TEXT OF ARTICLE 51

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

INTRODUCTORY NOTE

1. During the period under review, the bearing of Article 51 of the Charter on matters before the United Nations was the subject of examination on various occasions. The Analytical Summary of Practice presents case histories of two such occasions. The first is a sequel to the case history in the study of Article 51 in the Repertory, Supplement No. 1, concerning the reports of the Secretary-General to the Security Council pursuant to the Council's resolution of 4 April 1956 on the Palestine question. The second case history, involving proceedings in connexion with a complaint by Lebanon,
Paragraphs 2-5  

Concerns the question of the relation of Article 51 of the Charter to the dispatch of military assistance by one Power to another at the latter's request.

2. Information is given in the General Survey concerning other proceedings in which express reference was made to Article 51. Extracts from the report of the 1956 Special Committee on the Question of Defining Aggression are given in annex I, and annex II contains an extract on this subject from the report of the Sixth Committee at the twelfth session of the General Assembly.

I. GENERAL SURVEY

3. During the period under review, Article 51 was also referred to in connexion with the following questions before the Security Council:

(a) Palestine question:
   i. Letter dated 15 October 1956 from the representative of Jordan and letter dated 17 October 1956 from the representative of Israel
   ii. Steps for the immediate cessation of military action by Israel in Egypt

(b) Complaint by Tunisia in respect of an act of aggression committed against it by France on 8 February 1958 at Sakiet-Sidi-Youssef

(c) Urgent measures to put an end to flights by United States military aircraft armed with atomic and hydrogen bombs in the direction of the frontiers of the Union of Soviet Socialist Republics

4. Article 51 was also invoked in communications to the Security Council which were not inscribed on its agenda.

5. During the period under review, Article 51 was again the subject of discussion in connexion with the question of the definition of aggression. At its twelfth

---

1/ S C, 11th yr., 745th mtg.: Israel, paras. 42, 66, 67 and 79-81.
2/ Ibid., 748th mtg.: Australia, paras. 36 and 37; Egypt, para. 67; 749th mtg.: President (France), paras. 172 and 173; China, para. 133; Israel, paras. 35 and 36; Yugoslavia, para. 26.
4/ S C, 13th yr., 813th mtg.: USSR, para. 10; United States, para. 30.
5/ Letters of 17 April, 7 May, 9 July and 10 Sept. 1958, from the representative of the United Kingdom to the Secretary-General: S C, 13th yr., Suppl. for Apr.-June, p. 7, S/3969; p. 32, S/4004; Suppl. for July-Sept., p. 27, S/4044; p. 156, S/4096. These letters related to military measures taken by United Kingdom forces against Yemeni military installations in asserted exercise of the right of self-defence recognized in Article 51 of the Charter.
The General Assembly took up the report 7/ of the 1956 Special Committee on the Question of Defining Aggression, established by resolution 895 (IX). On the recommendation of the Sixth Committee, to which the report had been referred, 8/ the General Assembly, in resolution 1181 (XII), decided that there was need to elucidate other aspects of a definition of aggression, and established a committee to determine when it would be appropriate for the General Assembly to consider the question again. The new committee, which met in April 1959, postponed the question of making this determination until April 1962. 9/

II. ANALYTICAL SUMMARY OF PRACTICE

The question of the scope of the right of self-defence under Article 51

6. Neither the Security Council nor the General Assembly took a decision bearing expressly on the provisions of Article 51 concerning the right of individual or collective self-defence.

7. On two occasions, however, there was extensive examination of the bearing of Article 51 on the questions under consideration. In the first instance, arising in connexion with the Palestine question, the relation between the right of self-defence and the obligations of the parties to the General Armistice Agreements was treated by the Secretary-General in reporting to the Security Council in pursuance of Security Council resolutions of 4 April and 4 June 1956 in connexion with the Palestine question. In the second instance, in connexion with the complaint submitted in 1958 by Lebanon in respect of a situation arising from the alleged intervention of the United Arab Republic in Lebanese domestic affairs, there was discussion in the Council of the scope of the right of self-defence under Article 51, particularly in relation to the dispatch of United States military assistance to Lebanon at its request.

