

ARTICLE 2 (4)

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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. Previous Repertory treatments of United Nations practice relating to paragraph 4 of Article 2 have been contained in omnibus studies under Articles 1 and 2 (1-5). In the first of these studies ^{1/} it was noted that to avoid duplication no attempt had been made to deal with all the relevant decisions in that study and that the majority of the decisions taken by the organs of the United Nations on behalf of the Organization were dealt with under the Articles endowing the organs with authority to act in the areas of competence assigned to them. During the period under review there was such extensive development in the practice of the United Nations related to Article 2 (4) as to require treatment in detail in a separate study.

2. Article 2 declares that both the Organization and its Members shall act in accordance with the Principles set out in the numbered paragraphs of the Article. The field covered by paragraph 4 of Article 2 relates to the threat or use of force in the "international relations" of Members. International relations are not further defined except as the language following that phrase may permit the inference that it extends to matters affecting the territorial integrity or political independence of any State, whether or not it is a Member of the United Nations, and to the matters covered by the Purposes of the United Nations.

3. Article 2 explicitly relates the Principles it enumerates to the Purposes of the Organization stated in Article 1. Closest of these in tenor is paragraph 1 of Article 1, concerning the maintenance of international peace and security by collective measures against threats to the peace and breaches of the peace and against acts of

^{1/} Repertory, under Articles 1 and 2 (1-5), para. 3.

aggression; and by peaceful adjustment or settlement, in conformity with the principles of justice and international law, of international disputes or situations which might lead to a breach of the peace.

4. Article 24 of the Charter explicitly establishes a connexion between the injunction in paragraph 4 of Article 2, and the functions and powers of the Security Council. The first paragraph of Article 24 confers on the Security Council primary responsibility for the maintenance of international peace and security; the second paragraph charges the Security Council when carrying out this responsibility to "act in accordance with the Purposes and Principles of the United Nations". The Charter adds that the specific powers laid down in Chapters VI, VII, VIII and XII are granted to the Security Council for the discharge of these duties. A complement to this relationship between Articles 2 (4) and 24 is the agreement of Members of the United Nations, contained in Article 25, to accept and carry out decisions of the Security Council in accordance with the Charter.

5. In the Articles of the Charter defining the specific powers of the Security Council are to be found phrases having some affinity with those contained in Article 2 (4). Chief of these is Article 39, which requires the Security Council to determine the existence of any "threat to the peace, breach of the peace, or act of aggression". There has been little discussion of the relationship between these two Articles in the Security Council.

6. Another related phrase contained in an Article specifying the powers and functions of the Security Council is self-defence, which is the subject of Article 51. That Article excepts from impairment by the Charter "the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security".

7. Among the Articles of the Charter defining the specific powers and duties of the General Assembly, only Article 14 makes express reference to the Purposes and Principles of the United Nations. Article 10, however, empowers the General Assembly to discuss and make recommendations on any questions or any matters "within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter". Article 11 endows the General Assembly with functions concerning "the general principles of co-operation in the maintenance of international peace and security" and concerning "situations which are likely to endanger international peace and security". The General Assembly has discussed Article 2 (4) and taken decisions bearing on it in the exercise of its powers under both Article 10 and Article 11.

8. The General Survey of the present study contains a brief recapitulation of the decisions of the General Assembly bearing upon the provisions of Article 2 (4); it also indicates the matters in connexion with which reference was made to the Article in the course of the proceedings of the Security Council.

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

10. The Security Council has not sought to develop any general interpretation of Article 2 (4). The same has been true of the General Assembly for the most part. 2/

2/ Article 2 (4) has, however, been considered in connexion with the General Assembly's examination of the question of defining aggression; see foot-note 3 below.

Their construction of its terms must be sought in proceedings relating to particular controversies involving the maintenance of international peace and security in which references to Article 2 (4) have usually been associated with mention of other Articles of the Charter defining the competence of the organ to act in the circumstances, or other paragraphs of Article 2 or Article 1 setting standards of international conduct.

11. Article 2 (4) was occasionally appealed to as a jurisdictional touchstone for determining whether a matter was of sufficient international concern to escape the bar of Article 2 (7). It was invoked chiefly, however, as a standard for characterizing governmental conduct involving the use of coercive measures. The degree of shortcoming in meeting the obligations of Article 2 (4) was expressed in concrete descriptive terms rather than in analytical elaborations of the meaning of the terms of the Article. The individual case histories presented the main lines of these characterizations of the shortcomings of State conduct in relation to the requirements of Article 2 (4).

12. Because of the absence of textual analysis of Article 2 (4) in the discussion, it has not been thought that there was warrant for subdivision of the material under an elaborate scheme of subheadings. Instead it is organized under the following large rubrics:

- 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";
- B. The question of the scope and limits of the phrase "in any other manner inconsistent with the Purposes of the United Nations";
- C. The question of the bearing of the injunction in Article 2 (4) on the right of self-defence.

13. It may be helpful, however, to indicate here some of the more specific questions on which the material set out below appears to throw light. These include such questions as the following:

- a. Whether activities directed against the political independence of a State but not involving the direct use of armed force fall within the prohibition of Article 2 (4);
- b. Whether a use of force in behalf of rather than against the territorial integrity or political independence of a State is permitted;
- c. Whether and in what circumstances the use of force at the request of a Government is compatible with the territorial or political independence of the requesting State;
- d. Whether resort to force may be justified by failure to obtain the redress of grievances in conformity with the principles of justice and international law envisaged by Article 1 (1) of the Charter;
- e. Whether the use of force purportedly in pursuit of the purposes of the United Nations but without United Nations authorization, escapes the prohibition of Article 2 (4);
- f. Whether the use of force in aid of the exercise of the right of self-determination of a subject people is barred by Article 2 (4).

14. Although, as noted above, the material is presented under three large subdivisions, introductory paragraphs under each subdivision offer some indication as to which of these more specific topics was involved in the discussions reported in the case histories.

15. During consideration of the question of defining aggression ^{3/} by the Sixth Committee at the twelfth session of the General Assembly, Article 2 (4) was the subject of extensive discussion. It was also referred to by the Sixth Committee at the same session in connexion with the discussion of the draft Code of Offences against the Peace and Security of Mankind. ^{4/} Inasmuch as the General Assembly did not take a final decision on either of these agenda items, the material relevant to them is not examined in this Supplement. ^{5/}

I. GENERAL SURVEY

16. During the period under review, paragraph 4 of Article 2 was expressly mentioned in the text of only one decision of the General Assembly - resolution 1127 (XI) on the situation in Hungary - but certain provisions in other resolutions of the General

^{3/} The question of defining aggression was first raised at the fifth session of the General Assembly, which subsequently adopted G A resolutions 378 B (V), 599 (VI), 688 (VII), 895 (IX) and 1181 (XII) on the subject. By the last of these resolutions, the General Assembly took note of the report of the 1956 Special Committee on the Question of Defining Aggression and asked the Secretary-General to request the views of the new Member States on the question, and to renew the request for comments from Member States which had not yet sent their comments in pursuance of G A resolution 688 (VII). The Secretary-General was also asked to refer the replies of the Members to a committee comprised of the Member States on the General Committee of the most recent regular session of the General Assembly. The new committee was to study the replies to determine when it would be appropriate for the General Assembly to reconsider this question, and was to report to the Secretary-General when it had determined that the time was appropriate. The General Assembly also asked that the question of defining aggression be put on the provisional agenda of the General Assembly not earlier than its fourteenth session, when the committee had advised the Secretary-General that it deemed the time appropriate. The first meeting of the committee was to be held prior to that session.

^{4/} The draft Code of Offences against the Peace and Security of Mankind, drawn up by the International Law Commission in 1951, had been revised by the Commission in 1954 and submitted to the ninth session of the General Assembly. By resolution 897 (IX), the General Assembly had decided to postpone further consideration of the draft Code until its Special Committee on the Question of Defining Aggression - established by resolution 895 (IX) - had submitted its report. By resolution 1186 (XII), the General Assembly again considered that the draft Code raised problems closely linked to those involved in working out a definition of aggression, and decided to defer the question until such time as it should again take up the question of defining aggression. The General Assembly requested the Secretary-General to transmit the text of the draft Code to Member States for comment, and to submit their replies to the General Assembly at such time as the item should be placed on its provisional agenda.

^{5/} See, however, this Supplement under Article 51, Annex I, Extract from the Report of the 1956 Special Committee on the Question of Defining Aggression.

Assembly may be regarded as having a bearing upon it. These were mainly recommendations addressed to particular Member States in relation to the threat or use of force; the proceedings leading to the adoption of the resolutions contain clear indications that the recommendations were thought of as related to the injunction to Members contained in Article 2 (4).

17. Grouped by the topics to which they related, these resolutions were:

- (a) General Assembly resolutions 997 (ES-I), 999 (ES-I), 1002 (ES-I) and 1120 (XI), in connexion with military action against Egypt;
- (b) General Assembly resolutions 1004 (ES-II), 1005 (ES-II), 1127 (XI) and 1130 to 1133 (XI), in connexion with the situation in Hungary;
- (c) General Assembly resolution 1237 (ES-III), in connexion with the complaints by Lebanon and Jordan.

18. In the course of the General Assembly's discussion of the question of Algeria, repeated references were made to paragraph 4 of Article 2 although no recommendations were adopted bearing on it.

19. In the Security Council, Article 2 (4) was referred to during the consideration of the following matters:

- (a) The Suez Canal question;
- (b) The Palestine question: steps for the immediate cessation of the military action of Israel in Egypt;
- (c) The situation in Hungary;
- (d) Complaints by Tunisia and France;
- (e) Complaints by Lebanon and Jordan.

20. In connexion with the Palestine question noted above, the Security Council was seized of a draft resolution which contained an admonition to certain Member States to comply with paragraph 4 of Article 2. The draft resolution was, however, not adopted by the Council. In connexion with the complaints by Lebanon and Jordan, there was discussion in the Security Council of the bearing of Article 2 (4) on acts of foreign interference in a situation of internal strife.

21. Neither the Security Council nor the General Assembly has made any textual interpretation of paragraph 4 of Article 2 or its relation to other provisions of the Charter. In most instances, discussion of Article 2 (4) took the form of commentary on the implications of the Article for the obligations of Members in the situations being dealt with. 6/

6/ In this connexion, see the study under Article 11 in this Supplement.

II. ANALYTICAL SUMMARY OF PRACTICE

22. The constitutional questions concerning Article 2 (4) which were discussed in the Security Council and the General Assembly are presented here under the following headings:

- 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";
- B. The question of the scope and limits of the phrase "in any other manner inconsistent with the Purposes of the United Nations";
- C. The question of the bearing of the injunction in Article 2 (4) on the right of self-defence.

- 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"

23. Article 2 (4) was referred to on many occasions in connexion with the consideration by the Security Council and the General Assembly of questions which involved allegations of the threat or use of force against the territorial integrity or political independence of a State. In the course of these discussions questions arose concerning the scope and limits of the prohibited threat or use of force as follows:

1. In the Security Council

a. In connexion with the Suez Canal question, the question of the limitations, if any, upon the principle of Article 2 (4) to be derived from reference to the principles of justice and international law in Article 1 (1) of the Charter;

b. In connexion with the first stage of the consideration of the complaints by Lebanon and Jordan, the question whether acts of subversive interference from without, in a situation of internal strife, constituted a use of force prohibited by Article 2 (4);

c. In connexion with the second stage of consideration of the complaints by Lebanon and Jordan, the question whether direct military assistance extended to a Government at its request to meet acts of "indirect aggression" constituted a use of force prohibited by Article 2 (4);

d. In connexion with the situation in Hungary, the question whether foreign troops stationed on Hungarian territory under a collective treaty of military assistance could, consistently with Article 2 (4), be called on for assistance and render it in putting down an uprising.

2. In the General Assembly

a. In connexion with the situation in Hungary, the question whether use of foreign troops, by invitation, to help restore internal order was a forbidden intervention against the political independence of a State, not to be justified by appeal to obligations of assistance contained in a collective defence treaty;

b. In connexion with the question of Algeria: (i) the question whether foreign armed assistance to a movement of national independence was an intervention forbidden by Article 2 (4); and (ii) the question whether armed attacks, made in exercise of the "right of pursuit", on the territory of a neighbouring State to prevent such armed assistance were a use of force in violation of the provisions of Article 2 (4), not to be excused on grounds of self-defence.

1. In the Security Council

a. DECISIONS OF 13 OCTOBER 1956 IN CONNEXION WITH THE SUEZ CANAL QUESTION

24. References to the relationship between the Purposes and Principles of the Charter set out in paragraph 1 of Article 1 and paragraph 4 of Article 2 were made during consideration of the Suez Canal question by the Security Council.

25. The item was brought before the Security Council by a joint letter 7/ dated 23 September 1956, from the representatives of France and the United Kingdom, which defined it as follows:

"Situation created by the unilateral action of the Egyptian Government in bringing to an end the system of international operation of the Suez Canal, which was confirmed and completed by the Suez Canal Convention of 1888".

26. Reference was also made to a letter 8/ of 12 September 1956 to the President of the Council, in which the general nature of this situation was set out.

27. By a letter 9/ dated 24 September 1956, the representative of Egypt, referring to further developments since his letter 10/ of 17 September 1956 concerning the Suez Canal, requested an urgent meeting of the Security Council to consider the following item:

7/ S C, 11th yr., Suppl. for July-Sept., p. 47, S/3654.

8/ S C, 11th yr., Suppl. for July-Sept., p. 28, S/3645. The letter stated that at the London conference which opened on 16 August 1956, eighteen States, of the twenty-two States attending the conference had put forward proposals to the Egyptian Government for the future operation of the Suez Canal. The Egyptian Government, however, had refused to negotiate on the basis of these proposals which, in the opinion of the Governments of France and the United Kingdom offered means for a just and equitable solution. The two Governments considered that this refusal was an aggravation of a situation which, if allowed to continue, would constitute a manifest danger to peace and security.

9/ Ibid., p. 48, S/3656.

10/ Ibid., p. 38, S/3650. The letter stated that though the nationalization of the Universal Suez Maritime Canal Company by Egypt was within the full exercise of its sovereign rights and without challenge to or infringement of the rights of any nation, it had been met by declarations by the Governments of France and the United Kingdom conveying threats of force and by measures of mobilization and the movement of armed forces. The Government of Egypt was determined to reach a peaceful solution of the Suez Canal question on the basis of recognition of the legitimate and sovereign rights of Egypt and in accordance with the Charter of the United Nations. With this in view, it was indispensable to put an end to acts which were aimed at taking virtual possession of the Suez Canal and destroying the independence of Egypt. These acts were a danger to international peace and security, and violation of the Charter.

"Actions against Egypt by some Powers, particularly France and the United Kingdom, which constitute a danger to international peace and security and are serious violations of the Charter of the United Nations".

28. At the 734th meeting of the Security Council, on 26 September 1956, the items submitted by France and the United Kingdom, and by Egypt, were included as items 2 and 3 respectively, in the agenda of the Council. 11/

Decisions

At its 743rd meeting, on 13 October 1956, the Security Council adopted 12/ the first part of a draft resolution submitted by France and the United Kingdom, with amendments submitted by Iran. The second part of the draft resolution failed of adoption. 13/ The part of the resolution adopted by the Council 14/ contained six basic principles to which the Council agreed that any settlement of the Suez Canal question should conform. 15/

29. In the course of the discussion, the display of force against Egypt by two permanent members of the Security Council was said to be designed to compel acquiescence in a proposed settlement and thus to constitute a violation of Article 2 (4). The reply to this contention was that, under the Charter, Article 1 (1) linked the obligation to refrain from the use of force to the obligation of Members to seek peace by settling their disputes in conformity with the principles of justice and international law. A statement by the Secretary of State of the United States at the second London conference 16/ was quoted, to the effect that the Charter itself did not merely say there must be peace. Article 1 declared the purpose of the United Nations to be the settlement of international disputes by peaceful means, and in conformity with the principles of justice and international law; if the latter part of the provision were forgotten, the first part would inevitably be ignored. Those who dealt with problems of this character must be aware that in the long run they were not really furthering the cause of peace if they did not realize that they had just as much responsibility to seek a solution in conformity with the principles of justice and international law as to try to prevent the use of force. If emphasis were put upon only the one side of the problem and the other were forgotten, the effort represented by the Charter would be doomed. Some might not feel immediately involved in the problem of bringing about a settlement which was not only peaceful but also conformed with the principles of justice and international law; they might believe that the only aspect of the matter that concerned them was the problem of peace. If it could be considered sure that force would not be used, the rest could be forgotten. The problem, however, could not be solved by half-way measures which related only to peace and did not also place the full weight of the Council behind a solution in conformity with the principles of justice and international law.

