# Article 1(2)

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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 general structure of the present study under Article 1(2) follows that of Supplement No. 6. As in previous Supplements, the study covers only the deliberations of the General Assembly and the Security Council in dealing with the general question of the implementation of Article 1(2) and the bearing of the Article on specific political questions during the period under review. 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 to self-determination, as formulated by the General Assembly in its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, is dealt with under Article 73 of the Charter.

3. The general survey reviews decisions of the General Assembly and the Security Council that contain explicit and implicit references to Article 1(2). It also deals with the instances in which Article 1(2) was invoked explicitly during discussions in the General Assembly and the Security Council.

4. The analytical summary of practice outlines decisions and deliberations of the General Assembly and the Security Council in which constitutional discussions were relevant to the application and interpretation of Article 1(2). The constitutional discussions are dealt with under the following headings retained from previous Supplements: “B. The question of the appropriate means of implementing the principle of equal rights and self-determination of peoples”; and “C. The question of the scope of the application of the principle of equal rights and self-determination of peoples”.

5. No material was found for treatment under the other headings of the analytical summary of practice included in Supplement No. 6.

6. Unlike in Supplement No. 6, the present study under Article 1(2) does not include an annex containing relevant paragraphs of pertinent resolutions. Instead, those resolutions of the General Assembly and the Security Council that are directly relevant to or could be considered as having a bearing on Article 1(2) are referred to in the main text of the study.
I. General survey

1. In the General Assembly

7. During the period under review, none of the resolutions of the General Assembly contained an explicit reference to Article 1(2) of the Charter.

8. The adoption by the General Assembly of resolutions on three agenda items, namely, the question of the Comorian island of Mayotte, the situation in Kampuchea and the question of the Falkland Islands (Malvinas) was preceded by some constitutional discussion on the principle of self-determination. These items are discussed in more detail in the analytical summary of practice (see paras. 14 to 26 below).

9. No constitutional discussion concerning Article 1(2) occurred in the adoption by the General Assembly of the following resolutions that implicitly referred to the Article:

   (a) Resolutions adopted without reference to a Main Committee: cooperation between the United Nations and the Organization of the Islamic Conference; \(^1\) cooperation between the United Nations and the League of Arab States; \(^2\) situation in the Middle East; \(^3\) need for a result-oriented political dialogue to improve the international situation; \(^4\) situation in Central America; \(^5\) question of Namibia; \(^6\) and International Year of Peace; \(^7\)

   (b) Resolutions adopted on the reports of the First Committee: general and complete disarmament; \(^8\) strengthening of security and cooperation in the Mediterranean region; \(^9\) review of the implementation of the Declaration on the Strengthening of International Security; \(^10\) establishment of a comprehensive system of international peace and security; \(^11\) and comprehensive approach to strengthening international peace and security in accordance with the Charter of the United Nations; \(^12\)

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1. GA resolutions 40/4 (para. 4); 41/3 (para. 4); 42/4 (para. 3); and 43/2 (para. 4).
2. GA resolutions 40/5 (preamb. and para. 5); 41/4 (preamb. and para. 4); 42/5 (preamb. and para. 4); and 43/3 (preamb. and para. 4).
3. GA resolutions 40/168 A (para. 3); 41/162 A (para. 3); 42/209 B (para. 3); and 43/54 A (para. 3).
4. GA resolution 43/86 (para. 3).
5. GA resolutions 41/37 (preamb.); 42/1 (preamb.); and 43/24 (preamb.).
6. GA resolutions 40/97 A (preamb. and paras. 5, 7, 8, 21 and 36); 40/97 B (preamb. and paras. 1, 2 and 9); 40/97 C (preamb. and para. 13); 41/39 A (preamb. and paras. 5, 7, 8, 22 and 37); 41/39 B (preamb. and paras. 1, 2 and 8); 41/39 C (preamb.); 42/14 A (preamb. and paras. 4, 6, 8, 18, 26 and 35); 42/14 B (preamb. and paras. 1, 2, 10 and 18); 42/14 C (preamb.); 43/26 A (paras. 2, 4, 6, 14 and 27); 43/26 B (preamb.); and 43/26 D (preamb.).
7. GA resolutions 40/3 (preamb.); and 41/9 (preamb.).
8. GA resolutions 40/94 A (para. 1); and 41/59 M (preamb.).
9. GA resolutions 40/157 (para. 1 (c)); 41/89 (para. 1 (c)); 42/90 (para. 1 (c)); and 43/84 (para. 1 (c)).
10. GA resolutions 40/158 (preamb. and para. 13); 41/90 (preamb. and para. 12); and 42/92 (para. 12).
11. GA resolutions 41/92 (para. 2); and 42/93 (para. 5).
12. GA resolution 43/89 (preamb.).
(c) Resolutions adopted on the reports of the Special Political Committee: questions relating to information;\(^{13}\) policies of apartheid of the Government of South Africa;\(^{14}\) and the question of Palestine;\(^{15}\)