1. Reports of the Secretary-General to the Security Council pursuant to the Council's resolutions of 4 April and 4 June 1956

8. A previous study of Article 51 10/ treated the references made to it by the Secretary-General in connexion with the implementation of a resolution 11/ which had been adopted by the Security Council on 4 April 1956, concerning the status of compliance with the General Armistice Agreements and with the resolutions of the Security Council on the Palestine question. Pursuant to the Security Council's request, the Secretary-General, on 9 May 1956, had reported 12/ to the Council that

7/ The views expressed in the Committee concerning the relation of the term "armed attack" in Article 51 to the notion of "aggression" in Article 39, as summarized in its report to the General Assembly, are reproduced in annex I.

8/ An extract from the report of the Sixth Committee, G A (XII), a.i. 54, p. 2, A/3756, summarizing the views of its members on the relationship between Article 51 and Article 39 of the Charter, is reproduced in annex II to the present study.

9/ A/AC.91/2 (mimeographed).


the parties had given the United Nations unconditional assurance of compliance with the cease-fire clause in the General Armistice Agreements, with reserve only as to self-defence under Article 51. By a resolution 12/ adopted at its 728th meeting, on 4 June 1956, the Security Council had noted these passages of the Secretary-General's report and had requested the Secretary-General to continue his good offices with a view to full implementation of the resolution of 4 April 1956 and full compliance with the armistice agreements.

9. During the period under review, further reports on the compliance of the parties with the cease-fire clause of the General Armistice Agreements were made to the Security Council by the Chief of Staff of the United Nations Truce Supervision Organization (UNTSO), with accompanying comments by the Secretary-General, on 3 August 1956, 14/ 20 August 1956 15/ and 26 September 1956, 16/ and by the Secretary-General in a second comprehensive report, 17/ on 12 September 1956.

10. In the report of the Chief of Staff of 3 August 1956, concerning incidents on the Israel-Jordan demarcation line, the Secretary-General again stressed 18/ the unconditional nature of the cease-fire assurances given to the United Nations by the Governments concerned "although with a reserve for the right of self-defence".

11. On 20 August 1956, the Chief of Staff of UNTSO sent a report to the Secretary-General concerning new occurrences in the Negev and in the Gaza strip. The Secretary-General, when transmitting this report to the Security Council, emphasized that the party which resorted to acts of violence, whether by starting or by prolonging a chain of disturbances, took upon itself a great responsibility. The difference in the degree of responsibility borne by those found to have initiated such violence and by the other party did not, he said, remove the grave responsibility of the latter for a resort to acts of violence in contravention of the rules of the Charter. This was the uncontradictable thought behind the repeated condemnations by the United Nations of acts of violence understood to have been in retaliation, and the view that such acts could not be considered as acts of self-defence in the sense of the Charter. 19/

12. In a report of 12 September 1956 20/ to the Security Council, the Secretary-General noted that confusion had arisen among the parties concerning the extent to which compliance with the General Armistice Agreements could be conditioned on reciprocity. Consequently, he had considered it essential to lift the cease-fire clauses out of the agreements to give them independent legal status as obligations, compliance with which was conditioned only by reciprocity in respect of the implementation of the same obligations by the other parties to the agreements. Through negotiations, such an independent status had been established for the cease-fire obligations. Thus, no party could any longer justify a violation of the cease-fire by reference to an alleged non-compliance with clauses of the agreements other than the cease-fire clause itself, and then only if and when such non-compliance were found to be a reason for the exertion of the right of self-defence as recognized in Article 51 of the Charter and subject to its conditions. Moreover, any such measure had to be reported to the Council immediately, and was subject to decision by that organ.