11/ S C, 11th yr., 734th mtg., para. 123. The item submitted by France and the United Kingdom was considered at the 735th to 743rd meetings of the Security Council, held between 5 and 13 October 1956.

12/ S C, 11th yr., 743rd mtg., paras. 104 and 105.

13/ Ibid., para. 106.

14/ Ibid., para. 107; S C, 11th yr., Suppl. for Oct.-Dec., p. 47, S/3675.

15/ The item submitted by Egypt was not discussed further.

16/ The conference, which met in London for a second time on 19 September 1956 and was attended by eighteen users of the Suez Canal, decided to establish the Suez Canal Users Association.

30. The view was also expressed that the duty of the Council was to bring about by peaceful means, in conformity with the principles of justice and international law, the adjustment or settlement of the dangerous situation created by the Egyptian seizure of the Universal Suez Maritime Canal Company. The nations aggrieved and endangered by the action of the Egyptian Government had made no forcible response. They had lived up to their obligations under the Charter to seek, first of all, a solution by negotiation or other peaceful means. The Council was not dealing with Governments bent on the use of force. Even those whose interests were most affected had shown their desire to bring about a just solution by peaceful means. If the Council, as the Charter commanded, was to seek justice, it should accept the principles enunciated in London by the eighteen nations as principles of justice.

31. It was asserted that the use of force, the fait accompli, the disregard for the position and rights of others, were perhaps once the rule in international affairs but were so no longer in the United Nations; if, however, the Security Council failed in its task, then the incident would have shown that though the Charter condemned recourse to war, the United Nations was incapable of solving the problems of international life, and the system established at San Francisco succeeded only in rewarding those who had the audacity to confront the world with a fait accompli.

32. The representative of Egypt contended that the London conference had been preceded and accompanied by threats of force and hostile military and economic measures by France and the United Kingdom against Egypt. Such were the methods preceding the London conference to which Egypt had been invited; it had been not an invitation, but an ultimatum. Even after the Council had been seized of the question, Egypt had been told again that the direct use of force by France and the United Kingdom were not excluded. In all these references to the use of force, there was no doubt that what was meant was the direct use of force by Governments, not by the United Nations. These threats of force paralleled continued military and economic moves against Egypt, which nothing could justify. In this connexion, the representative of Egypt quoted Article 2 (4).

33. Other representatives also found serious violations of Article 2 (4) in the action against Egypt by France and the United Kingdom; both had announced, following the action by Egypt in respect of the Suez Canal, that they were making their armed forces ready for war, mobilizing their reserves and preparing for landings. In the immediate vicinity of Egypt, there was an increasing concentration of naval, air and land forces of France and the United Kingdom. In addition to these pressures, hostile economic measures had been taken against Egypt. All these actions were at variance with the principles of peace fundamental to the United Nations and the Charter, which required all Members to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State. Resort to such methods was inadmissible, particularly since certain great Powers which were permanent members of the Security Council were threatening a Member of the United Nations. This could only be described as a grave violation of the basic principles of the Charter. This display of force against Egypt by France and the United Kingdom was clearly in conflict with the obligations stipulated in the Charter. 17/

17/ For texts of relevant statements, see S C, 11th yr., 734th mtg.: USSR, paras. 49, 50, 51, 55; 735th mtg.: United Kingdom, paras. 89-91; 736th mtg.: Egypt, paras. 48, 50, 59-61, 65; USSR, paras. 110, 122, 137; 737th mtg.: Belgium, paras. 118, 158; 738th mtg.: United States, paras. 31, 35, 45 60, 61, 67; Yugoslavia, para. 9.

b. DECISIONS OF 4 NOVEMBER 1956 IN CONNEXION WITH THE
SITUATION IN HUNGARY

34. A letter 18/ of 27 October 1956 to the President of the Security Council contained a complaint concerning:

"... the situation created by the action of foreign military forces in Hungary in violently repressing the rights of the Hungarian people which are secured by the Treaty of Peace of 10 February 1947 to which the Governments of Hungary and the Allied and Associated Powers are parties".

35. The Security Council included the question of the situation in Hungary in the agenda 19/ at the 746th meeting, on 28 October 1956.

36. At the 752nd meeting, on 2 November 1956, the Council had before it the following documents:

a. A cablegram 20/ dated 1 November 1956 from the President of the Council of Ministers as Acting Minister of Foreign Affairs of the Hungarian People's Republic, notifying the Secretary-General of the entrance of further units of the Union of Soviet Socialist Republics into Hungary, of the protest to the Ambassador of the Soviet Union to Hungary by the President of the Council of Ministers and of the latter's demand for the immediate withdrawal of Soviet forces. The President of the Council had informed the Ambassador that the Hungarian Government repudiated the Warsaw Treaty; at the same time he had declared Hungary's neutrality, had appealed to the United Nations and had requested the help of the four great Powers in defending the country's neutrality. He requested inclusion in the agenda of the next General Assembly of the question of Hungary's neutrality and of the defence of that neutrality by the four great Powers.

b. A note 21/ dated 2 November 1956 from the permanent mission of the Hungarian People's Republic, transmitting a letter of the same date from the President of the Council of Ministers, which stated that on 2 November, large Soviet military units had crossed the Hungarian border, marching towards Budapest. The Security Council was asked to instruct the Governments of Hungary and the Soviet Union to start negotiations immediately for the withdrawal of Soviet troops from Hungary.

37. At the 753rd meeting, on 3 November 1956, the representative of the United States submitted a draft resolution 22/ under which the Security Council,

".....

"Deploring the use of Soviet military forces to suppress the efforts of the Hungarian people to reassert their rights,

".....

"Noting the communication of 1 November 1956 of the Government of Hungary to the Secretary-General regarding demands made by that Government to the Government

18/ S C, 11th yr., Suppl. for Oct.-Dec., p. 100, S/3690.

19/ S C, 11th yr., 746th mtg., para. 35.

20/ G A (ES-II), Annexes, a.i. 5, p. 1, A/3251.

21/ S C, 11th yr., Suppl. for Oct.-Dec., p. 119, S/3726.

22/ Ibid., p. 125, S/3730.

of the Union of Soviet Socialist Republics for 'instant and immediate withdrawal of ... Soviet forces',

"Noting further the communication of 2 November 1956 [S/3726] of the Government of Hungary to the Secretary-General asking the Security Council 'to instruct the Soviet and Hungarian Governments to start the negotiations immediately' on withdrawal of Soviet forces,

"Anxious to see the independence and sovereignty of Hungary respected;

"1. Calls upon the Government of the Union of Soviet Socialist Republics to desist forthwith from any form of intervention, particularly armed intervention, in the internal affairs of Hungary;

"2. Expresses the earnest hope that the Union of Soviet Socialist Republics, under appropriate arrangements with the Government of Hungary, will withdraw all Soviet forces from Hungary without delay;

".....".

38. Operative paragraph 2 was later revised 23/ to read as follows:

"Calls upon the Union of Soviet Socialist Republics to cease the introduction of additional armed forces into Hungary and to withdraw all of its forces without delay from Hungarian territory".

Decision

At the 754th meeting of the Security Council, on 4 November 1956, the United States draft resolution failed of adoption 24/ because of the negative vote of a permanent member. A United States draft resolution to call an emergency special session of the General Assembly was adopted 25/ at the same meeting.

39. During consideration by the Security Council of the situation in Hungary, the action of foreign military forces in Hungary was characterized as an act of suppression of the Hungarian people and a flagrant violation of the Purposes and Principles of the Charter, in particular of Article 2 (4), which condemned the use of armed force by one State to suppress the people of another State. When submitting his delegation's draft resolution, the representative of the United States referred to continued reports of Soviet interference in the internal affairs of Hungary; the Council's action should be designed to ensure that the Hungarian people would have an opportunity to determine their own destiny without the intervention of Soviet armed forces in the internal affairs of Hungary. He stated that the question before the Council clearly raised a threat to the peace.

40. The use of Soviet troops in Hungary was characterized as follows. The action of the foreign armed forces in Hungary represented intervention on a massive scale, subversive of the foundation of the United Nations. Military intervention in the domestic affairs of another State violated Article 2 (4) of the Charter, the Treaty of Peace signed by the Allied and Associated Powers, 26/ and the general principle of

23/ S C, 11th yr., Suppl. for Oct.-Dec., p. 125, S/3730/Rev.1.

24/ S C, 11th yr., 754th mtg., para. 68.

25/ Ibid., paras. 70 and 75.

26/ Treaty of Peace with Hungary, signed at Paris, 10 February 1947 (United Nations, Treaty Series, vol. 41, I, No. 644).

non-intervention, which was at the very foundation of international law and of Article 2 (4) of the Charter.

41. The case was called one of flagrant aggression; communications from the Government of Hungary ^{27/} showed that the intervention of Soviet troops was contrary to the express will of the Hungarian people and of its Government, and could no longer be justified as a response to a request from Hungary. The action of the Soviet Union violated the independence and sovereignty of the Hungarian State, since a foreign State could not by force of arms deprive a people of the right to govern itself in accordance with its own wishes.

42. The representative of the Soviet Union rejected the competence of the Council in the matter. The question under consideration was internal to Hungary and had been raised in the Security Council only to give further encouragement to the armed rebellion conducted by a reactionary underground movement against the legal Government of Hungary. The Hungarian Government had been compelled to defend the people's democratic order by employing its armed forces to liquidate a counter-revolutionary uprising supported and directed from outside. To put an end to the disorders as soon as possible, the Government of Hungary had appealed to the Government of the Soviet Union for assistance. In response to this request, Soviet military units located in Hungary in conformity with the Warsaw Pact ^{28/} had come to the help of the Hungarian forces. Discussion of the situation in Hungary was therefore a breach of Article 2 (7) of the Charter, which prohibited intervention by the United Nations in the domestic affairs of Member States. The parties to the Warsaw Pact, which governed the relations between the Soviet Union and Hungary, as well as other peoples' democracies, had assumed certain political and military obligations, including the obligation to take necessary concerted action to reinforce their defensive strength, in order to defend the peaceful labour of their peoples, to guarantee the inviolability of their frontiers and territories, and to afford protection against possible aggression. Soviet forces had been on Hungarian territory and remained there in conformity with the Warsaw Pact. They were helping to put an end to counter-revolutionary intervention and riots; their presence in Hungary served the common interest of the security of all countries parties to the Warsaw Pact. It was quite plain, therefore, that this question in no way concerned the United Nations or, in particular, the Security Council. Any intervention by the United Nations and the western Powers in the further course of events in Hungary could only lead to complications; it would in any event be illegal and incompatible with the Charter.

43. The assertion that the Warsaw Pact envisaged the assistance of Soviet troops at the request of the Government of Hungary was denied. The treaty contained no provisions expressly referring to such use of troops; its sole purpose was the collective defence of its signatories against any aggression from outside. None of its provisions permitted the use of Soviet military forces on the territory of other signatories, against their populations and in connexion with their domestic affairs. Although the presence of foreign troops on the territory of another State was sometimes to be tolerated because their presence had been agreed to by the country on whose

^{27/} See para. 36 above.

^{28/} Treaty of friendship, co-operation and mutual assistance, signed at Warsaw, 14 May 1955 (United Nations, Treaty Series, vol. 219, No. 2962).

territory they were stationed, such an agreement could not extend to the use of troops to stifle popular movements, nor was such use valid even if requested. 29/

c. DECISION OF 11 JUNE 1958 IN CONNEXION WITH THE
COMPLAINT BY LEBANON

44. In the first stage of the Security Council's consideration of the complaint by Lebanon of intervention by the United Arab Republic in its internal affairs, some members of the Council raised the question whether the forbidden threat or use of force referred to in Article 2 (4) included certain acts of interference from without, not involving the direct or overt use of armed force. These acts were described as "indirect aggression". In the second stage of the Council's consideration of the complaint -- which followed the introduction of military forces of the United States and the United Kingdom into Lebanon and Jordan, respectively, in response to requests for assistance from the Governments of these countries -- there was renewed discussion of the question whether Article 2 (4) prohibited such indirect use of force against the territorial integrity or political independence of any State, such as Lebanon and Jordan complained of, and whether it permitted military assistance to a Member of the United Nations, at its request, in resisting such "indirect aggression"; 30/ or, conversely, whether such military assistance was itself a prohibited use of force against the political independence of the inviting State.

45. In a letter 31/ dated 22 May 1958, requesting the President of the Security Council to call an urgent meeting of the Council to consider the situation arising from the intervention of the United Arab Republic in the internal affairs of Lebanon, the representative of Lebanon complained of the following:

"... the infiltration of armed bands from Syria into Lebanon, the destruction of Lebanese life and property by such bands, the participation of United Arab Republic nationals in acts of terrorism and rebellion against the established authorities in Lebanon, the supply of arms from Syria to individuals and bands in Lebanon rebelling against the established authorities, and the waging of a violent radio and press campaign in the United Arab Republic calling for strikes, demonstrations and the overthrow of the established authorities in Lebanon, and through other provocative acts".

29/ For texts of relevant statements, see S C, 11th yr., 746th mtg.: Belgium, para. 185; China, para. 126; Cuba, paras. 107-109; President (France), paras. 90, 91, 102; Iran, para. 176; Peru, paras. 116-119, 121; USSR, paras. 14, 20, 141, 142, 155 and 156; United Kingdom, paras. 30, 69, 71, 77, 79; United States, paras. 58-60; 752nd mtg.: China, para. 131; Cuba, para. 68; France, paras. 109, 115, 120 and 121; Peru, para. 96; 753rd mtg.: Australia, para. 71; Belgium, para. 53; France, para. 76; United Kingdom, para. 41; United States, paras. 6, 19 and 20; 754th mtg.: Belgium, paras. 34 and 35; USSR, paras. 45-47, 49, 53 and 54; United Kingdom, para. 60; United States, para. 3.

30/ For discussion of the relationship of Article 2 (4) to the right of self-defence, see below, section II C, para. 122 et. seqq.

31/ S C, 13th yr., Suppl. for Apr.-June, p. 33, S/4007.

46. The Security Council included the question in its agenda at the 818th meeting, on 27 May 1958. 32/ A similar complaint by Jordan 33/ was included in the agenda of the Council at its 831st meeting, on 17 July 1958. 34/

Decision

At the 825th meeting, on 11 June 1958, a draft resolution 35/ submitted by Sweden "to dispatch urgently an observation group to proceed to Lebanon so as to ensure that there is no illegal infiltration of personnel or supply of arms or other matériel across the Lebanese borders", and to keep the Council currently informed of its activities, was adopted 36/ by the Security Council by 10 votes in favour, none against, with 1 abstention.

47. Discussion in the Security Council of the complaint by Lebanon of intervention by the United Arab Republic turned on the question of whether the use of force referred to in Article 2 (4) covered such acts as subversion, illegal infiltration of personnel and supply of arms, together with violent radio and press campaigns from without, which were alleged to be the instruments of external interference in the affairs of Lebanon and to constitute "indirect aggression" in flagrant violation of the principle of non-intervention in Article 2 (4).

