any other manner inconsistent with the purposes of the Charter.” All States, by virtue of Article 2(6), whether or not they were Members of the United Nations, were protected by this guarantee inasmuch as Article 2(4) referred to the “territorial integrity” or to the political independence of “any state.” It should also be noted that, according to the wording of Article 2(4), the prohibition referred to “international relations”. “International relations” were, without doubt, those relations governed by international law, which, in the generally accepted view, meant that the Charter did not prohibit the threat or use of force in situation arising within the concept of domestic jurisdiction of States. But, even in these cases, a State might not use force or the threat of force in situations which, although they were internal, had international repercussions or affected interests or rights which it was the duty of the international community to protect. Likewise, a State violated the prohibition in the Charter when it used force or resorted to the threat of force to suppress genuine movements trying to secure liberation of oppressed peoples, in other words, when force was used to maintain a colonial régime. The use of force in situations of this kind had to be subject to the provisions of the Charter and had to take into account the aims of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

257 See para. 142 above.

150. The representative then enumerated several aspects
which had been the subject of study or commentary by the United Nations: (a) whether acts which were directed against the political independence of a State, but which did not involve the actual use of armed force, were prohibited by Article 2(4); (b) in what circumstances the use of force at the request of a Government was compatible with the territorial or political independence of the State making the request; (c) whether the use of force in furtherance of the purposes of the United Nations, but without the Organization's authorization, was exempt from that prohibition; (d) whether the use of force in support of the exercise of the right of self-determination by a people subject to a colonial régime was prohibited by Article 2(4). The examination of these questions would undoubtedly lead to a conclusion that the study on the definition of aggression must be pursued and that such a definition would be the basis for the precise determination of the circumstances in which a State failed to comply with its obligations under Article 2(4). The representative maintained further that it followed from the above that, under the Charter, the only exceptions to the negative obligations stated in Article 2(4) were those established in the Charter itself, namely the use of force under Chapter VII, which included the "inherent right of self-defence" and, with the exceptions pointed out earlier, its use in matters of a domestic nature. Arguments which sought to justify measures of self-protection that were distinct from those mentioned in Article 51 had to be rejected. In conclusion the representative reaffirmed the view that: (a) the Charter prohibited not only war but also any other act of force or hostility; (b) any use of force, other than that of collective measures, is prohibited by the Charter because the collective security established by the Charter is characterized by the centralized monopoly of the force of the Organization itself; (c) the Charter prohibited the use of force as a means of settling disputes or international problems; the contention that one war might be a way of preventing another, bigger war, was inadmissible; (d) a State might use force in its international relations only in the exercise of the right of self-defence or in participating in a collective military action decided upon by the United Nations. Unauthorized international police action was contrary to the fundamental principles of the Charter and was a unilateral measure of force alien to the United Nations. The maintenance of international peace and security was not the function of any country or particular group of countries; it was the exclusive responsibility of the international community.

151. In the course of the discussion it was maintained that the necessity for the General Assembly to consider the item before it was dictated not by the inadequacy of the definition of the duties of States with regard to the prohibition of the threat or use of force in international relations but by the fact that some Powers did not wish to abide by the principles of the Charter and resorted to force in order to interfere in the internal affairs of States and to suppress the struggle of peoples for freedom and independence. The principle of the prohibition of the threat or use of force in international relations which was unequivocally and categorically enshrined in the Charter and in contemporary international law was the cornerstone for the maintenance of normal relations among States. The General Assembly had stated its position especially in resolution 380 (V) "Peace through deeds") of 17 November 1950, in which it had solemnly reaffirmed that "whatever the weapons used, any aggression, whether committed openly, or by fermenting civil strife in the interest of a foreign Power, or otherwise, is the gravest of all crimes against peace and security throughout the world." There could be no more categorical condemnation of the use of force in all its forms, since it was therein defined as a crime against peace. The condemnation of the doctrine that might makes right found universal recognition in Article 2 (4) of the Charter. However, it was not realistic or accurate to restrict the definition of the term "force" to armed force alone; the term covered a considerably wide range of actions: from the recourse to military, political, economic and other pressures or their threats, the abuse of economic power and coercive devices to the use of armed forces in overt or disguised aggression which might take a number of forms, including bombarding or occupation of the territory of another State. Furthermore, into the category of "force" belonged its use, or threat, by terrorist organizations, compelling a nation to act contrary to its own will, or contrary to the will of the majority of its people, which constituted a clear-cut aggression, and also the dislocation and eviction of peoples from their homelands. The exception from the principle of prohibition of the threat or use of force was contained in the provisions of Article 51 which formally recognized the right of inherent individual or collective self-defence against armed attack: any State had the right to call on the United Nations, regional organizations or friendly Powers for help in resisting any attack directed against it.