13/ S C, 11th yr., Suppl. for Apr. -June, p. 72, S/3605.
14/ Ibid., Suppl. for July-Sept., p. 10, S/3632.
15/ Ibid., p. 21, S/3638.
16/ Ibid., p. 70, S/3660.
17/ Ibid., p. 49, S/3659.
18/ S C, 11th yr., Suppl. for July-Sept., p. 10, S/3632, para. 3.
19/ S C, 11th yr., Suppl. for July-Sept., p. 21, S/3658, annex II, B.
20/ Ibid., p. 49, S/3659, paras. 6 and 7.
2. Complaint by Lebanon in respect of a situation arising from the intervention of the United Arab Republic in its internal affairs

13. At the 827th meeting of the Security Council, convened on 15 July 1958 at the request of the representative of the United States, the latter informed the Council that the President of Lebanon, with the unanimous authorization of the Lebanese Government, had asked for the help of friendly Governments to preserve Lebanon's integrity and independence. The United States had responded positively to that request in the light of the need for immediate action and now officially advised the Council of that fact. The United States forces were to stay in Lebanon only until such time as the United Nations could take the steps necessary to protect the independence and political integrity of Lebanon, when they would be withdrawn. Until then, their presence would be a constructive contribution to the objectives of the resolution adopted by the Security Council on 11 June 1958; they had been instructed to co-operate with the United Nations Observation Group in Lebanon (UNOGIL). The situation in Lebanon was one of external involvement in an internal revolt against the legitimate Government of Lebanon. The request from that Government for assistance from another Member of the United Nations was entirely consistent with the Charter, and the United States was acting pursuant to a right recognized by the Charter as an inherent right of all nations to work together to preserve their independence. The maintenance of international peace and security required the United Nations to support the efforts of the legitimate and democratically elected Government to protect itself from aggression from without, even if that aggression were indirect. That this duty of the United Nations extended to indirect aggression was shown by the United Nations handling of the Greek question in 1946 and by the General Assembly's resolutions 290 (IV), "Essentials of peace" and 380 (V), "Peace through deeds".

14. The representative of Lebanon confirmed the announcement that in reliance on Article 51, and while awaiting the action it had asked the Security Council to take, his Government had decided to ask direct assistance from friendly countries.

15. Several representatives held that the appeal by Lebanon had been made in accordance with the provisions of Article 51, which justified the decision of the United States to respond to the appeal. The armed attack referred to in Article 51 need not be direct attack. Article 51 was intended to cover all cases of attack, direct or indirect, so long as it was armed attack; any other interpretation would limit the application of Article 51 to cases of direct aggression although indirect aggression was equally dangerous. Nothing in the Charter or in the established rules of international law inhibited a Government from asking a friendly Government for military assistance as a defensive measure when it considered itself to be in danger; nor was there anything to prohibit the Government thus appealed to from responding.

16. The representative of Lebanon added that his Government, which had claimed the application of the provisions of Article 51 and had requested assistance from friendly countries as an interim measure pending suitable action by the United Nations, would not be prepared to abandon the application of Article 51 nor to deprive itself of this aid unless the action taken by the United Nations was adequate; the decisions as to the adequacy or inadequacy of the measures to be taken rested entirely with the Lebanese Government.

17. The action of the United States was criticized by some representatives as not justified by Article 51 and as both interference in the internal affairs of Lebanon and a violation of Article 2 (4). A showing of armed attack was required to support intervention on the ground of Article 51. Moreover, such intervention must be limited to the period preceding action by the Security Council. In the instant case, the Council was already taking action in Lebanon when the intervention occurred.
18. It was also asserted that in so far as the Security Council was confronted with
the decision of one State to request assistance from another in stabilizing its
internal situation, the United Nations had no jurisdiction; to the extent, however,
that appeal was made to Article 51 to justify the measures taken, they were for the
Security Council to examine. In the present case, it did not seem that one of the
conditions for the application of Article 51, namely, the occurrence of an armed
attack, had been fulfilled, nor could it be considered that there was an international
conflict in the terms of Article 51. The action taken by the United States had
substantially altered the conditions for the activities of the observers dispatched
to Lebanon in accordance with the Council resolution of 11 June 1958, and their
activities might therefore be suspended until further notice. 21/

19. Draft resolutions expressive of these opinions were submitted to the Council. A
draft resolution 22/ proposed by the Union of Soviet Socialist Republics would have
called for the immediate withdrawal of United States and United Kingdom troops from
Lebanon and Jordan, stating that the introduction of armed forces in these countries
constituted gross intervention in the domestic affairs of the peoples of the Arab
countries and was consequently contrary to the purposes and principles of the United
Nations as set forth in the Charter. It was rejected 23/ by 8 votes to 1 with
2 abstentions.