48. In the first stage of the discussion, the representative of Sweden stated that the Council was faced with the question whether the disturbances in Lebanon were caused by internal antagonisms or were provoked by a foreign Power. In the former case, the possibility of action by the Council was restricted in consequence of the provisions of the Charter concerning domestic jurisdiction. In the case of foreign interference, however, the Council was free to act. There were, therefore, circumstances which justified some arrangement for investigation or observation by the Council for the purpose of clarifying the situation. He consequently proposed the above draft resolution.

49. During the discussion of the draft resolution submitted by Sweden, it was asserted that the United Arab Republic was undermining the freedom and independence of Lebanon, by subversive interference in its internal affairs. Whenever rebels carried on their fight against the legitimate and constitutional Government of a country with the help of outside resources, without which they would fail, the affair was no longer purely internal but a matter of foreign intervention. There was no question of a direct attack on the independence and sovereignty of Lebanon, but respect for the sovereignty of another country was not solely a matter of not annexing its territory. There were other much more subtle methods of jeopardizing a State's independence without making a frontal attack, and without ceasing to make professions of friendly intentions towards it. It was necessary only to have collaborators within the country and to supply them with the means to seize power.

50. The disturbing principle and practice involved, according to another representative, was that a constitutional opposition should be incited from outside the

32/ S C, 13th yr., 818th mtg., para. 6. The item was considered at the 818th, 822nd to 825th and 827th to 838th meetings of the Security Council, held between 27 May and 7 August 1958.

33/ S C, 13th yr., Suppl. for July-Sept., p. 37, S/4053.

34/ S C, 13th yr., 831st mtg., paras. 9-15.

35/ S C, 13th yr., 824th mtg., para. 111, S/4022.

36/ S C, 13th yr., 825th mtg., para. 82.

country to abandon constitutional methods in favour of violence, against the ordinary population and the constituted authorities, carried on with arms supplied from abroad.

51. The position was also taken that fundamental questions concerning the responsibility of Member States and of the United Nations itself were involved. A cardinal principle of the United Nations was the injunction to all Members contained in Article 2 (4) of the Charter. The Security Council and the General Assembly had on many occasions considered complaints involving this essential Charter principle of non-intervention. Recognizing the universal significance of this issue, the General Assembly had adopted resolution 290 (IV), entitled "Essentials of peace", which contained provisions directly pertinent to the question which was being discussed by the Council; it called upon every nation "to refrain from threatening or using force contrary to the Charter" and "to refrain from any threats or acts, direct or indirect, aimed at impairing the freedom, independence or integrity of any State, or at fomenting civil strife and subverting the will of the people in any State".

52. The question raised by the Lebanese crisis was whether the United Nations machinery and the whole conception of the United Nations were suitable to deal with subversion and indirect aggression. Direct, palpable and demonstrable aggression, such as the crossing of frontiers by regular troops, presented no difficulty, but the question was whether United Nations machinery was capable of handling indirect aggression or subversion. The primary aim was to provide United Nations machinery to deal with the illegal infiltration of personnel and the supply of arms, which contributed to the state of unrest in Lebanon and gave clear evidence of interference from outside the country.

53. On the other hand, it was maintained that the complaint that the United Arab Republic was interfering in the internal affairs of Lebanon was unfounded. The United Arab Republic had categorically denied these accusations. A settlement of the domestic conflict in Lebanon should be sought not in the Security Council, but in Lebanon itself. There was, indeed, a threat of interference in the internal affairs of Lebanon, but this came not from the United Arab Republic but from certain western Powers which were openly preparing for armed intervention in Lebanon.

d. DECISIONS OF 18 JULY AND 7 AUGUST 1958 IN CONNEXION WITH THE COMPLAINTS BY LEBANON AND JORDAN

54. At the 827th meeting of the Security Council on 15 July 1958, the representatives of Lebanon 37/ and of the United States 38/ informed the Council that, at the request of the Lebanese Government, the United States Government had offered direct military assistance to the former in its efforts to stabilize the situation brought about by threats from outside against the independence and political integrity of Lebanon. The action of the United States was being taken under the provisions of Article 51 of the Charter. United States military forces would remain in Lebanon only until the United Nations itself could assume the necessary responsibility for ensuring the continued independence of Lebanon. A similar announcement was made at the 831st meeting by the representatives of Jordan 39/ and the United Kingdom 40/ concerning the dispatch of

37/ S C, 13th yr., 827th mtg., para. 84.

38/ Ibid., para. 34.

39/ S C, 13th yr., 831st mtg., para. 24.

40/ Ibid., para. 30.

United Kingdom troops to Jordan in response to the request of the latter for assistance in meeting threats to its independence.

55. At the 827th meeting of the Council, the representative of the Union of Soviet Socialist Republics introduced a draft resolution 41/ to characterize the action of the United States in Lebanon as an armed intervention contrary to the Purposes and Principles of the Charter, and a serious threat to international peace and security, and to call upon the Government of the United States to cease such armed intervention and remove its troops from the territory of Lebanon immediately. The draft resolution was later revised to call upon the Government of the United Kingdom as well, to cease armed intervention and to remove its troops from Jordan. 42/

56. At the 829th meeting, a draft resolution 43/ was submitted by the United States to continue the activities of the United Nations Observation Group in Lebanon (UNOGIL); to request the Secretary-General to make arrangements for additional measures as necessary, including contingents to protect the territorial integrity and independence of Lebanon and to ensure that there was no illegal infiltration of personnel or supply of arms or other matériel across the Lebanese borders; and to call for the immediate cessation of all illegal infiltration of personnel and supply of arms across Lebanese borders, as well as attacks upon the Government of Lebanon by government-controlled radio and other information media calculated to stimulate disorders.

57. At the 832nd meeting of the Council, the representative of Sweden submitted a draft resolution 44/ which, after noting that the presence of foreign troops in Lebanon had substantially altered the conditions under which the Council had sent observers there, would have suspended the activities of the latter until further notice.

58. At the 834th meeting, on 18 July 1958, all three draft resolutions were voted upon and failed of adoption. 45/

59. At the 835th meeting, the representative of Japan submitted a draft resolution 46/ which would request the Secretary-General to make arrangements for such measures additional to those in the resolution of 11 June 1958 as he might consider necessary to enable the United Nations to fulfil the purposes of that resolution, and would, in accordance with the Charter, serve to ensure the territorial integrity and political independence of Lebanon, so as to make possible the withdrawal of United States forces from Lebanon. The representative of the Soviet Union submitted 47/ several amendments to the Japanese draft resolution, among them one to consider that the landing of United States troops in Lebanon constituted intervention in the domestic affairs of that country, and to call on the United States to withdraw its troops immediately.

41/ S C, 13th yr., 827th mtg., para. 123, S/4047.

42/ S C, 13th yr., 831st mtg., para. 88, S/4047/Rev.1.

43/ S C, 13th yr., Suppl. for July-Sept., p. 30, S/4050. A revised text was submitted at the 831st meeting, on 17 July 1958 (Ibid., p. 31, S/4050/Rev.1).

44/ S C, 13th yr., Suppl. for July-Sept., p. 38, S/4054.

45/ S C, 13th yr., 834th mtg., paras. 66-69.

46/ S C, 13th yr., Suppl. for July-Sept., p. 38, S/4055 and S/4055/Rev.1.

47/ S C, 13th yr., 836th mtg., paras. 13 and 14, S/4063.

Decisions

At the 837th meeting, on 22 July 1958, the amendments submitted by the Soviet Union were rejected. ^{48/} The draft resolution submitted by Japan failed of adoption. ^{49/} At the 838th meeting, on 7 August 1958, the Security Council adopted a resolution ^{50/} calling an emergency special session of the General Assembly.

60. Following the announcement that military assistance had been extended by the United States and the United Kingdom to Lebanon and Jordan, respectively, the question arose whether "indirect aggression" against the independence and territorial integrity of a State, such as Lebanon and Jordan complained of, could lawfully be met by inviting the help of a friendly foreign State, and obtaining military aid from it. ^{51/} In support of the affirmative, General Assembly resolutions 290 (IV), "Essentials of peace", and 380 (V), "Peace through deeds", were cited. It was contended in opposition to this claim that the United States offer of assistance actually constituted an act of direct military intervention in the internal affairs of Lebanon, forbidden by Article 2 (4), since the difficulties faced by the Government of Lebanon were domestic and were not induced from outside the country.

61. At the 827th meeting of the Council, the representative of the United States, when announcing that military assistance was being extended by his Government to Lebanon at the request of that Government, and in accordance with Article 51 of the Charter, contended that the injunction of Article 2 (4) had been one of the fundamental considerations behind the adoption of the resolution of 11 June 1958 to dispatch observers to Lebanon. There was external involvement in an internal revolt against the authorities of the legitimate Government of Lebanon. If the United Nations was to succeed in its efforts to maintain international peace and security, it should support the efforts of the legitimate and democratically elected Government to protect itself from aggression from without, even if that aggression was indirect. The overthrow of another State by subversion and fomenting internal strife was more difficult for the world to combat than was direct military aggression. The United Nations had faced this problem before, in Greece in 1946 and in Czechoslovakia in 1948. The United Nations had sought to provide means for dealing with such aggressive developments in the future in General Assembly resolutions 290 (IV), "Essentials of peace", and 380 (V), "Peace through deeds". Particularly in the latter resolution, which solemnly affirmed that any aggression committed by fomenting civil strife in the interest of a foreign Power was the gravest of all crimes against peace and security throughout the world, the General Assembly clearly had in mind just such a situation as the one before the Council. The integrity and independence of a nation were as precious when attacked from outside by subversion and erosion as when attacked in the field by military action.

62. At the 829th meeting of the Council, the representative of the United States when submitting a draft resolution designed to make it possible for his Government to withdraw its troops from Lebanon, contended that the mention of the "Essentials of peace" and "Peace through deeds" resolutions in the preamble was relevant because it reaffirmed that the United Nations had to meet and deal effectively with the problem of indirect aggression. If the United Nations could not deal with indirect aggression, it would break up. United Nations failure to meet this challenge would invite subversion all over the world.

^{48/} S C, 13th yr., 837th mtg., para. 8.

^{49/} Ibid., para. 9.

^{50/} S C, 13th yr., 838th mtg., paras. 224 and 225.

^{51/} For the discussion of the relation between Article 2 (4) and the right of self-defence, see below, section II C, para. 122 et. seqq.

63. Indirect aggression was the common factor linking the situations in Lebanon and Jordan, in the view of another representative. The method of indirect aggression - subversion and the attempt to overthrow constituted authority - could be just as dangerous as open aggression. The principle that aggression by fomenting civil strife in the interest of a foreign Power was one of the gravest offences against peace and security was one the United Nations should continue to recognize in accordance with resolution 380 (V), in which it had been formulated by the General Assembly.

64. In connexion with his draft resolution to call upon the United States Government to withdraw its armed forces from Lebanese territory, the representative of the Soviet Union observed that the alleged interference of the United Arab Republic in Lebanese affairs had not been confirmed by the United Nations Observation Group in Lebanon (UNOGIL), which had been sent to Lebanon by decision of the Security Council. There was in fact a state of civil war in Lebanon; the authorities in Lebanon were faced, not with elements infiltrating from the United Arab Republic, but with a truly nation-wide movement against the régime. Certain western Powers had long been trying to use the events in Lebanon as a pretext for armed intervention against the Lebanese people. There was incontrovertible factual evidence that Lebanon was threatened, not by fictitious intervention in its internal affairs by the United Arab Republic, but by the direct military intervention of the United States and its western partners. The landing of United States troops in Lebanon was therefore a flagrant violation of the Charter prohibition against the use of force as an instrument of foreign policy. 52/

2. In the General Assembly

a. THE SITUATION IN HUNGARY

1. Resolutions 1004 (ES-II) and 1005 (ES-II)

65. At its 754th meeting, on 4 November 1956, the Security Council, 53/ taking into account the lack of unanimity among the permanent members that had prevented it from exercising its primary responsibility for the maintenance of international peace and security, decided 54/ to call an emergency special session of the General Assembly, as provided in General Assembly resolution 377 A (V), "in order to make appropriate recommendations concerning the situation in Hungary".

66. The General Assembly included 55/ the item in the agenda at its 564th plenary meeting, on 4 November 1956.

52/ For texts of relevant statements, see S C, 13th yr., 823rd mtg.: Lebanon, paras. 11, 24-26, 67; United Arab Republic, paras. 77, 85; 824th mtg.: France, paras. 242, 246 and 247; Iraq, paras. 221 and 222; Sweden, paras. 98-100, 111; USSR, paras. 181, 191 and 192; United Kingdom, para. 277; United States, paras. 254-256; 825th mtg.: Canada, para. 19; Lebanon, para. 70; USSR, paras. 56, 85 and 86; 827th mtg.: Lebanon, para. 84; USSR, paras. 96, 99-101, 103, 113, 115; United States, paras. 35, 38, 43, 45, 49-53; 829th mtg.: United States, para. 13, 49 and 50; 831st mtg.: United Kingdom, para. 32; United States, paras. 50 and 51.

53/ For the earlier discussion in the Security Council, see paras. 34-43 above.

54/ S C, 11th yr., Suppl. for Oct.-Dec., p. 127, S/3733; the decision was transmitted to the General Assembly by a note of the President of the Security Council, dated 4 November 1956. The General Assembly considered the question at its 564th, 568th to 571st and 573rd plenary meetings, from 4 to 10 November 1956. For a précis of the proceedings of the second emergency special session, see this Supplement, under Article 11.

55/ G A (ES-II), 564th mtg., para. 36.

67. General Assembly discussion of the bearing of Article 2 (4) on the events in Hungary focused mainly on the question of the consistency of intervention by foreign troops in the internal affairs of a country, with the obligation not to use force against the political independence of a State. The General Assembly was asked to condemn such intervention as a violation of the obligation as laid down in Article 2 (4). The assertions that events in Hungary were exclusively of domestic concern, that the Government of Hungary was carrying out its obligations under Article 4 of the Treaty of Peace with Hungary in inviting Soviet troops to take action against counter-revolutionary elements, and that it was acting in accordance with a standing collective defence agreement, were met by the contention that neither the invitation nor a collective defence agreement could justify such a use of force. Moreover, Article 103 gave precedence to Charter obligations -- including the obligation to refrain from the use of force, contained in Article 2 (4) -- over the provisions of any international agreement. On the other hand, the argument was advanced that the control being exercised from abroad over the subversive organizations involved in the Hungarian revolt constituted a threat of force within the meaning of Article 2 (4), which was being properly met by the action undertaken in Hungary on the invitation of the Government of Hungary.

68. During the discussion on the adoption of the agenda, it was contended that the inscription of the item in the agenda was to be based on Article 2 (4) of the Charter. 56/ Events in Hungary had clearly demonstrated that force had been both threatened and used by the Soviet Union against the political independence of Hungary.

69. After the adoption of the agenda, the representative of the United States submitted a draft resolution -- which was adopted as resolution 1004 (ES-II) 57/ -- condemning the use of Soviet military forces to suppress the efforts of the Hungarian people to reassert their rights, and calling upon the Government of the Soviet Union to desist from all armed attack on the people of Hungary and from any form of intervention, in particular armed intervention, in the internal affairs of Hungary; to cease the introduction of additional armed forces into Hungary; and to withdraw all of its forces without delay. The Secretary-General was requested to investigate the situation caused by foreign intervention in Hungary and report to the General Assembly; he was to suggest methods to bring an end to the foreign intervention in Hungary, in accordance with the principles of the Charter.

70. In opposition to the United States draft resolution, it was maintained that the Government of the Soviet Union had acted at the request of the Hungarian People's Government in sending military forces to Budapest to help the Hungarian authorities restore order in the city. The new legitimate Government of Hungary had appealed to the Soviet troops, which were in Hungary under the Warsaw Pact, for assistance in repressing the counter-revolutionary elements which were trying to promote rebellion in Hungary. In asking for the assistance of Soviet forces, the new Hungarian Government had acted in conformity with Article 4 of the Treaty of Peace with Hungary, which prohibited the existence and operation of fascist organizations in that country. These measures were solely of a domestic nature, not to be discussed in the United Nations.