152. One representative contended that, with the establishment of the United Nations, the power of coercion which had previously been entrusted to individual States had been transferred to it. The use of force, which had been considered as an essential attribute of statehood and which still was so preserved for domestic purposes, had been restricted or ruled out in international relations because of the creation of an organization which was to take over the task of collective security. The use of force had not been made legitimate except for purposes of self-defence according to Article 51. This exception proved the rule since the Article provided: "Measures taken by Members in the exercise of this right of self-defence shall be reported immediately to the Security Council." To make these principles of the prohibition of the threat or use of force in international relations and of the right of self-defence effective, the legal structure of the Organization set up by the Charter had been made up of the General Assembly, which would watch over the peace and the enunciation and observance of those principles, and of the Security Council, which had been given the primary responsibility of maintaining international peace and the powers laid down in Chapters VI and VII of the Charter, dealing with the peaceful settlement of disputes and coercive measures.

153. It was further contended that the prohibition of the threat or use of force should not apply to Territories still under foreign domination, for in such cases the basic principle of the right of peoples to self-determination must prevail. On the other hand, the right of colonial peoples to resort to the use of force against colonial domination and oppression, as the ultimate means of achieving their independence, had to be considered a legitimate right which could not be denied. The right to self-determination would be meaningless if the colonial Powers used violence to
keep their domination and if the colonial peoples were not entitled to defend themselves against their oppressors. Therefore, any form of resort to force against the exercise of the right to self-determination had to be considered as an infringement of international law. This had been so proclaimed by the Declaration on the Granting of Independence to Colonial Countries and Peoples. It had to be reaffirmed by the General Assembly that aggression and interventionist activities directed against peoples fighting against colonialism for self-determination and independence, as well as the use of force against States and peoples defending these rights, and the employment against them of repressive measures of a military, economic, political or other nature were unlawful and inconsistent with the provisions of the Charter. The General Assembly should take effective steps to prohibit the threat or use of force against the peoples in their struggles for self-determination. It was also observed that, just as the provisions of Article 2 (4) did not apply in the case of the exercise of the right to self-defence as provided for in Article 51, they also did not apply to the legitimate struggle of oppressed peoples and peoples which had become victims of foreign aggression: these had the right to take up arms in defence of freedom and independence of their countries.

b. Decision of 19 December 1966 in connexion with the item: "Status of the implementation of the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty"

(a) Précis of proceedings

154. By letter dated 23 September 1966 to the President of the General Assembly, the Minister for Foreign Affairs of the USSR requested the inclusion in the agenda of the twenty-first session of the General Assembly, as an important and urgent question, of the item entitled: "Status of the implementation of the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty." In the letter it was stated that the Government of the USSR considered that it was the duty of the United Nations and of its Members to make every effort to achieve implementation of one of the most important principles of the United Nations Charter, consolidated in the Declaration, the principle of non-intervention in the domestic affairs of other States.