(d) Resolutions adopted on the reports of the Third Committee: international youth year;\(^{16}\) policies and programmes involving young people;\(^{17}\) universal realization of the right of peoples to self-determination;\(^{18}\) importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights;\(^{19}\) status of the International Convention on the Suppression and Punishment of the Crime of Apartheid;\(^{20}\) measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror;\(^{21}\) report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories;\(^{22}\) the impact of property on the enjoyment of human rights and fundamental freedoms;\(^{23}\) strengthening the role of the United Nations in the field of international economic, scientific-technological and social cooperation;\(^{24}\) human rights and use of scientific and technological developments;\(^{25}\) Declaration on the Right to Development;\(^{26}\) strengthening of international cooperation in the field of human rights;\(^{27}\) situation of human rights in Afghanistan;\(^{28}\) and use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination;\(^{29}\)

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\(^{13}\) GA resolutions 40/164 (para. 5) and annex (para. 34); 41/68 A (para. 32); 42/162 A (para. 33); and 43/60 A (para. 2 (b)).

\(^{14}\) GA resolutions 40/64 B (preamb. and para. 12); 41/35 A (preamb. and para. 2); 41/35 B (preamb.); and 42/23 A (para. 1).

\(^{15}\) GA resolutions 40/96 C (preamb.); 41/43 C (preamb.); 42/66 C (preamb.); 43/75 C (preamb.); and 43/176 (para. 2).

\(^{16}\) GA resolution 40/14 (preamb.).

\(^{17}\) GA resolution 41/97 (preamb.).

\(^{18}\) GA resolutions 40/24 (preamb. and paras. 1, 2, 5 and 6); 41/100 (preamb. and paras. 1, 2, 5 and 6); 42/94 (preamb. and paras. 1, 2, 5 and 6); and 43/105 (preamb. and paras. 1, 2, 5 and 6).

\(^{19}\) GA resolutions 40/25 (preamb. and paras. 1, 3, 4, 22, 27, 33, 35 and 36); 41/101 (preamb. and paras. 1, 3, 4, 22, 27, 33, 35 and 36); 42/95 (preamb. and paras. 1, 3, 4, 26, 31, 35, 36, 37, 39 and 40); and 43/106 (preamb. and paras. 1, 3, 4, 23, 35, 40, 42, 44 and 45).

\(^{20}\) GA resolutions 40/27 (preamb.); 41/103 (preamb.); 42/56 (preamb.); and 43/97 (preamb.).

\(^{21}\) GA resolutions 40/148 (preamb.); 41/160 (preamb.); and 43/150 (para. 5).

\(^{22}\) GA resolutions 40/161 A (para. 1); 41/63 A (para. 1); 42/160 A (para. 1); and 43/58 C (para. 2).

\(^{23}\) GA resolutions 42/115 (preamb.); and 43/124 (preamb.).

\(^{24}\) GA resolution 40/178 (preamb.).

\(^{25}\) GA resolutions 40/111 (preamb. and para. 2); 41/113 (para. 2); and 42/99 (para. 2).

\(^{26}\) GA resolution 41/128, annex (preamb. and article 1, para. 2, and article 5).

\(^{27}\) GA resolution 41/155 (preamb.).

\(^{28}\) GA resolution 43/139 (preamb.).