56/ Article 2 (7) was invoked by representatives opposing the inclusion of the agenda item. For the discussion of this matter, see the study under Article 2 (7) in this Supplement.

57/ G A (ES-II), Plen., 564th mtg., para. 253.

71. In support of the United States draft resolution, the following contentions were advanced. The Soviet concentration of powerful armed forces in Hungary, while negotiating for their withdrawal with representatives of the Hungarian Government and the launching thereafter of a full-scale attack on the latter, made it a matter of urgency for the General Assembly to call upon the Soviet Union to desist forthwith from its armed attack and to withdraw from Hungary. The issue was simple: might a Member of the United Nations have recourse to threats or to the use of force against the political independence of a State? The Charter said it might not. 58/

72. The next resolution to be adopted 59/ - resolution 1005 (ES-II) - declared that "the repression undertaken by the Soviet forces in Hungary constitutes a violation of the Charter of the United Nations and of the Peace Treaty between Hungary and the Allied and Associated Powers". When introducing the resolution, the representative of Italy declared it imperative (a) that the United Nations state clearly the necessity and urgency of the withdrawal of Soviet troops from Hungary and (b) that the United Nations provide for free elections to help the Hungarian people reconstruct their political life. Eventually a United Nations commission and a United Nations police force would be needed to protect peace and order.

73. Adoption of the draft resolution was opposed on the following grounds. The presence of Soviet forces was defended as authorized by the Warsaw Pact and by the request of "the legal Hungarian Government". The latter had asked for assistance in its effort to suppress the forces of reaction and counter-revolution, supported and trained abroad for subversive purposes. It had declared that when order and tranquillity had been restored it would enter into negotiations with the Government of the Soviet Union and other parties to the Warsaw Pact concerning the presence of Soviet forces on Hungarian territory. Thus, the question of the withdrawal of Soviet forces from Hungary was a matter exclusively within the jurisdiction of the Governments of Hungary and the Soviet Union. The question of the existence and implementation of a regional agreement such as the Warsaw Pact was exclusively within the jurisdiction of the contracting parties, and any attempt to turn this question into a subject for discussion by the United Nations was illegal and a violation of the Charter.

74. In support of the draft resolution, the following contentions were advanced. The Soviet Union's use of its troops on Hungarian territory and its failure to withdraw them despite repeated requests conflicted with its commitments as a signatory of the Charter, commitments which included the provisions of Article 2 (4), on which, among other provisions, the jurisdiction of the United Nations was based. It was undeniable that the use of a foreign army to overthrow the Government of another country constituted intervention. Indeed, reference to the need to eliminate reactionary elements in justification of the steps taken was an admission that there had been intervention. Interference in the internal affairs of a country in the name of the restoration of order and peace was not permissible, no matter what agreements bound the countries involved. Suppression by force of the Government of a country

58/ For texts of relevant statements, see G A (ES-II), Plen., 564th mtg.: Belgium, paras. 195-197, 200 and 201; Canada, para. 131; France, paras. 232-234, 238 and 239; Union of South Africa, paras. 32-34; USSR, paras. 10, 100, 104, 108, 109, 113, 115; United States, paras. 71, 73, 75; 568th mtg.: Bulgaria, para. 63; Hungary, para. 3; Ireland, para. 88; Poland, paras. 36 and 37; Romania, paras. 107 and 108; 569th mtg.: Costa Rica, paras. 120, 124; El Salvador, paras. 64 and 65; 570th mtg., USSR, paras. 60 and 61.

59/ G A (ES-II), Plen., 571st mtg., para. 240.

established with the approbation of its people was a breach of the principles of the Charter. Appeal could not be made to the existence of a Government established with the aid of foreign forces to bar United Nations discussion; nor could there be genuine negotiations between two Governments, one of which was the creation of the other. Hence, the withdrawal of Soviet forces was a pre-condition of the restoration of Hungarian political independence and of law and order. 60/

ii. Resolutions 1127 (XI) and 1130 to 1133 (XI)

75. The situation in Hungary was considered further at the eleventh regular session of the General Assembly. 61/ The following are the provisions of the five resolutions adopted by the General Assembly which appear to bear most directly on Article 2 (4):

Resolution 1127 (XI). The fourth preambular paragraph recalled "the principles of the Charter of the United Nations, in particular the principle embodied in Article 2, paragraph 4". Operative paragraph 1 considered the prompt withdrawal of Soviet forces from Hungary to be urgently necessary.

Resolution 1130 (XI). The third preambular paragraph noted with deep concern the failure of the Government of the Soviet Union to comply with the provisions of the United Nations resolutions calling upon it to desist from its intervention in the internal affairs of Hungary, to withdraw its armed force from Hungary and to cease its repression of the Hungarian people. Operative paragraph 1 reiterated the call for such compliance.

Resolution 1131 (XI). Operative paragraph 1 declared that "by using its armed force against the Hungarian people, the Government of the Union of Soviet Socialist Republics is violating the political independence of Hungary". Operative paragraph 2 condemned "the violation of the Charter of the United Nations by the Government of the Union of Soviet Socialist Republics in depriving Hungary of its liberty and independence and the Hungarian people of the exercise of their fundamental rights". Operative paragraph 3 again called on the Government of the Soviet Union to desist from any form of intervention in the internal affairs of Hungary. Operative paragraph 4 called upon the Government of the Soviet Union to make immediate arrangements for the withdrawal, under United Nations observation, of its armed forces from Hungary and to permit the re-establishment of the political independence of Hungary.

Resolution 1132 (XI). Operative paragraph 1 established a special committee for the purpose, among others, of investigating "the situation created by the intervention of the Union of Soviet Socialist Republics, through its use of armed force and other means, in the internal affairs of Hungary".

60/ For texts of relevant statements, see G A (ES-II), 569th mtg.: Costa Rica, paras. 120, 121, 124; Italy, paras. 115 and 116; Peru, para. 139; 570th mtg.: Union of South Africa, para. 94; USSR, paras. 60, 61, 63; United States, para. 4; 571st mtg.: Argentina, paras. 88 and 89; Ceylon, para. 147; Cuba, paras. 165-170; Czechoslovakia, paras. 52, 55, 58; Indonesia, paras. 105 and 106; Nepal, para. 94; Romania, paras. 35, 38; United Kingdom, para. 28.

61/ For an account of the proceedings at the eleventh session of the General Assembly, see the study under Article 11 in this Supplement.

Resolution 1133 (XI). This endorsed the report 62/ of the Special Committee and found that the conclusions reached by the Committee confirmed that the "present Hungarian régime has been imposed on the Hungarian people by the armed intervention of the Union of Soviet Socialist Republics". The General Assembly condemned these acts and decided on certain steps to achieve the objectives of its resolutions.

76. The following is a summary of that part of the discussion of the five resolutions in their draft stage which bore on the scope and meaning of Article 2 (4).

Resolution 1127 (XI)

77. During the General Assembly's consideration of a draft resolution submitted by Cuba - which became resolution 1127 (XI) - the representative of El Salvador submitted an amendment to mention the terms of Article 2 (4) in the text.

78. The amendment moved by El Salvador was supported on the following grounds. It rightly drew attention to the fact that Soviet interference in Hungary was a clear violation of the obligation for all Members, in their international relations, to refrain from the threat or use of force against the territorial integrity or political independence of any State. The action of the Soviet Union was characterized as an act of aggression by one State against another; an attack on an independent people for political reasons; a manifest violation by armed force of the principle of non-intervention.

79. With regard to the suggestion that no forbidden use of force was involved since Soviet forces were present in Hungary on the invitation of the Hungarian Government, it was maintained that the sequence of events left no doubt that the current Government of Hungary existed and exercised authority solely as a result of Soviet action and Soviet power. It followed that the political independence of Hungary was not being respected, and should be restored by the removal of Soviet troops. A Government could easily disguise military aggression as a police operation, claiming that its intervention had been requested by its own friends in the country which was the victim of aggression. It was a dangerous theory which made it legitimate for a Government to send its army into another State to impose its will on the people by force as soon as one of its friends requested such intervention. It would then no longer be possible to identify such an act as aggression. Thus, the principle of non-intervention, one of the essential aims of the United Nations, would be nullified.

80. The representatives of Hungary and of certain other Member States, in opposing the draft resolution submitted by Cuba, reiterated their view that events in Hungary, as well as the settlement of the Hungarian question, fell under the exclusive jurisdiction of the Hungarian Government. The discussion of the problem in the United Nations, therefore, constituted a grave infringement of Hungary's sovereignty and was diametrically opposed to the principles laid down in the Charter. 63/

62/ G A (XI), Suppl. No. 18 (A/3592).

63/ For texts of relevant statements, see G A (XI), Plen., vol. I, 582nd mtg.: Cuba, para. 22; Hungary, paras. 27 and 28; 583rd mtg.: Chile, paras. 159, 161; El Salvador, paras. 59, 60, 62; Italy, paras. 10 and 11; Spain, para. 204; United Kingdom, para. 149; 584th mtg.: Byelorussian SSR, para. 12; Haiti, para. 67; Israel, para. 173; Netherlands, paras. 6 and 7; Philippines, para. 166; 585th mtg.: Bolivia, paras. 213 and 214; Colombia, paras. 80-82; Peru, paras. 103-108; Uruguay, paras. 15, 22, 25-28; 586th mtg.: USSR, para. 193; 587th mtg.: Cuba, para. 16.

Resolution 1130 (XI)

81. The General Assembly next considered a draft resolution submitted by fourteen Member States - which became resolution 1130 (XI) 64/ - expressive of its concern over the failure of the Soviet Union to comply with resolution 1127 (XI).

82. The following arguments were invoked by representatives who opposed the fourteen-Power draft resolution, in addition to contentions based on Article 2 (7). The General Assembly was not competent to deal with an alleged dispute between two States when the authorities in power in each denied the existence of any dispute between them. Soviet troops were present in Hungary in complete conformity with the Charter, since Chapter VIII of the Charter recognized the right of Member States to conclude regional defence arrangements among themselves; it was in accordance with the Warsaw Pact that Soviet troops were stationed in the territory of Hungary. Soviet troops had helped the legitimate authorities in Hungary overcome attempts of fascist reactionaries to make use of peaceful popular demonstrations in order to enslave the Hungarian people. The Soviet troops would be withdrawn from Hungary when this action was requested by the Hungarian Government. The question of the presence of Soviet troops on Hungarian territory was therefore a matter for the two Governments concerned, and not a matter to be dealt with by the United Nations.

83. In reply, the military intervention of the Soviet Union in Hungary was described as an attack on the political independence of the Hungarian people, inconsistent with Article 2 (4) and Article 1 (2) of the Charter. The contention that the Warsaw Pact empowered the Soviet Union to intervene with armed force in Hungary was resisted as a claim to deny political independence to the Hungarian people, a claim which was invalid in law because contrary to the clear implication of Articles 2 (4) and 1 (2), and of Article 103, which established the precedence of Charter obligations, including the injunction contained in Article 2 (4). It was also maintained that no nation might sign a collective security agreement that would permit the troops of one of the parties to the pact to use force against the nationals of the other or to justify action to overthrow the Government lawfully in power and to force another Government upon the people.

84. An invasion by a foreign army to suppress a national revolt constituted defiance of the authority of the United Nations, not to be excused by invoking a military pact. Appeals to sovereignty, domestic jurisdiction, reserved powers or exclusive rights of self-determination could not prevail when an international problem arose involving not only intervention, but armed intervention by one State against another for the purpose of imposing a specific ideology upon it. Whether the revolt had been started by fascists or others made no difference in this regard. It had been with the aid of Soviet troops that the new Hungarian Government had assumed power, and only with that aid was it able to maintain itself. This constituted intervention in Hungary's domestic affairs, an attack upon the sovereign authority of the Hungarian people and a violation of the principles of the United Nations Charter. The General Assembly was therefore obliged by the Charter to take action in this case. 65/

64/ G A (XI), Plen., vol I, 608th mtg., para. 182.

65/ For texts of relevant statements, see G A (XI), Plen., vol. I, 604th mtg.: Argentina, para. 64; Hungary, paras. 3-10; 605th mtg.: Bulgaria, paras. 14, 16-19; Ceylon, paras. 133, 141, 144; Cuba, paras. 41 and 42; USSR, paras. 60, 111; Italy, para. 128; 606th mtg.: El Salvador, paras. 61-63; Greece, paras. 30-33; 608th mtg.: Burma, para. 226; Dominican Republic, paras. 230 and 231, Uruguay, para. 71.

Resolution 1131 (XI)

85. In connexion with the consideration of resolution 1131 (XI) 66/ in draft stage, it was asserted that, except in cases of collective action authorized by international bodies, the use of force by one country against the territory of another constituted aggression. No country should intervene in the internal affairs of another, whether to assist or to overthrow a Government. If force were being used in Hungary, it could not be denied that such use of force was a violation of the Charter.

86. The view was also expressed that, even if the Warsaw Pact had authorized the use of foreign troops to intervene in Hungary's internal affairs, such an authorization would be invalid, since it was impossible for a Government to alienate its basic attributes of national sovereignty. Moreover, the Hungarian Government had not authorized the use of Soviet forces on its territory; the invasion of Hungary had been carried out against its express will. Prime Minister Nagy had not appealed to the United Nations for help to get the Soviet army into Hungary, but for help to get the Soviet army out. Only after his Government had been violently overthrown was the Soviet Union, backed by its troops, able to establish a Government which, after the event, sought to legalize what had been an actual intervention. There could be no objection to a close relationship between Hungary and the Soviet Union, but it could not be brought about by violence and force.

87. In opposing the twenty-Power draft resolution, other representatives denounced it as provocative and contrary to the principles of the Charter. Use was being made of the United Nations to exert pressure and to interfere in the domestic affairs of the peoples' democracies. In pursuit of this policy of external interference, direct control from without was being exercised over subversive organizations linked with the Hungarian insurrection. The counter-revolutionary rebels in Hungary had received moral and material support from the west. These subversive activities created a threat to peace. They were not only contrary to General Assembly resolution 110 (II), which condemned all forms of propaganda likely to provoke or encourage any threat to the peace, but constituted a threat within the meaning of Article 2 (4) of the Charter. 67/

Resolution 1132 (XI)

88. In submitting a draft resolution sponsored by twenty-four Powers, to establish a Special Committee on the Problem of Hungary -- which became resolution 1132 (XI) -- the representative of Australia stated that the main objectives of the United Nations concerning Hungary remained the following: first, the withdrawal of Soviet armed forces from Hungary; second, the cessation of Soviet intervention in the internal affairs of Hungary; and third, the establishment of the full political independence of Hungary. In the course of discussion the following additional arguments were advanced. The current political system in Hungary had been established and maintained by the Soviet Union in violation of fundamental provisions of the Charter. The revolts only made more flagrant the whole series of such violations, which included violation of the

66/ G A (XI), Plen., vol. II, 618th mtg., paras. 211 and 212.

67/ For texts of relevant statements, see G A (XI), Plen., vol. I, 613th mtg.: Argentina, para. 114; Belgium, para. 28; Peru, para. 57; Thailand, para. 139; 614th mtg.: Czechoslovakia, para. 155; India, paras. 58 and 59; USSR, paras. 99, 100, 111, 123; 615th mtg.: Albania, paras. 101 and 102; Colombia, paras. 31 and 32; 616th mtg.: Byelorussian SSR, paras. 14-16; Norway, para. 92; Tunisia, para. 188; Venezuela, paras. 82 and 83. G A (XI), Plen., vol. II, 618th mtg.: Peru, paras. 15 and 16; India, paras. 122-124, 215.

undertaking to refrain from the threat or use of force against the political independence of any State. Armed intervention by one country in another constituted an international problem.