155. A draft resolution was attached to the request, whereby the Assembly: deeply concerned at the evidence of unceasing armed intervention by certain States in the domestic affairs of other States in different parts of the world, resulting in increased international tension; reaffirming the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty, adopted at its twentieth session, would deem it to be its duty: (a) to urge the immediate cessation of intervention, in any form whatever, in the domestic affairs of States and peoples; (b) to call upon all States to carry out faithfully their obligations under the United Nations Charter and the provisions of the Declaration contained in resolution 2131 (XX); (c) to condemn all forms of intervention in the domestic affairs of States and peoples, as a basic source of danger to the cause of world peace; (d) to warn those States which, in violation of the Charter and the Declaration engaged in armed intervention in the domestic affairs of other States and peoples that by doing so they assumed responsibility for all the consequences which might ensue, including consequences to themselves.

156. At its 1415th plenary meeting on 24 September 1966, the General Assembly decided to include the item in its agenda and allocated it to the First Committee for consideration and report.

157. On 30 November 1966, Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela submitted amendments to the USSR draft resolution.

158. On 9 December, revised amendments were submitted by the same sponsors, subsequently joined by Burma, Cyprus, Guinea, India, Indonesia, Iraq, Kenya, Kuwait, Libya, Mali, Mauritania, Nigeria, Somalia, Syria, Tunisia, the United Arab Republic, the United Republic of Tanzania and Yugoslavia and by Burundi, the Congo (Democratic Republic of), Iran and Togo.

159. At the 1483rd meeting of the First Committee, on 12 December 1966, the revised amendments, as a whole, were adopted by 100 votes to none, with 2 abstentions.

160. At the same meeting the USSR draft resolution, as amended, was adopted by 99 votes to none, with 2 abstentions.

Decision

At the 1499th plenary meeting, on 19 December 1966, the draft resolution recommended by the First Committee was adopted by 114 votes to none, with 2 abstentions, as General Assembly resolution 2225 (XXI). The resolution read:

[For texts of relevant statements, see: G A (XXI), Plen., 1459th mtg., Czechoslovakia, paras. 15, 21, 23-26 and 28; 1461st mtg., Guinea, para. 30; USSR, paras. 47-49 and 68; 1463rd mtg., Bulgaria, paras. 73, 76, 93 and 94; Ecuador, paras. 2-23 and 26; Liberia, paras. 29 and 38; Ukrainian SSR, paras. 45, 64 and 68; 1468th mtg., Algeria, paras. 15, 18 and 20; Mongolia, paras. 33-35, 39 and 50; Pakistan, paras. 3, 6 and 8-10; Romania, paras. 70, 73 and 74; 1466th mtg., Hungary, para. 5; Laos, para. 49; Peru, paras. 81 and 84-86; Tunisia, paras. 65, 71 and 75-77; 1467th mtg., Congo (Democratic Republic of), paras. 26-31, Costa Rica, paras. 80-86 and 95; India, paras. 7-9; Syria, paras. 35 and 44; United States, paras. 56, 60, 61 and 65 and 67; 1468th mtg., Colombia, paras. 171 and 177; Italy, paras. 155, 156, 159-163, 165, 166 and 168; Nigeria, para. 150; 1469th mtg., Cyprus, para. 161; Czechoslovakia, paras. 190 and 191; Finland, paras. 99 and 101; France, paras. 131 and 133; Somalia, paras. 116 and 124-126; United Kingdom, paras. 143 and 152; 1482nd mtg., Algeria, paras. 22-25; Australia, paras. 89-95, Austria, paras. 5 and 7-13; Bulgaria, para. 157; Canada, paras. 43 and 46; Costa Rica, para. 33; Iran, paras. 53 and 59; Lebanon, para. 221; Nepal, paras. 108 and 109; New Zealand, para. 133; Portugal, paras. 203 and 205; United States, paras. 74-77 and 79.]