\(^{29}\) GA resolutions 41/102 (preamb. and para. 1); 42/96 (preamb. and para. 1); and 43/107 (preamb. and para. 1).
(e) **Resolutions adopted on the reports of the Fourth Committee:** question of American Samoa;\(^{30}\) question of Guam;\(^{51}\) question of Bermuda;\(^{32}\) question of the British Virgin Islands;\(^{33}\) question of the Cayman Islands;\(^{34}\) question of Montserrat;\(^{35}\) question of the Turks and Caicos Islands;\(^{56}\) question of Anguilla;\(^{37}\) question of the United States Virgin Islands;\(^{38}\) 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 Namibia and in all other Territories under colonial domination and efforts to eliminate colonialism, apartheid and racial discrimination in southern Africa;\(^{39}\) implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples;\(^{40}\) 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;\(^{41}\) dissemination of information on decolonization;\(^{“}\) question of Tokelau;\(^{43}\) adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime of South Africa;\(^{44}\) question of Western Sahara;\(^{45}\) and question of New Caledonia.\(^{46}\)

(f) **Resolutions adopted on the reports of the Sixth Committee:** measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms and study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes;\(^{47}\) drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries;\(^{48}\) and Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field.\(^{49}\)

10. In the deliberations of the General Assembly and its Main Committees, Article 1(2), or Article 1 including the language used in paragraph 2, was often invoked without constitutional discussion. The references were made in the general debate in

\(^{30}\) GA resolutions 40/41 (preamb.); 41/23 (preamb.); 42/88 (preamb.); and 43/43 (para. 2).
\(^{31}\) GA resolutions 40/42 (para. 2); 41/25 (para. 2); 42/87 (para. 2); and 43/42 (para. 2).
\(^{32}\) GA resolutions 40/43 (para. 2); 41/18 (para. 2); 42/86 (para. 2); and 43/39 (para. 2).
\(^{33}\) GA resolutions 40/44 (para. 2); 41/19 (para. 2); 42/82 (para. 2); and 43/41 (para. 2).
\(^{34}\) GA resolutions 40/45 (para. 2); 41/20 (para. 2); 42/85 (para. 2); and 43/37 (para. 2).
\(^{35}\) GA resolutions 40/46 (para. 2); 41/21 (para. 2); 42/81 (para. 2); and 43/38 (para. 2).
\(^{36}\) GA resolutions 40/47 (para. 2); 41/22 (para. 2); 42/83 (para. 2); and 43/40 (para. 2).
\(^{37}\) GA resolutions 40/48 (para. 2); 41/17 (para. 2); 42/80 (para. 2); and 43/36 (para. 2).
\(^{38}\) GA resolutions 40/49 (para. 2); 41/24 (para. 2); 42/89 (para. 2); and 43/44 (para. 2).
\(^{39}\) GA resolutions 40/52 (para. 1); 41/14 (para. 1); 42/74 (para. 1); and 43/29 (para. 1).
\(^{40}\) GA resolutions 40/57 (para. 1); 41/41 B (para. 1); 42/71 (para. 1); and 43/45 (para. 1).
\(^{41}\) GA resolutions 40/53 (para. 3); 41/15 (para. 3); 42/75 (para. 3); and 43/30 (para. 3).
\(^{42}\) GA resolutions 40/58 (para. 2); 41/42 (para. 2); 42/72 (para. 2); and 43/46 (para. 2).
\(^{43}\) GA resolutions 41/26 (para. 3); 42/84 (para. 2); and 43/35 (para. 2).
\(^{44}\) GA resolution 41/95 (para. 1).
\(^{45}\) GA resolutions 40/50 (para. 1); 41/16 (para. 1); 42/78 (para. 2); and 43/33 (para. 2).
\(^{46}\) GA resolutions 42/79 (para. 2); and 43/34 (para. 3).
\(^{47}\) GA resolutions 40/61 (preamb.) and 42/159 (preamb.).
\(^{48}\) GA resolutions 40/74 (preamb.); 41/80 (preamb.); 42/155 (preamb.); and 43/168 (preamb.).
\(^{49}\) GA resolution 43/51, annex (preamb.).
connection with: the situation in Kampuchea;\textsuperscript{50} the question of Palestine;\textsuperscript{51} the situation in the Middle East;\textsuperscript{52} implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples;\textsuperscript{53} the question of Namibia;\textsuperscript{54} the policies of apartheid of the Government of South Africa;\textsuperscript{55} and the importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights.\textsuperscript{56}

2. In the Security Council

11. During the period under review, none of the resolutions adopted by the Security Council contained an explicit reference to Article 1(2) of the Charter.