89. The duties which the United Nations Charter placed on Member States, by virtue of the fact that the Charter was a multilateral agreement, represented not only moral but also legal obligations. One such legal obligation was the avoidance of the use of force contrary to the principles of the Charter or against the independence and sovereignty of a State. Another was the principle of non-intervention. Obligations under General Assembly resolutions were therefore legally binding, mainly because the General Assembly simply prescribed what the Charter prescribed. The Charter was interpreted by the General Assembly; when it applied the Charter in a specific case, when it called on a Power to comply with the provisions of Article 2 (4), such an injunction had the legal force derived from a treaty. It was also observed that, although under the Charter the resolutions of the General Assembly could only be recommendations, the provisions for which they urged respect had a mandatory character.

90. The draft resolution was opposed on the ground that the so-called "Hungarian question" was being used to worsen relations between peoples and to poison the international atmosphere, a procedure which ran directly counter to the Purposes and Principles of the United Nations. The draft resolution before the General Assembly attempted subversive interference in the domestic affairs of Hungary and constituted a flagrant violation of the spirit and letter of the Charter. It was obvious that the establishment of a special committee by the General Assembly to interfere in the domestic affairs of Hungary, a Member State of the United Nations, was a definite violation of Article 2 (7) of the Charter. 68/

Resolution 1133 (XI)

91. At the resumed eleventh session, the General Assembly had before it the report of the Special Committee on the Problem of Hungary 69/ and a draft resolution sponsored by thirty-seven Powers, which became resolution 1133 (XI). In introducing the report, the representative of Australia stated that the Special Committee had been engaged in an inquiry into the use of force by the Soviet Union against the people of Hungary. It found that the Soviet Union had intervened with force in the internal affairs of Hungary to suppress a popular national uprising, and that the Government which had been installed by Soviet armed might was able to remain in power only through the use of an apparatus of foreign force. Therefore, force had been used to crush the aspirations of the Hungarian people.

92. The representative of the United States, when submitting a draft resolution sponsored by thirty-seven Powers, declared that in view of such a massive violation of the Charter as had taken place in Hungary, it was the duty of the General Assembly to uphold the basic principles of the Charter by condemning these gross invasions of Hungary's sovereignty, and by renewing its call upon the Soviet Union to conform to the Charter.

68/ For texts of relevant statements, see G A (XI), Plen., vol. II, 633rd mtg.: Belgium, paras. 126, 128; USSR, paras. 30, 73 and 74; 634th mtg.: Australia, paras. 2, 8 and 9; Peru, paras. 30, 39, 40, 49; 635th mtg.: Morocco, para. 56; 636th mtg.: Albania, paras. 66 and 67; France, para. 57.

69/ G A (XI), Suppl. No. 18 (A/3592).

93. The invocation of Article 2 (7) by the representative of Hungary was characterized as giving support to a dangerous thesis: the United Nations could not interfere when a Member State of the United Nations invaded another Member State with an army, imposed a new Government by force and thus created a new order by violating the sovereignty of a nation and the will of a people. If this thesis were accepted, Article 2 (7) would no longer protect the sovereignty of a State but only the prepotent power of the winning side.

94. The armed attack by the forces of the Soviet Union against Hungary could not be justified by invoking the provisions of the Warsaw Pact, which was a defensive arrangement against external aggression. Intervention in domestic affairs was expressly prohibited under the law constituted by treaty relations between Hungary and the Soviet Union. Since these obligations expressly confirmed the provisions of Article 2 (4) of the Charter, the United Nations had a clear right to require the Soviet Union to withdraw its forces and end its interference in Hungarian politics. Moreover, there was no provision in the Warsaw Pact which would authorize the Soviet Union to use its armed forces to impose its will on the Hungarian people. Any such provision would be null and void because it was the duty of all Member States of the United Nations, under Article 2 (4), to refrain in their international relations from the use of force, and because this duty enjoined by the Charter took precedence, in accordance with Article 103 of the Charter. Therefore, any clause of the Warsaw Pact under which the Soviet Union might consider itself authorized to use force against the political independence of Hungary was illegal, not only condemned by international law but also voided by an express provision of the Charter.

95. The representatives who opposed the joint draft resolution stated once more that consideration of the question was inconsistent with Article 2 (7) of the Charter. The establishment of the Special Committee had been illegal and contrary to the Charter. The General Assembly should condemn the report of the Special Committee as intervention in the domestic affairs of Hungary. The Soviet military units which were present in Hungary under the terms of the Warsaw Pact had taken action, in accordance with the requests of the Hungarian Government, to avert a real threat of the restoration of the fascist régime in Hungary and to prevent the creation of a hotbed of war in Central Europe. Attempts had been made at the General Assembly to touch upon the question of the stationing of Soviet army units in Hungary. This was a question exclusively within the competence of the Governments of Hungary and of the Soviet Union. These attempts to use the United Nations for purposes of crude interference in the internal affairs of Hungary were a violation of the Charter and a detriment to the cause of peace and international security. 70/

70/ For texts of relevant statements, see G A (XI), Plen., vol. III, 669th mtg.: Australia, paras. 5, 10 and 11, United States, paras. 51, 87, 94, 95, 98; 670th mtg.: Hungary, para. 53; Philippines, paras. 65, 70-72, 75; USSR, paras. 145-147, 168, 169, 181; 671st mtg.: Peru, paras. 91, 97; 672nd mtg.: Australia, paras. 68, 70 and 71; Italy, para. 129; 673rd mtg.: Costa Rica, para. 69; Spain, para. 109; 674th mtg.: El Salvador, para. 19; 675th mtg.: Norway, paras. 97 and 98; Uruguay, paras. 36, 40 and 41; 676th mtg.: Hungary, para. 33; Portugal, para. 189; 677th mtg.: Denmark, paras. 8-10; Philippines, para. 244; USSR, paras. 191, 222.

b. THE QUESTION OF ALGERIA

96. During the consideration by the General Assembly of the question of Algeria, 71/ the following were characterized as violations of Article 2 (4): (a) The dispatch of arms and other aid from Arab countries to those opposing French authority in Algeria; and (b) The exercise of so-called "hot pursuit" across Algerian-Tunisian frontiers by French military authorities in Algeria. There was, however, no reference to Article 2 (4) in the draft resolutions concerning Algeria submitted to the General Assembly or adopted by it.

97. At the eleventh session, during the discussion by the First Committee, the representative of France charged that there had been various forms of foreign intervention in Algeria in violation of Article 2 (4) of the Charter. A notable example was aid from Egypt to Algerian rebels. Such action constituted outright interference in the internal affairs of a State, inconsistent with the purposes of the United Nations and with the Charter obligation to refrain from the threat or use of force in international relations. A complaint concerning such encouragement and the substantial aid which the Algerian rebels had received from Egypt had previously been lodged by France with the Security Council. 72/

98. On the other hand, support given the Algerian rebels from outside was said to be justified in the same way as that given other independence movements throughout history. The charges of external intervention in the Algerian conflict only served to substantiate the impossibility of isolating a struggle for independence, or of keeping it from being a threat to the peace and security of the entire region and therefore requiring intervention by the United Nations. The French Government had stated that it was seeking a negotiated, not an imposed, solution of the Algerian problem. Negotiation was indeed the normal method of resolving differences in accordance with the Charter. The alternative to negotiation was the use of force, which was contrary to the purposes of the Charter. This theory was challenged by the French representative, who asserted that it constituted an incentive to subversion and offered a bonus for aggression. 73/

99. During the twelfth session of the General Assembly, during discussions by the First Committee, the representative of France reiterated the view that moral and material encouragement to the Algerian rebellion, regardless of its source, constituted a violation of the principles of the Charter, particularly of Article 2 (4). Centres had been established in Morocco and Tunisia for receiving and forwarding arms sent to the Algerian rebels from abroad. From these centres commandos left to infiltrate into Algeria. The very sovereignty of these two neighbouring States was being threatened by the pressure the Algerian rebels exerted upon them.

71/ For the discussion in the General Assembly concerning the application and interpretation of the principle of self-determination in connexion with the question of Algeria, see this Supplement under Article 1 (2).

72/ S C, 11th yr., Suppl. for Oct.-Dec., p. 98, S/3689. The matter was included in the agenda of the Security Council at its 747th meeting, on 29 October 1956 (para. 9).

73/ For texts of relevant statements, see G A (XI), 1st Com., 831st mtg.: France, paras. 16-20; 834th mtg.: Morocco, paras. 45 and 46; 835th mtg.: France, para. 41; Syria, para. 68; 837th mtg.: Saudi Arabia, paras. 9, 12, 29; 838th mtg.: Egypt, para. 1; Iraq, para. 56; 842nd mtg.: Jordan, para. 35, 45; 844th mtg.: India, para. 51; 846th mtg.: Thailand, para. 3.

Tension prevailed, particularly on the Algerian-Tunisian frontier, and incidents occurred which had no other cause than these violations. They could not be attributed to France, which could not renounce its right of self-defence.

100. These allegations were denied by the representative of Tunisia, who also invoked Article 2 (4), stating that the French military authorities in Algeria directing operations at the Algerian-Tunisian frontier might well be reminded of the substance of these provisions of the Charter. Other representatives offered the following contentions. The so-called "right of pursuit" claimed by France, which violated frontiers and carried the war to the territories of Morocco and Tunisia, constituted a flagrant violation of Article 2 (4) of the Charter. It was to be expected that the Arab countries should express their solidarity by assisting the emancipation of others in their group; all liberation movements throughout history had received assistance and support in one form or another. The question before the United Nations was whether it should allow France and the people of Algeria to destroy every possibility of an amicable settlement and to fight the issue out to the bitter end. Such a course would be contrary to the Purposes and Principles of the United Nations, and would constitute an abdication of its responsibility for the adjustment of a situation threatening international peace and security. An analogy was drawn - and contested - between the Algerian and Hungarian situations, as involving violations of Article 2 (4). 74/

101. At the thirteenth session, it was asserted during the discussions by the First Committee, that the war was spreading to the territory of Algeria's neighbours, thus posing a threat to international peace; the Government of France had rejected repeated appeals and had continued its policy of military repression. In view of the acts of aggression committed by French troops against all the States in northern Africa, the United Nations would fail in its duties if it did not take necessary steps to put an end to the regrettable situation. The bombing of the Tunisian village of Sakiat-Sidi-Youssef in February 1958, and of the Libyan village of Esin in 1957 and 1958, attested that France was waging war not only in Algeria but on the territory of neighbouring countries. France had violated the Purposes and Principles of the Charter, and the conflict had seriously endangered relations between France, on the one hand, and Morocco and Tunisia, on the other. 75/

102. The representative of France did not take part in these deliberations at the thirteenth session. 76/

74/ For texts of relevant statements, see G A (XII), 1st Com., 913th mtg.: France, paras. 32-36; 916th mtg.: Ceylon, para. 25; Saudi Arabia, para. 7; 917th mtg.: Iraq, para. 57; 918th mtg.: USSR, para. 20; 920th mtg.: Pakistan, para. 26; 922nd mtg.: Tunisia, paras. 59, 64 and 65; 924th mtg.: Netherlands, para. 5; 925th mtg.: Cuba, paras. 7, 9.

75/ For texts of relevant statements, see G A (XIII), 1st Com., 1014th mtg.: Tunisia, paras. 32, 37; 1017th mtg.: USSR, paras. 17, 20; 1020th mtg.: Jordan, para. 44; 1021st mtg.: Liberia, para. 29; Libya, para. 7; Ukrainian SSR, para. 1; United Arab Republic, para. 39.

76/ G A (XIII), 1st Com., 1014th mtg.: Tunisia, para. 26.

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

103. In connexion with consideration by the Security Council, and subsequently by the General Assembly, of military action taken by France and the United Kingdom against Egypt, it was asserted that such action was not a use of force in violation of Article 2 (4), but was consistent with the purposes of the United Nations, since the United Nations was unable to take the urgent action required in the circumstances of armed conflict existing at the time in Egypt, namely, to separate the belligerents and guarantee freedom of transit through the Suez Canal; France and the United Kingdom had not infringed the principles of the Charter in intervening, as they were obliged to do, on behalf of the United Nations. As the main users of the Suez Canal, they were vitally affected by threats of interference with its operations. The aim of their action was, therefore, to safeguard the Suez Canal and restore peace in the area.

104. In opposition to these views, it was maintained that to keep the peace was the function, not of one or of several Powers, but of the whole international community. The use of force could only be justified when it resulted from a decision by the United Nations, or from the need to repel an armed attack in exercise of the right of self-defence and in strict accord with the provisions of the Charter.

1. In the Security Council

DECISIONS OF 30 AND 31 OCTOBER 1956 IN CONNEXION WITH "THE PALESTINE QUESTION: STEPS FOR THE IMMEDIATE CESSATION OF THE MILITARY ACTION OF ISRAEL IN EGYPT"

105. By a letter 77/ dated 29 October 1956, the representative of the United States urgently requested a meeting of the Security Council to consider steps for the immediate cessation of the military action of Israel in Egypt. The question was included in the agenda at the 748th meeting of the Security Council, on 30 October 1956. 78/ At the following meeting, the representative of the United Kingdom read the text of communications from his Government and the Government of France to the Governments of Egypt and Israel, demanding cessation of hostilities,

77/ S C, 11th yr., Suppl. for Oct.-Dec., p. 108, S/3706.

78/ The item was considered by the Security Council at its 748th to 750th meetings, held on 30 October 1956.

withdrawal of their forces from the area of the Suez Canal, and acceptance of the temporary occupation of key positions on Egyptian territory by forces of France and the United Kingdom. 79/

106. At the 749th meeting, on 30 October 1956, the representative of the United States submitted a draft resolution 80/ to call upon Israel immediately to withdraw its armed forces behind the established armistice lines, 81/ and to call upon all Members to refrain from the use of force or threat of force in the area in any manner inconsistent with the purposes of the United Nations. The draft resolution was not adopted because of the negative votes of two permanent members. 82/ A draft resolution submitted by the Soviet Union, 83/ to call upon Israel immediately to withdraw its armed forces behind the established armistice lines failed of adoption for the same reason. 84/ At the 751st meeting, on 31 October 1956, the Council decided to call an emergency special session of the General Assembly to make appropriate recommendations. 85/

107. During the discussion by the Security Council of steps for the immediate cessation of the military action of Israel in Egypt, the question arose whether the conduct of the Governments of France and the United Kingdom, which had informed the

79/ By a letter (S C, 11th yr., Suppl. for Oct.-Dec., p. 111, S/3712) dated 30 October 1956, the representative of Egypt informed the Security Council that the Egyptian Ambassador in London had been handed a note by the Government of the United Kingdom containing an ultimatum to the Government of Egypt to (a) stop all warlike actions by land, sea and air; (b) withdraw all Egyptian military forces ten miles from the Suez Canal; (c) accept occupation by armed forces of France and the United Kingdom of key positions at Port Said, Ismailia and Suez. Failing an answer by 6.30 a.m., Cairo time, on 31 October, the Governments of France and the United Kingdom would intervene in whatever strength they might deem necessary to secure compliance. The Governments of France and the United Kingdom were taking as a pretext for their actions the current fighting within Egyptian territory between attacking armed forces from Israel and defending forces from Egypt. This threat of force by the Governments of France and the United Kingdom and the imminent danger that French and United Kingdom armed forces would occupy Egyptian territory, in flagrant violation of the Charter, impelled the Government of Egypt to request the Security Council to convene immediately to consider this act of aggression by France and the United Kingdom. In the meantime, and until the Security Council had taken the necessary measures, Egypt had no choice but to defend itself and safeguard its rights against such aggression. This letter was included (S C, 11th yr., 750th mtg., para. 9) in the agenda, as the second item, at the 750th meeting of the Council, on 30 October 1956; the first item was the letter from the United States, S/3706. The second item, S/3712, was considered by the Council at its 750th and 751st meetings, on 30 and 31 October 1956.