259 G A (XXI), Annexes, a i. 96, pp. 1 and 2. A/6397.

The General Assembly, 

Deeply concerned at the evidence of unceasing armed intervention by certain States in the domestic affairs of other States in different parts of the world and at other forms of direct or indirect interference committed against the sovereign personality and political independence of States, resulting in increased international tension, 

Reaffirming all the principles and rules embodied in the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty, contained in its resolution 2131 (XX) of 21 December 1965, 

Deems it to be its bounden duty:

(a) To urge the immediate cessation of intervention, in any form whatever, in the domestic or external affairs of States;

(b) To condemn all forms of intervention in the domestic or external affairs of States as a basic source of danger to the cause of world peace;

(c) To call upon all States to carry out faithfully their obligations under the Charter of the United Nations and the provisions of the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty and to urge them to refrain from armed intervention or the promotion or organization of subversion, terrorism or other indirect forms of intervention for the purpose of changing by violence the existing system in another State or interfering in civil strife in another State."

(b) Précis of constitutional discussion

161. In the course of the discussion in the First Committee, it was maintained that the traditional idea that only the threat or use of armed force constituted intervention was too restrictive for the present time. It overlooked other types of interference practices of some Governments in recent decades: economic pressure; diplomatic proposals accompanied by political threats; subversive activities and incitement to rebellion; allowing traffic in weapons and military equipment in order to assist a rebel band in another State; supplying government-made or government-owned weapons for the same purpose; and allowing persons under the jurisdiction of the intervening State to take part in the preparation, organization and execution of a military enterprise designed to initiate, promote or assist rebellion and sedition within another State. The basic criterion for determining whether there was an intervention in a particular case was whether there was any open or disguised coercion to make a State do something contrary to its desires or interests or to prevent it from doing something which it could legitimately do otherwise. It was also observed that the Council of the Organization of American States, in its resolution of 22 February 1966, had declared that a State was responsible not only for the open use of force against another State but also for giving support to any form of indirect aggression, such as the promotion of civil strife in another State or the organizing, equipping and financing of armed bands with offensive intentions against another State.

162. It was further contended that the terms "intervention" and "aggression" were widely used to support charges and counter charges in disputes and conflicts among States. Although no general agreement had been reached on the definition of the two concepts in international law, it was neither true nor logical to say that the international community had no legal standard for making a distinction between the aggressors and their victims, or between those who intervened in the internal affairs of another State and those who were the objects of such unlawful intervention. There could be no doubt, for example, that an attack by armed force, or armed attacks by "unofficial" agents, including irregular forces, armed bands and volunteers should fall within the purview of the term "aggression", except for operations carried out by virtue of the Charter or undertaken under the authority of the competent organs of the United Nations. Thus, the aim of subversion and infiltration was not essentially different from the aim of aggression: namely, the overthrow of a lawful and established Government in order to set the stage for some form of external authority, direct or otherwise. There was still resort to violence but the form that violence took changed considerably. Since the Second World War there had been only a few instances of direct, overt, undisguised military invasion across international frontiers or demarcation lines. What was more frequent was disguised attacks in which invaders worked with dissidents, stirring up dissension, distributing weapons, creating false political front and masterminding a strategy of terrorism and guerrilla warfare. That sort of intervention had been condemned by the General Assembly in its resolution 290 (IV) ("Essentials of peace") and resolution 2131 (XX).

163. It was also observed that the principle of non-intervention in the domestic affairs of States obviously included first of all the prohibition of the threat or use of force to settle conflicts and disputes arising between sovereign States. Also prohibited was the use of any means of duress against another State with the objective of forcing it to accept any form of political or economic subjugation.

164. One representative stated that the USSR draft resolution submitted at the twentieth session of the General Assembly spoke of deep concern "at the evidence of increasing armed intervention by certain States in the domestic affairs of other States". Many States, however, were concerned not only about armed intervention but about other forms of interference in the domestic or external affairs of States in violation of the legitimate right of every State to establish its own personality. Another representative pointed out that the original USSR draft resolution before the Committee concentrated on "armed intervention" and no mention was made of certain other forms of intervention, such as subversion. The original draft of the Declaration before the twentieth session had however been amended and its paragraph 2, for instance, contained a solemn condemnation of the use of economic, political and other types of coercion and of subversive, terrorist or armed activities directed towards the violent overthrow of the régime of another State. All those provisions contained in the Declaration adopted at the twentieth session had been ignored in the current USSR draft resolution. Some of the amendments dealt with forms of intervention