12. The Security Council, however, adopted resolutions on the following cases, which invoked explicitly the principle of self-determination but were not preceded or followed by constitutional discussion: complaint by Angola against South Africa;\textsuperscript{57} the situation in southern Africa;\textsuperscript{58} and the situation concerning Western Sahara.\textsuperscript{59}

13. The Security Council also considered some draft resolutions invoking the principle of self-determination that failed to be adopted.\textsuperscript{60}

II. Analytical summary of practice

**A. The question of the effect of the reference in Article 1(2) to respect for the principle of equal rights and self-determination of peoples

\textsuperscript{50} A/40/PV.61, pp. 6 and 33; A/40/PV.63, pp. 51-55; A/40/PV.69, p. 22; A/41/PV.42, pp. 47 and 71-72; A/42/PV.39, pp. 87 and 94-96; and A/43/PV.44, p. 51.
\textsuperscript{51} A/40/PV.98, pp. 53 and 69-70; A/42/PV.86, p. 41; A/42/PV.87, p. 78; and A/42/PV.88, p. 22.
\textsuperscript{52} A/40/PV.118, pp. 52-70; A/41/PV.97, pp. 121-158; A/42/PV.97, pp. 17-60; and A/43/PV.71, pp. 2-51.
\textsuperscript{53} A/40/PV.96, p. 68; A/40/PV.97, pp. 31-32; and A/42/PV.91, pp. 6, 8-12 and 68-69.
\textsuperscript{54} A/40/PV.115, pp. 2-83; A/41/PV.79, pp. 1-79; A/42/PV.59, pp. 2-59; and A/43/PV.54, pp. 42-86.
\textsuperscript{55} A/40/PV.111, pp. 28-95; A/41/PV.64, pp. 1-64; A/42/PV.77, pp. 1-77; and A/43/PV.68, pp. 2-68.
\textsuperscript{56} A/40/PV.96, pp. 34-77; A/41/PV.97, pp. 18-21; A/42/PV.93, pp. 18-26; and A/43/PV.75, pp. 108-116.
\textsuperscript{57} SC resolution 577 (1985) (para. 5), regarding complaint by Angola against South Africa; report of the Security Council Commission of Investigation established under resolution 571 (1985) (S/17648).
\textsuperscript{58} SC resolution 581 (1986) (para. 7), relating to the situation in South Africa: letter dated 29 January 1986 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council (S/17770).
\textsuperscript{59} SC resolution 621 (1988) (para. 2).
\textsuperscript{60} Draft resolution presented by the Congo, Ghana, Madagascar, Trinidad and Tobago and the United Arab Emirates (S/18250) concerning the ruling of the International Court of Justice in the case on military and paramilitary activities in and against Nicaragua; and draft resolution presented by Argentina, the Congo, Ghana, the United Arab Emirates and Zambia (S/18785), concerning the situation in Namibia.
B. The question of the appropriate means of implementing the principle of equal rights and self-determination of peoples

Question of the Comorian island of Mayotte

(i) Precis of proceedings

14. The question of the Comorian island of Mayotte was the subject of further deliberations by the General Assembly during the period under review. The Assembly adopted four resolutions on the case. The relevant identical paragraph of the resolutions reads as follows:

“The General Assembly,

“…

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

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

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

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

(ii) Precis of relevant constitutional discussion

15. In the course of the deliberations of the General Assembly, Comoros repeated its position concerning the Comorian island of Mayotte, that the referendum on self-determination, held on 22 December 1974, remained the only valid consultation applicable to the entire archipelago, in which 95 per cent of Comorians had favoured independence for their entire country. It emphasized that the French Law of 23 November 1974 had provided for the counting and announcing of the result of ballots of the entire Comorian population and not on an island-by-island basis.

16. Comoros also reiterated its objection to the position of the French Government that the population of Mayotte had opposed independence, and to separate referendums held by France in Mayotte on 8 February and 11 April 1976. It continued to argue that actions of the French Government were in contravention of the sacrosanct rule of the indivisibility of overseas territories and colonial entities.