80/ S C, 11th yr., Suppl. for Oct.-Dec., p. 110, S/3710.

81/ Based on the General Armistice Agreement between Egypt and Israel, 24 February 1949 (United Nations, Treaty Series, vol. 42, I, No. 654, p. 251).

82/ S C, 11th yr., 749th mtg., para. 186.

83/ *Ibid.*, para. 188.

84/ S C, 11th yr., 750th mtg., para. 23.

85/ S C, 11th yr., 751st mtg., paras. 71, 147.

Council that they had assumed the responsibility of taking preventive action in the interest of all Members to restore peace and security in the Suez Canal area, was compatible with the purposes of the Charter within the meaning of Article 2 (4).

108. The representatives of France and the United Kingdom declared that joint action was being undertaken by their Governments to separate the belligerents and to safeguard free passage of the Suez Canal by the temporary occupation by their forces of key positions at Port Said, Ismailia and Suez, because Egypt and Israel had shown such repeated disregard for the resolutions of the Security Council, and the Council itself was prevented by the lack of effective collective machinery from taking constructive action to restore peace and order in a case of extreme emergency. The two permanent Council members, animated by a sense of duty and of urgency, were intervening temporarily in Egypt, convinced that their action was not contrary to the principles of the United Nations Charter.

109. The draft resolution 86/ introduced by the representative of the United States at the 749th meeting following the declarations of France and the United Kingdom described above, included the following operative paragraph, in which the Security Council:

"2. Calls upon all members:

"(a) to refrain from the use of force or threat of force in the area in any manner inconsistent with the purposes of the United Nations".

110. The representative of the United States, stressing that this paragraph repeated the language of Article 2 (4) of the Charter, observed that in no circumstances would the ultimatum given to Egypt by France and the United Kingdom be justifiable or consistent with the Purposes and Principles of the Charter. Other members of the Council also stressed the special importance to be attached to the language of paragraph 2 (a) of the United States draft resolution in view of the ultimatum issued by France and the United Kingdom.

111. The representatives of France and the United Kingdom suggested that the Council remain seized of the situation but defer action on the United States draft resolution pending the outcome of the efforts of their Governments to obtain compliance on the part of Egypt and Israel. They referred to the Council's past record of failure to deal effectively and in time with the Middle East situation, which was rapidly getting out of control. In the circumstances, there was no action the Security Council could take speedily to stop the fighting and safeguard free passage through the Suez Canal. The proposed joint action by France and the United Kingdom was therefore fully justified and should lead to the immediate cessation of hostilities and the establishment of machinery which would make it virtually impossible for fighting to continue. The announced action was not only an alternative course which the Council would be fully justified in endorsing, but was the only effective action in a very grave situation. To adopt the United States draft resolution would not advance but, on the contrary, would retard the objectives of the Council.

112. In opposition to the position of France and the United Kingdom, the view was expressed that the Council's functions could be delegated only on its explicit instructions, except in case of self-defence. The action taken by France and the United Kingdom was a unilateral application of force, without any authorization from

86/ S C, 11th yr., Suppl. for Oct.-Dec., p. 110, S/3710.

the United Nations or foundation in their own treaty commitments, undertaken just when the Security Council, which bore primary responsibility for the maintenance of international peace and security, was considering the action to be taken in the face of Israel's aggression against Egypt. Their action was clearly contrary to the Charter and gave operative paragraph 2 of the United States draft resolution particular urgency. There was no justification for infringement of the Charter, under which force might not be used except in accordance with its Purposes and Principles, and could be rendered lawful only by a decision of the Security Council. 87/

2. In the General Assembly

RESOLUTIONS 997 (ES-I), 999 (ES-I), 1002 (ES-I) AND 1120 (XI)
IN CONNEXION WITH THE QUESTION OF MILITARY ACTION
IN EGYPT BY FRANCE, ISRAEL AND THE UNITED KINGDOM

113. At the first emergency special session of the General Assembly, called by the Security Council in the circumstances recited above, and at the eleventh session, discussion bearing on Article 2 (4) continued. The military action taken by France and the United Kingdom was again defended as an urgent temporary police measure in the interest of the United Nations, not incompatible with the principles of the Charter, because of the inability of the United Nations to bring about a prompt cessation of hostilities between Egypt and Israel and to safeguard the Suez Canal. The military action taken by Israel was defended principally on the ground of Article 51, but also as being required by Egypt's failure to comply with the Purposes and Principles of the Charter. The opposing view was generally that a State might use force only in self-defence or in participating in a collective military action decided by the United Nations. Unauthorized police action was inconsistent with the fundamental principles of the Charter, as was the unilateral redress of wrongs by action outside the framework of the United Nations. Other questions that were discussed concerned the bearing of a claim for fulfilment of the obligation to seek pacific settlement of underlying difficulties on the obligation not to use force.

114. At the outset of the debate at the 561st meeting of the General Assembly, the United States introduced the following draft resolution, which was adopted at the next meeting and became resolution 997 (ES-I):

"The General Assembly,

"Noting the disregard on many occasions by parties to the Israel-Arab armistice agreements of 1949 of the terms of such agreements, and that the armed forces of Israel have penetrated deeply into Egyptian territory in violation of the General Armistice Agreement between Egypt and Israel of 24 February 1949,

87/ For texts of relevant statements, see S C, 11th yr., 748th mtg.: Egypt, para. 69; United States, paras. 7 and 8; Yugoslavia, para. 21; 749th mtg.: China, paras. 135-137; France, paras. 174-176; Peru, paras. 118-120; USSR, paras. 29, 30, 149 and 150; United Kingdom, paras. 7-11, 139-144, 182; United States, paras. 19-22, 126 and 127; Yugoslavia, paras. 25-27; 750th mtg.: Egypt, paras. 42, 45, 47; USSR, paras. 52, 53, 58; United Kingdom, paras. 66, 67, 70; 751st mtg.: President (France), paras. 61, 63 and 64; Egypt, paras. 24, 26 and 27; USSR, paras. 11, 16; United Kingdom, paras. 39, 47, 48, 50; Yugoslavia, paras. 31, 33.

"Noting that armed forces of France and the United Kingdom of Great Britain and Northern Ireland are conducting military operations against Egyptian territory,

"Noting that traffic through the Suez Canal is now interrupted to the serious prejudice of many nations,

"Expressing its grave concern over these developments,

"1. Urges as a matter of priority that all parties now involved in hostilities in the area agree to an immediate cease-fire and, as part thereof, halt the movement of military forces and arms into the area;

"2. Urges the parties to the armistice agreements promptly to withdraw all forces behind the armistice lines, to desist from raids across the armistice lines into neighbouring territory, and to observe scrupulously the provisions of the armistice agreements;

"3. Recommends that all Member States refrain from introducing military goods in the area of hostilities and in general refrain from any acts which would delay or prevent the implementation of the present resolution;

"4. Urges that, upon the cease-fire being effective, steps be taken to reopen the Suez Canal and restore secure freedom of navigation;

"5. Requests the Secretary-General to observe and report promptly on the compliance with the present resolution to the Security Council and to the General Assembly, for such further action as they may deem appropriate in accordance with the Charter;

"6. Decides to remain in emergency session pending compliance with the present resolution".

115. In opening the debate at the 561st meeting, the representative of Egypt charged that his country had been the subject of combined premeditated aggression by France, Israel and the United Kingdom. Israel had made an unprovoked armed attack for the purpose of occupying part of Egyptian territory and provoking war in that area. After an ultimatum, air force units of France and the United Kingdom had begun to bomb Egyptian territory and had caused a number of casualties. The United Kingdom had alleged that the main purpose of the armed intervention of France and the United Kingdom was to safeguard the Suez Canal and restore peace in the Middle East. France and the United Kingdom had, however, no right to intervene to safeguard the canal. There had been no decision by the United Nations, no resolution by the Security Council, giving them the right to use force to safeguard the canal and ensure the free passage of vessels. In trying to settle unilaterally, on their own account, a question which had been submitted to the United Nations, France and the United Kingdom were in violation of the Charter, which permitted resort to force only in accordance with its Purposes and Principles.

116. The representative of the United Kingdom stated that, confronted with Israel's incursion in force into Egyptian territory in violation of the General Armistice Agreement, and with the ensuing threat to the safety of the Suez Canal, which affected their vital interests, the Governments of France and the United Kingdom had taken military action designed to protect the canal, to separate the combatants and to restore peaceful conditions in the area. This was a temporary police action and would be terminated as soon as the emergency was over. It was not aggressive since it aimed

neither at the sovereignty of Egypt, nor at its territorial integrity; it was the only action which could effectively separate the belligerents and safeguard a vital international water-way. Action by the Security Council would have been too late to be effective. The General Assembly should therefore recognize that the intervention by France and the United Kingdom was justified and served the best interest of all concerned.

117. The representative of France contended that France and the United Kingdom had decided to intervene, not in a manner contrary to the purposes of the United Nations, but because it had seemed essential, as at the time of the Korean situation, that a Power or group of Powers should take the initiative of facing the real problems. The objectives in this case were cessation of hostilities between the armed forces of Egypt and Israel, protection of the Suez Canal and establishment of lasting peace in the Middle East. This operation in no way jeopardized Egyptian sovereignty; in undertaking this military action it was not intended to act in a manner incompatible with the principles of the Charter.

118. The representative of Israel supported the military action taken by his Government in Egypt, principally on the ground of Article 51. ^{88/} In the present context, note may be made of his contention that Egypt's competence to invoke the Charter against Israel was seriously compromised and reduced by Egypt's denial to Israel of the plenitude of Charter rights which it claimed for itself, and its failure to respect the obligations which it owed to Israel under the Charter, namely, to join with Israel in maintaining international peace and security, to regard Israel as a sovereign equal, to respect the territorial integrity and political independence of Israel and to refrain from the threat or use of force against this integrity and independence. He complained also of Egyptian default in meeting its obligations under the General Armistice Agreement of 1949 and of the illicit belligerency practised by Egypt by land and by sea. The United Nations, moreover, had not been able to offer Israel the minimum of daily security enjoyed by all its other Members.

119. It was asserted in the debate which accompanied adoption of the resolution that the Charter forbade resort to force by a State unless it was an act of self-defence against armed attack or an act of participation in a collective military action decided by a competent organ of the United Nations. Except in cases of collective action undertaken in accordance with the provisions of the Charter, no country might secure its rights, however legitimate, by the use of force. Independent action outside the framework of the Charter was prohibited. A nation lost its right to demand compliance with other treaties if it ignored its obligations under the Charter.

120. The Charter prohibited the use of force as a means of settling international differences or grievances. The hostile acts against Egypt could not be justified, therefore, by claims of other States against that country. The use of force or armed intervention to secure rights was strictly prohibited unless expressly ordered by the Security Council. It was a purpose of the United Nations, clearly expressed in the Charter, to abjure force as an instrument of national policy. Though the United Nations had not yet been able to agree on a definition of aggression, the Charter, in Article 2, explicitly denied to Member States any warrant for the threat or use of force against the territorial integrity or political independence of any State. It was inadmissible that one or two States should claim the right to carry out an international police action when the only organ which could do this was the Security Council, or, if it failed to act, the General Assembly, by virtue of the "Uniting for peace" resolution.

^{88/} For the part of the discussion that dealt with the relation of Article 2 (4) to the right of self-defence, see below, under section II C, para. 122 et seqq.

121. Moreover, neither France nor the United Kingdom had the right to use arms against Egypt, because they had not been attacked. No provision of the Charter gave one nation the right to police another or to use armed might in defence of the principles of the Charter. The General Assembly could not accept the view that this was a war to prevent a greater war. No Power or group of Powers had the right to wage war. To keep the peace was not the function of any given country, or countries, but was the exclusive function of the international community. The armed attack on Egypt was actually a preventive war; the whole concept of preventive war was contrary to the principles of the Charter. In addition, the demand that the Egyptian Government should agree that forces of France and the United Kingdom should occupy Port Said, Ismailia and Suez violated the principles of the Charter relating to territorial integrity. 89/

C. The question of the bearing of the injunction in
Article 2 (4) on the right of self-defence

122. Both the Security Council and the General Assembly considered the relation of Article 2 (4) to Article 51 in various connexions. 90/ Against claims of violation of the prohibition against the threat or use of force in Article 2 (4), on the one hand, Article 51 with its reference to the inherent right of collective self-defence was invoked on the other, to support military action undertaken by a State upon invitation of the Government of another State. In discussion of the complaints by France and Tunisia reference was made to the relationship between armed attacks forbidden under Article 2 (4), and measures to resist them in exercise of the inherent right of self-defence recognized in Article 51. This right, it was asserted, could only be exercised in case of an armed attack. In connexion with the complaints of Jordan and Lebanon it was denied that military assistance by a foreign State was justified under Article 51 except in case of an armed attack which, it was asserted, had not taken place. In the course of General Assembly consideration of the military action by France, Israel and the United Kingdom against Egypt, the representative of Egypt asserted that when confronted with acts of aggression by Israel and by France and the United Kingdom, it had been obliged to resort to force to defend itself in accordance with the provisions of Article 51. Israel, for its part, asserted that Egypt, by contending that the General Armistice Agreement of 1949 had not put an end to the state of war, had continued its belligerency against Israel with a series of armed attacks from its fedayeen bases. To resist these attacks Israel had taken military action in the exercise of its inherent right of self-defence.

89/ For texts of relevant statements, see G A (ES-I), Plen., 561st mtg.: Egypt, paras. 26, 33, 38, 42; United Kingdom, paras. 94, 95, 99-102, 105; United States, para. 150; 562nd mtg.: Australia, paras. 200 and 201; Burma, para. 407; Colombia, paras. 29-34; Ecuador, para. 168; Ethiopia, paras. 386 and 387; France, paras. 232-234; Greece, para. 319; India, para. 236; Israel, paras. 105, 107-109, 121, 124, 144-146; New Zealand, para. 279; Poland, para. 334; USSR, paras. 66, 69; 563rd mtg.: Egypt, para. 3; El Salvador, paras. 254 and 255; Indonesia, paras. 231 and 232; Lebanon, paras. 154 and 155.

90/ In the discussion of the situation in Hungary there was, among other things, reliance on a treaty of collective defence to justify action taken by Soviet troops in Hungary, but Article 51 was not invoked. The discussion concerning collective defence in earlier parts of this study dealing with the situation in Hungary is therefore not restated here.

*1. In the Security Council***a. DECISIONS OF 18 FEBRUARY AND 4 JUNE 1958 IN CONNEXION WITH THE COMPLAINTS BY TUNISIA AND FRANCE**

123. By a letter 91/ dated 13 February 1958 the representative of Tunisia requested a meeting of the Security Council to consider the following item:

"Complaint by Tunisia in respect of an act of aggression committed against it by France on 8 February 1958 at Sakiet-sidi-Youssef".

124. An explanatory memorandum stated that on 8 February 1958 Sakiet-Sidi-Youssef was subjected to massive bombardment by bombs and rockets and continuous strafing by machine-guns. This attack constituted an act of armed aggression by France against Tunisia, and was one of a series of deliberate violations of the integrity of Tunisian soil committed since May 1957 by French troops coming from Algeria. The Government of Tunisia had denounced these acts of aggression as violations of the obligations devolving upon Member States under the Charter, particularly under Article 2 (4). The Government of Tunisia had decided to exercise its right of self-defence in accordance with Article 51.

125. By a letter 92/ dated 14 February 1958 the representative of France requested a meeting of the Council to consider the following item:

"Situation resulting from the aid furnished by Tunisia to rebels enabling them to conduct operations from Tunisian territory directed against the integrity of French territory and the safety of the persons and property of French nationals."