See para. 157-159 above
which were of immediate and practical concern. If adopted, they would improve the USSR draft resolution considerably.\textsuperscript{270}

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

165. In connexion with the consideration by the Security Council of the complaints by Zambia,\textsuperscript{271} Senegal,\textsuperscript{272} and Guinea\textsuperscript{273} against Portugal, it was contended that assistance rendered to national liberation movements in territories under colonial rule could not be considered a violation of Article 2(4) but was fully consistent with the purposes, principles and obligations set forth in the Charter and the relevant Assembly resolutions in which all States were enjoined to afford moral and material assistance to the peoples of the territories under Portuguese rule in their struggle to attain self-determination and independence.\textsuperscript{274} Peoples in Non-Self-Governing territories, prevented by force from achieving their right to self-determination, were entitled to use all means necessary, including the use of force, to obtain their independence, and to seek and receive the necessary support from all States in their struggle in accordance with the purposes and principles of the Charter.

166. In opposition to this view, it was maintained that violence organized in, and aided and abetted by, third countries and launched across frontiers in order to force another State to change its internal policies was contrary to the provisions of Article 2(4) and inconsistent with the purposes of the United Nations: nowhere in the Charter was violence condoned, either directly or by implication, as a political instrument and no resolution of the General Assembly, nor even of the Security Council,\textsuperscript{275} could legitimize it as such.

\textsuperscript{270} For texts of relevant statements, see: G A (XXI), 1st Com., 1474th mtg., Honduras, paras. 2, 3 and 15; 1475th mtg., Argentina, paras. 2-5; Hungary, para. 32; United Kingdom, paras. 19, 20 and 22; 1476th mtg., Colombia, para. 5; 1477th mtg., Chile, para. 24; France, para. 10; Nepal, para. 39; Thailand, para. 2; 1478th mtg., Congo (Democratic Republic of), para. 18; Dominican Republic, para. 25; Guinea, para. 11; 1479th mtg., United States, paras. 36, 40 and 41; 1480th mtg., Burma, para. 40; Cyprus, para. 13; Malawi, para. 49, Belgium, para. 21; 1481st mtg., Kuwait, para. 55; USSR, para. 64.

\textsuperscript{271} See paras. 109-117 above.

\textsuperscript{272} See paras. 118-127 above.

\textsuperscript{273} See paras. 128-136 above.

\textsuperscript{274} See footnote 240 above.

\textsuperscript{275} During the consideration by the Security Council of the question concerning the situation in Southern Rhodesia at its 1475th to 1481st meetings held between 13 June and 24 June 1969, a draft resolution (S C, 24th yr., Suppl. for Apr.-June, p. 338, S/9720/Rev 1) was submitted under the second paragraph of which the Security Council would urge the United Kingdom, as the administering Power, "to take urgently all necessary measures, including the use of force, to bring an end to the rebellion in Southern Rhodesia and enable the people of Zimbabwe (Southern Rhodesia) to exercise their right to self-determination and independence in accordance with General Assembly resolution 1514 (XV)". The eventual "use of force" by the United Kingdom under the terms of that paragraph would constitute a lawful measure which implicitly would be deemed as consistent with the purposes of the United Nations. At the 1481st meeting on 24 June 1969, the draft resolution was put to the vote and not adopted, having failed to obtain the required majority: there were 8 votes in favour, none against and 7 abstentions. (S C, 24th yr., 1481st mtg., para. 78). Previously, a draft resolution had been adopted by the Security Council as its resolution 221 (1966) on the same question, in which the United Kingdom had been empowered to use force, if necessary, in the specific circumstances stated in that resolution. (See: Repertory, Supplement No. 3, under Article 42, paras. 32-38). For consideration of the question concerning the situation in Southern Rhodesia, see in this Supplement under Article 39, paras. 5 and 6; Article 41, paras. 16-27; Article 42, paras. 2 and 3