20. A draft resolution 24/ proposed by the United States would have recalled that
the "Essentials of peace" resolution called upon States 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; and that the "Peace through deeds" resolution condemned intervention of a State
in the internal affairs of another State for the purpose of changing its legally
established Government by the threat or use of force, and reaffirmed that whatever
the weapons used, any aggression, whether committed openly, or by fomenting civil
strife in the interest of a foreign Power, or otherwise, was the gravest of all
crimes against peace and security throughout the world. The draft resolution would
have noted the statements of the representatives of Lebanon and the United States
referred to above. It would have invited the United Nations Observation Group in
Lebanon (UNOGL) to develop its activities, and would have asked the Secretary-General
to consult Lebanon and other Member States with a view to making arrangements for
additional measures, including the contribution and use of contingents to protect
the territorial integrity and political independence of Lebanon. It failed of
adoption by a vote of 9 in favour, 1 against and 1 abstention (the negative vote being
that of a permanent member). 25/

-----

21/ For texts of relevant statements, see: S C, 13th yr., 827th mtg.: Lebanon,
para. 84; USSR, para. 116; United States, paras. 32-45, 49 and 50; 828th mtg.: Canada,
paras. 16 and 17; France, para. 9; 829th mtg.: USSR, paras. 40 and
42-44; United States, paras. 9, 10, 13, 49 and 50; 830th mtg.: Sweden,
paras. 147 and 48; 831st mtg.: China, paras. 96, 97 and 99; United Kingdom,
paras. 29 and 32; United States, paras. 35, 38, 50 and 51; 832nd mtg.: Japan,
paras. 11 and 12; Sweden, paras. 8 and 9; USSR, paras. 1, 2-46; United Kingdom,
para. 59, 836th mtg.: Lebanon, paras. 7 and 8.
23/ Ibid., 834th mtg., para. 67.
25/ Ibid., 836th mtg., para. 68.
21. A draft resolution 26/ submitted by Sweden would have recognized that the United Nations, according to the Charter, was not authorized to intervene in matters essentially within the domestic jurisdiction of any State and would have considered that the action taken by the United States had altered the conditions under which the Council had decided to send observers to Lebanon and would have required that their activities should be suspended; it was rejected 27/ by 9 votes to 2.

22. A draft resolution 28/ submitted by Japan would have requested the Secretary-General to make arrangements for such additional measures as would serve to ensure the territorial integrity and political independence of Lebanon, to make possible the withdrawal of United States forces from Lebanon. An amendment 29/ offered by the Soviet Union to recognize that the landing of United States troops in Lebanon constituted intervention in Lebanese domestic affairs was rejected 30/ by 6 votes to 1 with 2 abstentions. The draft resolution of Japan then failed of adoption 31/ by a vote of 10 in favour and 1 against (the negative vote being that of a permanent member).

ANNEX I

Report of the Extract from the 1956 Special Committee on the Question of Defining Aggression a/

"119. Different views also existed as to whether a definition serving as a guide to the Security Council, and consequently including a definition of 'aggression' as used in Article 39, would also be valid for the term 'armed attack' as used in Article 51 of the Charter. Delegations which agreed that 'aggression' in Article 39 covered not only armed aggression but also indirect, economic or ideological aggression (USSR draft definition (A/AC-77/L.4); France, SR.2, p. 3; China, SR.3, p. 5; Czechoslovakia, SR.6, p. 5; Poland SR.7, p. 3; Mexico, SR.7, pp. 5-6; Dominican Republic, SR.7, p. 9; Peru, SR.12, p. 4; Syria, SR.13, p. 10), held different views on the question of what place within this definition should be given to 'armed aggression'.