126. An explanatory memorandum stated that the Government of Tunisia had not shown itself capable of maintaining order on the frontier, or disposed to do so. Thus Tunisia was in violation of the obligations assumed by it under Article 4 of the Charter and of the good-neighbourly spirit which Member States should observe to live at peace with one another. The Algerian rebels, aided and abetted by the Tunisian authorities, had been able to establish a complete organization in Tunisia, enabling them to carry out numerous border violations and incursions into French territory. The Government of France accordingly asked that the assistance furnished by Tunisia to the Algerian rebels should be condemned by the Council.

127. In another letter, 93/ dated 17 February 1958, the representative of Tunisia informed the Council that a serious threat to the security of Tunisia and to international peace and security resulted from the presence of French troops in Tunisia, and that the Government of Tunisia had requested the complete withdrawal of these troops from Tunisian territory.

128. At its 811th meeting, on 18 February 1958, the Security Council included both items in the agenda. 94/ At that meeting the representative of the United States reported that his Government and that of the United Kingdom had extended their good offices to the Governments of France and Tunisia, which had accepted them. After a

91/ S C, 13th yr., Suppl. for Jan.-Mar., p. 13, S/3952.

92/ *Ibid.*, p. 15, S/3954.

93/ S C, 13th yr., Suppl. for Jan.-Mar., p. 17, S/3957.

94/ S C, 13th yr., 811th mtg., para. 4.

brief discussion, the Council adjourned 95/ to allow the parties to avail themselves of the good offices of the United Kingdom and the United States.

129. By a letter 96/ dated 29 May 1958, the representative of Tunisia requested that the Security Council should consider the following:

"Complaint by Tunisia in respect of acts of armed aggression committed against it since 19 May 1958 by the French military forces stationed in its territory and in Algeria".

130. An explanatory memorandum stated that in March an agreement establishing procedures for the evacuation of French troops from Tunisia had been reached but not, however, applied because the Government of France had not ratified it. On 24 and 25 May, French forces had undertaken military action in the Remada area and in Tunisian ports, and French aircraft coming from Algeria had bombed and machine-gunned the region. The Government of Tunisia drew the attention of the Council to these acts of armed aggression by French forces against Tunisian territorial integrity.

131. By a letter 97/ dated 29 May 1958, the representative of France requested that the Security Council should consider the following:

"(a) The complaint brought by France against Tunisia on 14 February 1958 S/3954/;

"(b) The situation arising out of the disruption, by Tunisia, of the modus vivendi which had been established since February 1958 with regard to the stationing of French troops at certain points in Tunisian territory".

132. An explanatory memorandum recalled that the parties had agreed that supplies to the French troops in Tunisia would continue normally, and that no measure likely to modify the status quo would be adopted. The Government of Tunisia, however, had created conditions likely to lead to incidents, by such measures as the movements of troops and the arming of the civilian population. Nevertheless, all measures taken by the French authorities during the Remada incidents had shown their concern not to aggravate the incidents provoked by the Tunisians. The use of French troops and the French air force had been decided upon only as a very last resort, after French casualties had occurred.

133. At the 819th meeting, on 2 June 1958, the Security Council included both items in the agenda. 98/

134. At the 826th meeting, the representatives of France and Tunisia informed the Security Council that, by means of an exchange of letters on 17 June 1958, it had been agreed that all French forces, with the exception of those stationed at Bizerta, would be evacuated from Tunisia within four months. The President of the Council, before adjourning the meeting, congratulated both parties on behalf of the Council for their success in removing their difficulties through direct negotiations. 99/

95/ Ibid., para. 55.

96/ S C, 13th yr., Suppl. for Apr.-June, p. 37, S/4013.

97/ S C, 13th yr., Suppl. for Apr.-June, p. 42, S/4015.

98/ S C, 13th yr., 819th mtg., para. 2.

99/ S C, 13th yr., 826th mtg., para. 12.

135. The cross-complaints by France and Tunisia were marked by invocations of Article 2 (4) by way of accusation and Article 51 by way of exculpation. On the one hand, allegations were made by Tunisia of armed aggression and of violation of the integrity of Tunisian territory; on the other hand, allegations were made by France of military aid furnished by Tunisia to the Algerian rebels, a support which was said clearly to constitute aggression. Certain preventive security measures, such as limitation of the movement of French forces stationed in Tunisia, were defended by Tunisia as a reaction to the armed attacks by France and in the exercise of its inherent right of self-defence under Article 51 of the Charter. French retaliation after Tunisian units had opened fire against French forces in southern Tunisian territory was likewise characterized by France as an act of legitimate self-defence.

136. The representative of France stated that the question placed on the agenda at the request of Tunisia could not be separated from the complaint which France had submitted concerning aid furnished by Tunisians to Algerian rebels, which had enabled the latter to conduct military operations directed against the integrity of French territory from Tunisian soil.

137. At the next stage of the discussion, the representative of Tunisia complained of a series of acts of armed aggression which had been committed on Tunisian soil by French troops stationed in Tunisia in co-operation with other French troops coming from Algeria. The presence of French troops in Tunisia had been a constant cause of concern since the country had become independent. Several incidents had preceded the most serious one, which took place at Sakiet-Sidi-Youssef. These were armed attacks on a sovereign and independent State, Tunisia, by the regular armed forces of another State, France, carried out on the territory of the State which was the victim of the attack. The aggression of which Tunisia was a victim had two main causes: the presence of French forces in Tunisia against the wishes of Tunisia, and the spread of the Algerian war into Tunisia by the many armed attacks by the French army against Tunisian territory, of which the worst instances were the heavy bombings of Sakiet-Sidi-Youssef and the Remada region. The representative of Tunisia requested the Council to call upon France to withdraw its troops from Tunisia and, pending such withdrawal, to apply Article 40 by calling upon France to comply with preventive security measures such as the prohibition of all French troop movements in Tunisia. Preventive security measures had been taken by the Government of Tunisia in the exercise of its right of self-defence, under Article 51 of the Charter, and of its prerogatives as a sovereign State. The President of the Security Council and the Secretary-General of the United Nations had been duly notified of these actions by the Government of Tunisia.

138. In opposing these views, the representative of France contended that Sakiet-Sidi-Youssef, where the incident represented by Tunisia as an act of aggression had taken place, was not an open town but a military centre for Algerian rebels, supported by the Tunisian army - a centre from which attacks were constantly launched against the French forces. There could be no doubt that the support given to the Algerian rebels constituted aggression. It was not the events in Algeria which were the underlying cause of the present situation, but the infringement by Tunisia of the principle of non-intervention. The Tunisian assertion, that in taking measures to limit the movement of French troops, its Government had merely exercised its right of self-defence under Article 51 of the Charter, was a legally untenable argument since this Article provided for an eventuality, namely an armed attack against a Member State, which had not occurred at the time Tunisia invoked Article 51. On the contrary, France was justified in contending that the Government of Tunisia had given open and increasing encouragement to supporters of a rebellion on French territory and that, in doing so, Tunisia had committed a definite breach of faith and had failed to fulfil its obligations under the Charter. Moreover, even after the

Government of Tunisia had imposed restrictions on the French forces stationed on Tunisian territory, the Sahara units of southern Tunisia had been excluded from the application of these measures. Incidents had, however, broken out again in the Remada area because Tunisia had not respected the modus vivendi governing southern Tunisia. Faced with the threat and the actual use of force by Tunisian units, the French troops had returned fire. The Remada incidents were in fact an act of aggression committed by Tunisia, and the return of fire by French troops was an act of legitimate self-defence. Tunisian units had consistently been the first to open fire; French forces not only did not instigate any attack but had actually been attacked.

139. In supporting the allegations of Tunisia, one representative contended that Tunisia had suffered one blow after another from French armed forces. These were acts of aggression and violations of the sovereignty of a Member State. France was not entitled to station any forces on Tunisian territory against the will of the Government and the people of Tunisia, but Tunisia was entitled to ask for the unconditional withdrawal of all French troops from all Tunisian territory. The root of the problem concerning relations between France and Tunisia was in the Algerian conflict.

140. The representatives of the United Kingdom and the United States held that the Council should not proceed further with consideration of the matter and should encourage continuation of direct negotiations between France and Tunisia. The representative of the United States also believed that both parties would abide by their Charter obligations, including particularly those expressed in the Purposes and Principles of the Charter. 100/

b. DECISIONS OF 18 AND 22 JULY 1958 IN CONNEXION WITH THE COMPLAINTS
BY LEBANON AND JORDAN

141. In the second stage of the Security Council's consideration of the complaint of Lebanon and the complaint of Jordan, the question considered was whether Article 2 (4) was not in certain circumstances to be regarded as broadening the scope of Article 51, with its recognition of the inherent right of self-defence against armed attack. In the Security Council and in the third emergency special session of the General Assembly, it was contended that military assistance from a third State to meet coercive measures not involving a direct use of force against the territorial integrity and political independence of a State was not barred by Article 2 (4) nor, since Article 51 was its corollary, by the latter Article. In this connexion it was contended that the "armed attack" referred to in Article 51 covered any armed attack directed towards the destruction of a country's independence, whether direct or not. Against such attacks on the political independence and territorial integrity of a State, there was an inherent right to use armed force.

142. In notifying the Security Council of the dispatch of United States forces to Lebanese territory, the representative of the United States asserted that the immediate action of his Government in coming to the assistance of Lebanon was designed

100/ For texts of relevant statements, see S C, 13th yr., 811th mtg.: France, paras. 3, 36; Tunisia, para. 16; United Kingdom, para. 10; United States, para. 6; 819th mtg.: France, paras. 70, 74, 80, 86-88, 101; Tunisia, paras. 10, 11, 45-46, 49, 51, 54, 55, 67; 820th mtg.: France, paras. 16, 35-37, 45, 46, 58; Iraq, paras. 68, 71, 72, 75, 83; United Kingdom, para. 97; United States, para. 99; 821st mtg.: Tunisia, paras. 12, 15-17; 826th mtg.: President (China), para. 12; France, paras. 3-6; Tunisia, para. 9.

for the sole purpose of helping the Government of Lebanon, at its request, in its efforts to stabilize the situation brought about by threats from outside its territory. The action taken by the United States was in pursuance of what the Charter regarded as an inherent right, the right of all nations to work together to preserve their independence. All nations, large and small, were entitled to have their political independence and territorial integrity respected and maintained. The military assistance rendered by the United States was, therefore, consistent with the Purposes and Principles of the United Nations.

143. When submitting a draft resolution 101/ calling upon the Government of the United States to remove its troops from Lebanese territory immediately, the representative of the Soviet Union contended, on the other hand, that the dispatch of United States troops to Lebanon was an open intervention in the domestic affairs of that country and an aggressive action contrary to the Charter. The allegation that Article 51 of the Charter provided grounds for the intervention of United States forces in Lebanon was not valid since there had been no armed attack against Lebanon, nor, as reported to the Council by the United Nations Observation Group in Lebanon (UNOGIL), any threat of such an attack. Moreover, the United States had sent its troops to Lebanon first and had informed the Security Council of this action only later. The Charter clearly stated that the right of self-defence might be used only if there was a direct attack against a country or if a country was under threat of destruction from outside. Such a situation did not in fact exist in Lebanon. With the introduction of United States forces, however, a very serious threat had arisen, not only to the independence of Lebanon, but to international peace. Concerning the military assistance given to Jordan by the United Kingdom, as well, the representative of the Soviet Union said that no one had threatened Jordan nor was anyone preparing to attack it; all references to measures of self-defence were therefore merely a pretext for intervention against that country.

144. In the view of another representative there was no reason for the unilateral decision of the United States Government to intervene in Lebanon. The Security Council resolution setting up UNOGIL had been designed to enable the Lebanese to settle their differences themselves. Article 51 of the Charter did not permit such an intervention as that of United States forces in Lebanon, since the provision mentioned armed attack as a condition of its application. There had been no evidence of intervention by the United Arab Republic in the domestic affairs of Lebanon; what was currently happening there actually constituted intervention in its domestic affairs.

145. In explaining the dispatch of United Kingdom troops to Jordan, the representative of the United Kingdom asserted that they had been sent in response to a request from the Government of Jordan, to help it preserve its political independence and territorial integrity, and with the sole purpose of securing the stability of the Government of Jordan against external aggression or a coup created externally. There was no question of a United Kingdom threat or use of force against the territorial integrity or political independence of any State. The action undertaken by the United Kingdom did not conflict, therefore, with Article 2 (4) or with any other provision of the United Nations Charter.

146. In contending that Article 51 justified his Government's request for direct military assistance, the representative of Lebanon observed that while appealing to the Security Council for assistance to protect Lebanon's independence, his Government had also relied on the inherent right of individual or collective self-defence in the understanding that the assistance requested from friendly countries was strictly

101/ S C, 13th yr., 827th mtg., para. 123.

temporary and would continue only until such time as the Security Council should take action. The right of his Government to appeal for assistance under Article 51 could not be questioned because this Article did not refer to direct armed attack but simply to armed attack. Thus, Article 51 covered all cases of armed attack directed towards the destruction of a country's independence.

147. The representative of Jordan stated that, faced with a threat to its integrity and independence through imminent foreign armed aggression and an attempt by the United Arab Republic to create internal disorder and to overthrow the existing régime, the Government of Jordan had requested immediate aid from the United Kingdom and the United States, in accordance with the provisions of Article 51 of the Charter. Other representatives also considered these requests for military assistance justified under the provisions of Article 51.

148. In connexion with his draft resolution to suspend the activities of UNOGIL until further notice, the representative of Sweden examined the contention that the United States had acted in accordance with the principle of collective self-defence in the measures it had taken. Under the Charter, measures of this kind came under the jurisdiction of the Security Council. One of the conditions for the application of Article 51 was that an armed attack should have occurred against a Member State, a condition not fulfilled in the instant case. Nor was there an international conflict within the meaning of Article 51. The action taken by the United States in Lebanon had substantially altered the conditions of UNOGIL activities and had posed the question whether in practice UNOGIL would be able to fulfil its task. Therefore, it was perhaps advisable to suspend these activities.

149. In the view of another representative, the contention of the representative of Sweden that Article 51 had no application to the situation in Lebanon because of the absence of armed attack implied a limitation of Article 51 to cases of direct aggression. This interpretation was not valid in the present period of world history, when indirect aggression was as dangerous as direct aggression, as the provisions of General Assembly resolution 380 (V), "Peace through deeds", showed.

150. Another representative, though supporting the United States draft resolution to take practical measures which would permit an early withdrawal of United States forces from Lebanon, maintained that it had been improper to intervene in the dispute in Lebanon by dispatching armed forces while the Security Council was still examining the Lebanese complaint. Notwithstanding the request of the Government of Lebanon, it was undeniable that intervention by one State in the disputes of another could have unfavourable repercussions, directly or indirectly. A solution to the question should be sought only through the machinery of the United Nations. The questions of the existence of infiltration into Lebanon or of a threat to the security of Lebanon and the measures to be taken on the basis of the existence of such infiltration or threat, were questions for determination by the United Nations. It was not desirable that a country should act on its own judgement in such matters without waiting for a determination by the United Nations.

151. After rejecting 102/ draft resolutions submitted by Sweden, 103/ the Soviet Union 104/ and the United States, 105/ the Security Council discussed a draft

102/ S C, 13th yr., 834th mtg., paras. 66-69.

103/ S C, 13th yr., Suppl. for July-Sept., p. 38, S/4054.

104/ S C, 13th yr., 838th mtg., para. 88, S/4047/Rev.1.

105/ S C, 13th yr., Suppl. for July-Sept., p. 31, S/4050/Rev.1.

resolution submitted by Japan 106/ that envisaged measures, in addition to those under the resolution of 11 June 1958, which would, "in accordance with the Charter of the United Nations, serve to ensure the territorial integrity and political independence of Lebanon, so as to make possible the withdrawal of United States forces from Lebanon".

152. The view was expressed that the draft resolution submitted by Japan provided a suitable starting point for a continuing effort to deal with the situation within the framework of the Security Council. The arrangements, on the one hand, envisaged concrete measures on the part of the United Nations to protect the territorial integrity and political independence of Lebanon and, on the other, anticipated the successive withdrawal of foreign troops.