167. In connexion with the consideration by the General Assembly of the item concerning strict observance of the prohibition of the threat or use of force in international relations, and of the right of peoples to self-determination,\textsuperscript{276} an amendment\textsuperscript{277} was submitted to one\textsuperscript{278} of the draft resolutions before the Assembly for the purpose\textsuperscript{279} of making the meaning of the phrase "manner inconsistent with the purposes of the United Nations", used in the first paragraph of the first part of that draft resolution, clearer. In its amended form, that paragraph would have read as follows: "All States are in duty bound strictly to observe, in their international relations, the prohibition of 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. Accordingly, armed attack by one State against another, the use of threat or coercion in any form, including military, political or economic pressure, in order to interfere with the exercise by a State of legitimate rights inherent in its sovereignty, are contrary to the Charter of the United Nations and constitute a gross violation of international law giving rise to international responsibility."

168. Neither the amendment nor the draft resolution was voted upon in the General Assembly. The resolution\textsuperscript{280} which the General Assembly adopted and which had been arrived at on the basis of consultations among the sponsors of the various draft resolutions, did not elaborate on the meaning of the phrase "in any other manner inconsistent with the purposes of the United Nations."

\subsection*{C. The question of the bearing of the injunction in Article 2 (4) on the right of self-defence}

169. During the period under review, neither the Security Council nor the General Assembly engaged in extensive constitutional discussion regarding the relation of Article 2 (4) to Article 51. However, statements which may be considered as having a bearing on this question,\textsuperscript{281} as well as incidental references thereto,\textsuperscript{282} were made in both
the Security Council and the General Assembly in connexion with various items.

170. In the Security Council, such statements were made in connexion with: the Palestine question; the situation in the Middle East; the question concerning Czechoslovakia; the complaint by Zambia; the complaint by Senegal; and the complaint by Guinea.

171. In the first instance, it was maintained that a limited local action carried out by a mobile task force of one State against the border villages of another State, which had allegedly served as bases of operation for acts of terrorism directed against the former State, constituted defensive action intended to serve as a warning and deterrent not only to the inhabitants of those villages and the perpetrators of terrorism, but also to the Government concerned, whose duty and responsibility it was to prevent its territory from being used by individuals and organizations as a base for acts of violence against a neighbouring State. It was contended, on the one hand, that the exercise of the right of self-defence, under Article 51 of the Charter, could not be regarded as suspended in situations of indirect aggression and undeclared guerrilla wars. It was noted, on the other, that there was a difference between a mere act of reprisal, which was an unlawful, illegal act under the norms of general international law and also under the Charter, and the exercise of the right of legitimate self-defence as provided for in Article 51 of the Charter.

172. In the second instance, the inherent right of individual and collective self-defence under the provisions of Article 51 was invoked to support the following claims:

- In connexion with the item referring to the inherent right of self-defence, under Article 51 of the Charter, could not be regarded as suspended in situations of indirect aggression and undeclared guerrilla wars.
- It was contended that completion of a mutual defence pact between two countries, and its application, against the use and the threat of use of force by another State in accordance with Article 51 of the Charter;
- That the sinking of the destroyer of one State by the naval forces of another State in the latter's territorial waters, in view of the destroyer's previous record of aggression in the same area, was a legitimate measure of self-defence;
- That the right of self-defence could not be exercised by a State while occupying another State's territory;
- That the exercise of its sovereign rights, a coastal State could initiate certain defensive measures and impose restrictions on navigation within the limits of what it claimed to be its territorial waters in a given strait used for international navigation, with respect to shipping of a State with which it was in a state of war; that interference, by armed force, with ships of a given State exercising free and innocent passage in international waterways would be regarded by that State as an attack entitling it to exercise its inherent right of self-defence and take all such measures as are necessary to ensure free and innocent passage of its ships; that the use of force to break a so-called naval blockade could not be considered an exercise of the legitimate use of the right of self-defence which the Charter permitted only in cases of armed attack and only until such time as the necessary measures were taken by the Security Council to maintain or restore international peace and security; that a State had the right to respond defensively by all means at its disposal to the premeditated military action on land and in the air initiated by one or more States; that each country had the right to oppose aggression, individually or collectively, as long as adequate measures had not been taken by the Security Council for the cessation of that aggression; that States' victims of aggression had the right to take defensive measures against an occupying State as long as the latter refused to end its military activities and to withdraw its forces from conquered areas; that Article 51 of the Charter would have little meaning if, in instances of outbreak of hostilities, the Security Council did not link its call for a cease-fire with withdrawal of the respective armed forces to their positions prior to the outbreak of hostilities, particularly in such circumstances as invasion and occupation by one State of the territory of other States in order to establish a new status quo more favourable to its claims; that the right of self-defence could not be exercised by a State while occupying another State's territory.