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62 GA resolutions 40/62, 41/30, 42/17 and 43/14.
63 A/40/PV.109, p. 7; A/41/PV.53, p. 42; and A/42/PV.64, pp. 18-20.
64 A/41/PV.53, p. 7; and A/42/PV.64, p. 18-20.
65 A/40/PV.109, pp. 9-10; A/41/PV.53, p. 11; and A/42/PV.64, p. 22.
66 A/43/PV.37, p. 17.
17. At each session of the General Assembly in the period under review, France raised its objection to the inclusion of the question of the Comorian island of Mayotte as an item in the agenda on the grounds that it was a territory under French sovereignty. However, at the fortieth session of the Assembly, it stated that the population of Mayotte would be consulted with a view to ascertaining whether it wished Mayotte to remain a part of the French Republic or to be separated from it. At the subsequent session of the Assembly, France announced that in the current situation, the French Government had no intention of organizing a referendum.

C. The question of the scope of the application of the principle of equal rights and self-determination of peoples

1. The situation in Kampuchea

(i) Precis of proceedings

18. During the period under review, the General Assembly continued its consideration of the agenda item entitled “The situation in Kampuchea”, and adopted four resolutions in which it took note of Economic and Social Council decision 1985/155 of 30 May 1985 on the right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation. The resolutions included another identical preambular paragraph on the self-determination of the people of Kampuchea, which reads as follows:

"Convinced that, to bring about lasting peace in South-East Asia and reduce the threat to international peace and security, there is an urgent need for the international community to find a comprehensive political solution to the Kampuchean problem that will provide for the withdrawal of all foreign forces and ensure respect for the sovereignty, independence, territorial integrity and neutral and non-aligned status of Kampuchea, as well as the right of the Kampuchean people to self-determination free from outside interference".

19. Each one of the Assembly resolutions also contained an identical paragraph relevant to the self-determination of the Kampuchean people, which reads as follows:

"2. Reiterates its conviction that the withdrawal of all foreign forces from Kampuchea, the restoration and preservation of its independence, sovereignty and territorial integrity, the right of the Kampuchean people to determine their own destiny and the commitment by all States to non-interference and

67 A/40/PV.109, p. 42; A/41/PV.53, p. 43; A/42/PV.64, p. 47; and A/43/PV.73, p. 36. See also Repertory, Supplement No. 7, vol. I, under Article 2(7), paras. 7-10.
68 A/40/PV.109, p. 43.
69 A/41/PV.53, p. 43.
70 The item entitled “The situation in Kampuchea” had been included in the agenda of the General Assembly in 1979 at the request of the States members of the Association of Southeast Asian Nations.
71 GA resolutions 40/7, adopted by 114 votes to 21, with 16 abstentions (A/40/PV.63, p. 73); 41/6, adopted by 115 votes to 21, with 13 abstentions (A/41/PV.44, p. 63); 42/3, adopted by 117 to 21, with 15 abstentions (A/42/PV.39, p. 93); and 43/19, adopted by 122 votes to 19, with 13 abstentions (A/43/PV.44, p. 86). See also Repertory, Supplement No. 6, vol. I, under Article 1(2), paras. 18-20.
non-intervention in the internal affairs of Kampuchea are the principal components of any just and lasting resolution of the Kampuchean problem.”

(ii) Precis of relevant constitutional discussion

20. In the course of the deliberations of the General Assembly, a number of delegations repeated the arguments that had been advanced in previous sessions of the Assembly\footnote{Repertory, Supplement No. 6, vol. I, under Article 1(2) (paras. 23-25).} that, by invasion and foreign occupation of Kampuchea, the principle of equal rights and self-determination had been violated. They reiterated that the withdrawal of foreign forces was a precondition for the exercise by the people of Kampuchea of their right to self-determination in a free and democratic manner.\footnote{A/40/PV.60, p. 22; A/40/PV.61, p. 6; A/40/PV.63, pp. 51-52; A/41/PV.43, pp. 77 and 98; A/41/PV.44, pp. 6 and 36; A/42/PV.37, p. 20; A/42/PV.39, p. 96; and A/43/PV.44, pp. 51, 61 and 74-75.}