153. In reply to a request for his views on the implementation of the draft resolution, the Secretary-General, referring, among other things, to "the limits for possible action set by the Charter", declared 107/ that he would not consider himself authorized to organize a United Nations force on the basis of the draft resolution. United Nations purposes other than those for which UNOGIL was initially intended could be served by assistance in the forms, and to the extent, proper to the United Nations Charter. With the explicit agreement of the Government of Lebanon, UNOGIL could broaden its functioning to ensure against any externally directed activities within the country. This method of meeting the responsibilities properly falling upon the United Nations, if recognized equally by the parties concerned, would provide the basis for early withdrawal of United States forces.

154. The representative of the Soviet Union criticized the draft resolution submitted by Japan for its reference to the territorial integrity and political independence of Lebanon. Though there was an implication that these were being threatened, the draft resolution was silent on the quarter from which the menace came. An attempt against Lebanese independence was, indeed, being made by the United States, yet clearly this was not the threat contemplated by the resolution, which seemed to imply that the threat came from the United Arab Republic. This was not in accordance with the facts, nor had the Security Council found it a fact in any decision. In the absence of a threat to the independence of Lebanon there was no need to give UNOGIL the task of safeguarding it. Although the draft resolution referred to the withdrawal of United States forces, it was silent on the justification for their introduction into Lebanon. Their presence was illegal, constituting an intervention in domestic affairs in violation of the Charter. There was, therefore, no need to establish conditions making their withdrawal possible. To avoid having the Council approve illegal military intervention in Lebanon, an amendment 108/ submitted by the Soviet Union would declare the landing of United States troops in Lebanon an intervention in the affairs of that country, and would call upon the United States to withdraw its forces immediately.

155. Towards the end of the discussion, the representative of Lebanon stated that his Government was prepared to accept the draft resolution submitted by Japan as an advance over the previous resolution adopted by the Council, especially since it provided for measures necessary to ensure the territorial integrity and political independence of Lebanon. The Government of Lebanon, which had resorted to Article 51 of the Charter in asking for the assistance of a friendly country as a provisional step pending appropriate action by the United Nations, would, however, not be disposed

106/ Ibid., p. 38, S/4055/Rev.1; see also para. 46 above.

107/ S C, 13th yr., 835th mtg., paras. 25, 35-37.

108/ S C, 13th yr., 836th mtg., para. 13, S/4063.

to abandon Article 51 or that assistance, unless the measures undertaken by the United Nations should prove effective in accomplishing the purposes of the draft resolution. 109/

Decision

At the 837th meeting of the Security Council, on 22 July 1958, the amendments submitted by the Soviet Union were rejected; following this, the draft resolution submitted by Japan was put to the vote and failed of adoption. 110/

2. In the General Assembly

- a. RESOLUTIONS 997 (ES-I), 999 (ES-I), 1002 (ES-I), 1120 (XI), 1123 (XI) AND 1124 (XI) IN CONNEXION WITH THE QUESTION OF MILITARY ACTION AGAINST EGYPT

156. References to Article 2 (4) in relation to Article 51 were made during the debates at the first emergency special session of the General Assembly, convened to deal with the situation created by military action undertaken by France, Israel and the United Kingdom in Egypt, and again at the eleventh session of the General Assembly. The main question was whether Article 2 (4) limited resort to force in the exercise of the right of self-defence in the absence of the armed attack referred to in Article 51. Israel contended that under Article 51 the fedayeen attacks from Egyptian bases warranted the defensive action it had undertaken. It was asserted, on the other hand, that the only exercise of the right of self-defence under Article 51 in the instant case was that of Egypt, because force was being used against its territorial integrity and political independence.

157. The representative of Israel maintained that his Government had taken action on Egyptian territory in the exercise of the inherent right of self-defence, to eliminate bases on Egyptian territory from which armed Egyptian units invaded Israel for purposes of murder, sabotage and the creation of permanent insecurity to peaceful life. The Charter bound Egypt to respect the territorial integrity and political independence of the State of Israel, and, especially, to refrain from the threat or use of force against them. Egypt, however, had practised belligerency against Israel by land and by sea for seven years, and had established belligerency as the juridical basis of its relations with Israel, maintaining that the General Armistice Agreement of 1949 had not put an end to the state of war between the two countries. Having denied Israel the plenitude of its Charter rights, Egypt had seriously compromised and reduced its competence to invoke the Charter against Israel. In these circumstances, the long and uninterrupted series of encroachments on the part of Egypt from its fedayeen bases in

109/ For texts of relevant statements, see S C, 13th yr., 827th mtg.: Lebanon, para. 84; USSR, paras. 115, 116, 120-122; United States, paras. 35, 43, 44, 48; 828th mtg.: Canada, para. 16; France, para. 9; United Arab Republic, paras. 32, 33, 40; 829th mtg.: USSR, para. 40; 830th mtg.: Sweden, paras. 47 and 48; United Arab Republic, paras. 4 and 5; 831st mtg.: China, para. 99; Jordan, para. 24; USSR, para. 72; United Arab Republic, para. 109; 832nd mtg.: Japan, paras. 11 and 12; Jordan, paras. 33 and 34; 833rd mtg.: Lebanon, para. 10; 834th mtg.: United Kingdom, paras. 79-82; 835th mtg.: Canada, paras. 18, 21-23; China, para. 84; Japan, paras. 5, 7 and 8; USSR, paras. 68, 69, 72-79; United Kingdom, para. 15; United States, paras. 11 and 12; 836th mtg.: Lebanon, paras. 5-7; USSR, paras. 10-15.

110/ S C, 13th yr., 837th mtg., paras. 8 and 9.

reality constituted armed attack. Israel had therefore been forced to interpret Article 51 of the Charter as furnishing both a legal and a moral basis for defensive action against the dangers with which it was confronted.

158. Another representative took the view that it would be unjust, in view of the actions of Egypt, to single out Israel for having taken the action it considered necessary to its self-defence, or France and the United Kingdom for having stepped in when the United Nations had failed to act. Regret was expressed that military intervention by France and the United Kingdom had occurred before any decision had been taken by the United Nations. This intervention, however, could not be the subject of a recommendation which failed to take account of the entire body of facts and responsibilities which led up to it. The objectives of France and the United Kingdom were described as "not to wage war, but to prevent some of the consequences of war"; not to supersede United Nations action, but to reinforce the limited measures that the United Nations could take in the circumstances.

159. Prior to the submission of a United States draft resolution calling for an immediate cease-fire and urging the parties to the General Armistice Agreement promptly to withdraw all forces behind the armistice lines, to desist from raids across the armistice lines into neighbouring territory and to observe scrupulously the provisions of the General Armistice Agreements, the representative of Egypt referred to acts of aggression committed against Egyptian territory and stated that under the Charter resort to force could take place only in accordance with the Purposes and Principles of the United Nations. Until such time as necessary measures were taken by the Security Council or the General Assembly, the Egyptian Government had no other choice but to defend itself and protect its rights against armed and unprovoked attack.

160. In submitting his draft resolution, the representative of the United States noted that there could conceivably be resort to force for defensive purposes under Article 51 of the Charter, but that in the circumstances attending the military operations against Egyptian territory, the armed attack of three Member States upon a fourth was inconsistent with the Purposes and Principles of the Charter.

161. In examining the circumstances of the action against Egypt, another representative stated that under the Charter, the right to use force without the authorization of the Security Council could apply only to cases of self-defence and then only in case of armed attack. Whatever the rights of France, Israel and the United Kingdom, their demands against Egypt could not be secured by the use of force. Even if France and the United Kingdom considered themselves victims of aggression, the power to take action under Article 51 was expressly limited under the Charter to cases of armed attack, and there had been no armed attack against France and the United Kingdom.

162. It was also stated that there were two cases of aggression against Egypt, one by Israel and the other by France and the United Kingdom, jointly. It had been maintained before the Security Council that the situation in Egypt was such that France and the United Kingdom had no alternative but to take matters into their own hands. A police action had allegedly been initiated in Egypt to restore and maintain peace. The real situation, however, was that there had been no breach of the peace in the Suez Canal prior to the act of aggression committed by the two great Powers in violation of the Charter. In the current instance, Egypt alone had exercised the right of self-defence under Article 51 for it had defended itself against invaders. Apart from self-defence, the Charter admitted the use of force only as a collective measure, to ensure respect for obligations arising from the Charter and in pursuance of decisions taken by the competent organs of the United Nations.

163. As to the argument that France and the United Kingdom, acting together in Egypt, were taking collective measures, one representative contended that Article 1 of the Charter, stating that the purpose of the United Nations was to take effective collective measures for the prevention and removal of threats to the peace, did not imply or contemplate measures of the kind taken by France and the United Kingdom, but only the measures provided for in Chapter VII of the Charter. These were measures to be taken by the Security Council, which should have been convoked by France and the United Kingdom in order to arrest aggression by Israel. To the argument that in the circumstances only formal criticism could be made of France and the United Kingdom for taking the initiative in launching military operations without having been directly attacked, the reply was made that the place to find the force to attack an intending aggressor was the Security Council. It was also observed that under the Charter, previous distinctions between just and unjust wars had been abolished. No just war was possible any longer except when enforcement measures were applied by the United Nations in pursuance of its Purposes and Principles. Hence, no State could make use of force to further its political or legal claims. Article 51, concerning the right of individual or collective self-defence, was an exceptional right which could only be exercised in cases of armed attack and until such time as the Security Council was able to intervene. The Charter also stipulated that measures of self-defence so taken should be reported immediately to the Security Council; they were not to affect the authority of the Council under the Charter to take such action as it deemed necessary in order to maintain or restore international peace and security. 111/

b. RESOLUTION 1237 (ES-III) IN CONNEXION WITH THE
COMPLAINTS BY LEBANON AND JORDAN

164. During the third emergency special session of the General Assembly, 112/ the relation of Article 2 (4) to Article 51 was discussed in the context of claims concerning threats to the territorial integrity and political independence of Lebanon and Jordan and military assistance rendered to these States at their request.

165. It was maintained, on the one hand, that indirect aggression against Lebanon and Jordan had clearly justified the exercise by their Governments of the inherent right of collective self-defence under Article 51. Foreign interference in their domestic affairs had caused serious threats to the national sovereignty and territorial integrity of Lebanon and Jordan in defiance of basic provisions of the Charter. The injunction contained in Article 2 (4) had its corollary in the provisions of Article 51, which recognized the right of self-defence. In prohibiting the use of force against the territorial integrity or political independence of any State, Article 2 (4) authorized the use of force at the request of the lawful Government of a State to enable it to defend its territorial integrity and political sovereignty. Moreover, Article 2 (4) referred to aggression other than direct armed aggression when, in addition to prohibiting the "use of force against the territorial integrity or political independence of any State", it prohibited the use of force "in any other manner inconsistent with the Purposes of the United Nations".

111/ For texts of relevant statements, see G A (ES-I), Plen., 561st mtg.: Egypt paras. 42, 47; United States, para. 150; 562nd mtg.: Australia, paras. 200 and 201; Belgium, para. 326; Colombia, paras. 29-31; Czechoslovakia, para. 393; Ecuador, paras. 164, 168-170, 172; Ethiopia, para. 387; Greece, para. 319; Israel, paras. 105, 108, 109, 111, 131, 134, 145 and 146; 563rd mtg.: El Salvador, para. 254; Indonesia, para. 232; Netherlands, para. 47; 567th mtg.: Ceylon, para. 250. G A (XI), Plen., vol. I, 596th mtg.: India, paras. 65, 66, 76; 651st mtg.: Uruguay, paras. 43-45.

112/ For a précis of the proceedings of the third emergency special session, see this Supplement, under Article 11.

166. On the other hand, it was contended that the armed intervention of United States and United Kingdom troops in the domestic affairs of Lebanon and Jordan had taken place without the approval of the United Nations and was contrary to the Charter. Reference to Article 51 was not justified, for Article 51 as well as the letter and spirit of the Charter, allowed the use of armed force only "if an armed attack occurs against a Member of the United Nations". No such attack had been committed by any other State against Lebanon and Jordan. If Article 51 was to be invoked at all, it should be to repel the armed intervention undertaken by the United States and the United Kingdom against Lebanon and Jordan, which was a violation of the Charter.

167. In this connexion, some representatives claimed that the main purpose of the third emergency special session of the General Assembly was to bring about the cessation of armed intervention in the Middle East by the immediate withdrawal of foreign troops from Lebanon and Jordan, where their presence constituted a continued threat to the peace and independence of the countries concerned, and was a flagrant violation of the Charter.

168. In opposing this view, others held that it was the duty of the third emergency session to create the conditions necessary to permit the early withdrawal of United States and United Kingdom forces from Lebanon and Jordan. In the course of the discussion, the representatives of the United States and the United Kingdom asserted that it was the intention of their Governments to withdraw their troops whenever this was requested by the Governments of Lebanon and Jordan, respectively or whenever, as a result of further action by the United Nations, the independence and integrity of these countries were ensured, and the presence of the troops therefore no longer required.

169. Among the suggestions made during the discussion as to measures which the United Nations could take to facilitate the early withdrawal of troops, there was the possible substitution of a United Nations police force. In respect of this, one representative emphasized that, apart from the provisions of Chapter VII of the Charter, the whole spirit of the wording of the Charter was that there should be no use of force whatsoever; no threat of force and no display of force. There was, therefore, no basis for statements invoking the Charter or the spirit of the Charter in defence of the use of armed force or the display of force in the situation which existed. The provisions of Article 51 of the Charter were excluded because none of the circumstances related thereto was applicable to the situation which confronted the General Assembly. 113/

113/ For texts of relevant statements, see G A (ES-III), Plen., 733rd mtg.: Jordan, para. 127; USSR, para. 76; United States, para. 21; 734th mtg.: United Kingdom, paras. 24, 28; 735th mtg.: Australia, paras. 60 and 61; Czechoslovakia, paras. 128 and 129; Jordan, paras. 46-50; 736th mtg.: Japan, paras. 89-91; Turkey, paras. 3, 26-28; 738th mtg.: Greece, paras. 96 and 97; India, paras. 120, 125, 128; Romania, para. 41; 739th mtg.: Indonesia, para. 53; 740th mtg.: Lebanon, paras. 31 and 32; Pakistan, para. 53; Poland, paras. 85-87; 741st mtg.: Ukrainian SSR, paras. 90 and 91; 742nd mtg.: Ethiopia, paras. 73, 76; France, para. 93; 743rd mtg.: Byelorussian SSR, para. 9; USSR, paras. 90, 91, 129; 744th mtg.: Cuba, paras. 40-43; Mexico, paras. 129-131; 745th mtg.: Nepal, para. 71; 746th mtg.: El Salvador, para. 135.

170. The relevant provisions embodied in the draft resolution adopted 114/ by the General Assembly, which became resolution 1237 (ES-III), follow:

"The General Assembly,

"

"Noting that the Arab States have agreed, in the Pact of the League of Arab States, to strengthen the close relations and numerous ties which link the Arab States, and to support and stabilize these ties upon a basis of respect for the independence and sovereignty of these States, and to direct their efforts toward the common good of all the Arab Countries, the improvement of their status, the security of their future and the realization of their aspirations and hopes,

"

"I

"1.

"2. Calls upon all States Members of the United Nations to act strictly in accordance with the principles of mutual respect for each other's territorial integrity and sovereignty, of non-aggression, of strict non-interference in each other's internal affairs, and of equal and mutual benefit, and to ensure that their conduct by word and deed conforms to these principles;

"II

"Requests the Secretary-General to make forthwith, in consultation with the Governments concerned and in accordance with the Charter, and having in mind section I of this resolution, such practical arrangements as would adequately help in upholding the Purposes and Principles of the Charter in relation to Lebanon and Jordan in the present circumstances, and thereby facilitate the early withdrawal of the foreign troops from the two countries;

""

114/ G A (ES-III), 746th mtg., para. 161.