283 In connexion with the item entitled "Elimination of foreign military bases in the countries of Asia, Africa and Latin America" see: G A (XXI), First Com., 1465th mtg.: United States, para. 39. In connexion with the item entitled "Status of the Implementation of the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty" see: G A (XXI), First Com., 1473rd mtg.: Brazil, para. 51; 1480th mtg.: Thailand, para. 60; Venezuela, para. 37. In connexion with the comprehensive review of the whole question of peace-keeping operations in all their aspects, see: G A (XXII), Spec. Pol. Com., 573rd mtg.: France, para. 25. In connexion with the question of South-West Africa, see: G A (XXII), Plen., 1650th mtg.: Trinidad and Tobago, para. 51. In connexion with the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East see: G A (XXIII), Spec. Pol. Com., 631st mtg.: Iraq, paras. 6-20; G A (XXIV), Spec. Pol. Com., 669th mtg.: Jordan, paras. 1-9; 676th mtg.: Israel, para. 27; USSR, paras. 11-18. In connexion with the item entitled: "Strengthening of international security" see: G A (XXV), 1st Com., 1653rd mtg.: Brazil, paras. 11 and 12; 1656th mtg.: USSR, para. 23; United Kingdom, paras. 60-76; 1658th mtg.: Nepal, para. 75; Peru, para. 92; 1659th mtg.: Romania, paras. 129-138; 1666th mtg.: Argentina, paras. 11, 20 and 21; Venezuela, paras. 44-60.

284 For texts of relevant statements, see: S C, 21st yr., 1320th mtg.: Israel, para. 65; 1322nd mtg.: Argentina, para. 5; 1323rd mtg.: Israel, paras. 34-36, 1324th mtg.: Israel, para. 92; Uruguay, para. 79. See also paras. 53-59 above for the proceedings on this question.

285 See paras. 60-100 above for the proceedings on the situation in the Middle East.
other State, in view of authoritative information that a new wave of terrorist raids was about to take place against its territory and population, constituted an act of self-defence; that the resistance of the population of territories under occupation against the occupying Power constituted lawful self-defence in conformity with the Charter; that a State from whose territory armed organizations carried out acts of terrorism, sabotage and violence against another State was responsible for those aggressive activities and that the latter State was entitled to take all necessary measures in the exercise of its right to self-defence; that the right to self-defence could be invoked in those instances when the victim of aggression, in order to defend itself, responded immediately and on the same location as the aggressor to the given attack with proportionate means in keeping with those that were used by the aggressor; that a State was responsible for the security of its population and the population of territories under its control, which responsibility had to be discharged in accordance with the State's rights and duties, including the right to self-defence; that the right of self-defence applied to attacks by irregular military forces and terror warfare organizations, as well as those by regular military forces; that reprisals, as a means of self-defence against illegal action taken by another State, would be admissible only if they were conducted within a very limited scope and were not undertaken with the use of military or armed force; that preventive wars and reprisals could not be placed within the framework of the concept of self-defence.