21. The Socialist Republic of Viet Nam did not participate in the debates of the Assembly at its fortieth and forty-first sessions concerning the situation in Kampuchea.\footnote{Viet Nam participated in the debate of the General Assembly at its forty-second session on the situation in Kampuchea. However, it did not repeat the argument that it had made earlier, that its armed forces were invited to help the Kampuchean people to exercise their right to self-determination. See Repertory, Supplement No. 6, vol. I, under Article 1(2), para. 24.} In a joint statement issued by Viet Nam and the Lao People’s Democratic Republic on 28 October 1985, they indicated that the discussion of the question of Kampuchea without the assent and the participation of the People’s Republic of Kampuchea, would constitute an interference in the internal affairs of Kampuchea.\footnote{A/40/815, paras. 1 and 5.}

2. Question of the Falkland Islands (Malvinas)

(i) Precis of proceedings

22. The General Assembly continued the consideration of its agenda item, entitled “Question of the Falkland Islands (Malvinas)”\footnote{See Repertory, Supplement No. 6, vol. I, under Article 1(2), paras. 26-41.} at its fortieth through forty-third sessions. The Assembly adopted four identical resolutions on the item\footnote{GA resolutions 40/21, adopted by 107 votes to 4, with 41 abstentions (A/40/PV.95, p. 42); 41/40, adopted by 116 votes to 4, with 34 abstentions (A/41/PV.84, p. 97); 42/19, adopted by 114 votes to 5, with 36 abstentions (A/42/PV.72, p. 51); and 43/25, adopted by 109 votes to 5, with 37 abstentions (A/43/PV.54, p. 38).} that did not make any reference to the principle of the self-determination of peoples. Paragraph 1 of the resolutions reads as follows:

\begin{quote}
1. Requests the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to initiate negotiations with a view to finding the means to resolve peacefully and definitively the problems pending between both countries, including all aspects on the future of the Falkland Islands (Malvinas), in accordance with the Charter of the United Nations”.
\end{quote}

23. At the fortieth session of the General Assembly, the delegation of the United Kingdom unsuccessfully\footnote{The first amendment was rejected by 60 votes to 38, with 43 abstentions; the second amendment was rejected by 57 votes to 36, with 47 abstentions.} proposed two amendments concerning the right of
peoples to self-determination to a draft resolution\textsuperscript{79} that was later adopted by the Assembly as General Assembly resolution 40/21. The amendments would have included the addition of the following paragraph to the preamble: “Reaffirming that in accordance with the Charter of the United Nations all peoples have the right to self-determination and by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development”, and the insertion of the phrase “and the right thereunder of peoples to self-determination” at the end of paragraph 1.\textsuperscript{80}

(ii) Precis of relevant constitutional discussion

24. In the course of the debate of the item at the fortieth session of the Assembly, the delegation of the United Kingdom stated that the draft resolution was intended to include sovereignty and to exclude self-determination,\textsuperscript{81} and, therefore, was imbalanced. In its view, the proposed amendments concerning the addition of references to self-determination would make the draft a balanced one.\textsuperscript{82}

25. The sponsors of the draft resolution recognized that the principle of self-determination was one of the cornerstones of the Charter of the United Nations. However, they opposed the proposed amendments on the grounds that the phrase at the end of paragraph 1 “in accordance with the Charter of the United Nations” covered the principle, and that the insertion of one principle of the Charter without referring to its other principles would render the draft imbalanced.\textsuperscript{83}

26. In subsequent sessions of the Assembly, in the period under review, the United Kingdom repeated its position that it opposed the resolution, because it was not prepared to enter into negotiation on all aspects on the future of the Falkland Islands, and that the resolution had failed to mention the right of the people of the Falkland Islands to self-determination.\textsuperscript{84}

**D. The question of the relationship between the principle of equal rights and self-determination of peoples and the maintenance of international peace and security**

**E. The question of the relationship between the principle of equal rights and self-determination of peoples and “permanent sovereignty” of peoples “over their natural wealth and resources”**

\textsuperscript{79} A/40/L.19 was originally presented by Algeria, Brazil, India, Mexico, Uruguay and Yugoslavia. Bolivia, Colombia, Cuba, the Dominican Republic, Ecuador and Panama joined as co-sponsors of the draft resolution at a later stage.

\textsuperscript{80} A/40/L.20.

\textsuperscript{81} A/40/PV.93, pp. 14-15.

\textsuperscript{82} Ibid., p. 13.

\textsuperscript{83} A/40/PV.92, p. 16.

\textsuperscript{84} A/41/PV.84, pp. 91 and 94; A/42/PV.72, pp. 42-45; and A/43/PV.54, pp. 28-31 and 34-35.