173. In the third instance, against claims that armed intervention by foreign troops in an allied State, without the invitation and/or authorization of that State's Government or any other constitutional organ, constituted a violation of the prohibition of the threat or use of force in Article 2 (4), Article 51, with its reference to the inherent right of collective self-defence, was invoked to support military action undertaken by a number of socialist States parties to a treaty of alliance, upon the territory of another allied socialist State, in view of an alleged threat to the collective security of all socialist States.

174. In the fourth, fifth and sixth instances, views were expressed with regard to the circumstances under which the right of self-defence could be exercised, as well as those under which that right could not be claimed, subject to such limitations as were contained in the Charter. It was maintained, on the one hand, that Governments had the responsibility and the obligation not to permit their territories to be used as a springboard for hostile actions against the territory of a neighbouring State and that failure to do so obliged the State object of such violence to exercise its inherent right of self-defence.

175. It was contended, on the other hand, that in so far as the population of territories under foreign rule, colonial or otherwise, had every right to self-defence and/or resistance against the intruding State, repression of movements of resistance and/or national liberation could not be classified among acts of legitimate self-defence. Accordingly assistance rendered to such movements should not expose the country that accorded it to reprisals in the assertion of the so-called right of pursuit under the pretext of self-defence.

176. In the General Assembly, statements of the same nature were made in connexion with: the item regarding strict observance of the prohibition of the threat or use of force in international relations, and of the right of peoples to self-determination; the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East; and the item regarding the strengthening of international security.

177. In all these instances, it was maintained that peoples under colonial or alien rule, prevented by force from achieving their right to self-determination, were entitled to resort to any means necessary, including the use of force, in the exercise of their right to self-defence. It was maintained further that these peoples were entitled to demand and obtain aid and support in their legitimate struggle for repatriation and/or liberation against forces of aggression and/or colonialism. In this connexion, it was noted that resort to the threat or use of force in order to suppress resistance or liberation movements could not be considered an exercise of the right of self-defence.

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295 See, in connexion with the complaint by Zambia: S C, 24th yr., 1486th mtg.: Portugal, paras. 68-72. In connexion with the complaint by Senegal, S C, 24th yr., 1516th mtg.: Portugal, paras. 126 and 133; 1520th mtg.: Portugal, paras. 12 and 14. In connexion with the complaint by Guinea, S C, 24th yr., 1524th mtg.: Portugal, paras. 73 and 81. For the statement of the same position made in connexion with the Palestine question and the situation in the Middle East, see respectively paras. 171 and 172 and footnotes 283, 293 and 300 above.

296 See, in connexion with the complaint by Zambia, S C, 24th yr., 1488th mtg.: Pakistan, paras. 76-78. In connexion with the complaint by Senegal, S C, 24th yr., 1517th mtg.: Sierra Leone, para. 27; 1518th mtg.: Madagascar, para. 18; USSR, paras. 105 and 106; United Arab Republic, paras. 54-57. In connexion with the complaint by Guinea, S C, 24th yr., 1525th mtg.: Hungary, para. 22 and 25; USSR, paras. 83-86. For similar statements of position, see, in connexion with the situation in the Middle East, footnote 296 above.

297 See, in connexion with the item regarding strict observance of the prohibition of the threat or use of force in international relations, and of the right of peoples to self-determination: G A (XXI), Plen., 1459th mtg.: Czechoslovakia, para. 18; 1463rd mtg.: Bulgaria, para. 93; Ecuador, para. 19; 1465th mtg.: Algeria, para. 20; Mongolia, para. 35; Pakistan, paras. 3, 6 and 8; Romania, paras. 73 and 74; 1496th mtg.: Czechoslovakia, para. 191. In connexion with the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, G A (XXI), Spec. Pol. Com., 510th mtg.: Jordan, para. 7; G A (XXII), Spec. Pol. Com. 631st mtg.: Jordan. In connexion with the item entitled "Strengthening of international security": G A (XXIV), 1st Com., 1653rd mtg.: Poland, paras. 45, 48 and 63-65.