"120. In the USSR draft, a clear distinction was made between 'armed aggression' and the other forms of aggression, it being emphasized by the USSR representative that armed aggression constituted the most dangerous aspect, and was the only form of aggression entitling a State to the use of force in self-defence (SR.10, pp. 5-6). The Yugoslav representative stressed the point that any provision for aggression of the economic or ideological type could open the door to preventive war. That did not mean that such acts were not serious or that they could not represent a threat to the peace, but any reference to them in the definition of aggression would make it possible to justify so-called liberation crusades (SR.7, p. 7).

"121. On the other hand, the representative of Peru maintained that self-defence was justified not only against armed attack but against all acts of aggression (SR.12, p. 4). The representative of Syria emphasized the need for avoiding any abuse of the right of armed self-defence. Self-defence presupposed the use of means proportionate

27/ Ibid., 834th mtg., para. 69.
29/ Ibid., 836th mtg., para. 13, S/4063.
30/ Ibid., 837th mtg., para. 8.
31/ Ibid., para. 9.
a/ G A (XII), Suppl. No. 16 (A/3574).
to the seriousness of the attack. States had to protect themselves with means other than the use of force in order to counter those types of aggression which might be called 'secondary aggressions'. It was therefore quite possible to draw up a definition covering both armed aggression and other forms, it being understood that only armed attack authorized States to exercise their natural right to armed self-defence under Article 51. It was of vital importance to avoid over-defining the concept of self-defence, for it was a natural right of self-preservation based on the duty of each State to ensure its own protection (SR.13, pp. 9 and 10).

"122. Still another difference of view should be mentioned concerning the concept of armed aggression. Could it be said that 'armed aggression' in the sense of Article 39 had the same meaning as 'armed attack' in Article 51? In the view of the Netherlands representative, armed attack was a special case of armed aggression (SR.13, p. 15), and this view was shared by the representatives of Norway (SR.6, p. 9), Iraq (SR.4, p. 3) and Syria (SR.15, p. 7).

"123. The representative of the USSR, however, considered it inconsistent with the Charter provisions to argue that the notion of armed aggression in Article 39 was different in principle from the notion of armed attack in Article 51. The provision of Article 39 relating to armed aggression (Article 39 was also concerned with other forms of aggression but they would have to be dealt with separately) and the provision of Article 51, in conjunction with Article 2, formed a single concept of armed aggression. Therefore, it was wrong to suggest that to define the notion of armed attack in Article 51 would not be so broad a task as to define the notion of armed aggression in Article 39. The task in either case would be one and the same (SR.10, p. 5).

"124. In this respect, the representative of Czechoslovakia stated that Article 39 was the introductory article in the Chapter dealing with action against threats to the peace, breaches of the peace and acts of aggression. Consequently, it had to speak of aggression in its widest sense in order to give the Security Council due authority to intervene in every case that might arise. Article 51, on the other hand, was a specific provision regarding cases in which the State attacked was entitled to exercise its right of self-defence. By stating that the right of self-defence could be exercised only in cases of armed attack, the Charter merely singled out that form of aggression as the most flagrant and dangerous. The basic concept of aggression was nonetheless indivisible (SR.10, p. 7).

"125. For the reasons that a definition of the term 'aggression' used in Article 39 for the guidance of United Nations organs seemed to be useless (since the United Nations organs did not need a definition, and hardly anyone wished to restrict their freedom of decision); that it was regarded as dangerous; and that in view of the divergence of opinions - it seemed to be impossible to achieve, the Netherlands representative suggested concentrating on the definition of 'armed attack' as this expression is used in Article 51 of the Charter. He emphasized that such a definition would be useful, for confusion on this point did exist. States needed guidance in this regard, and the need to restrict their freedom of decision was clearly felt. A definition of 'armed attack' on the basis of the Charter provisions would enlighten and contribute to the forming of public opinion. The possibility of arriving at a generally acceptable definition seemed not at all excluded (SR.3, pp. 6 et seq.; SR.8, pp. 5 et seq.; SR 13, pp. 14 et seq).

"126. The representative of Norway endorsed this suggestion; defining 'armed attack' as referred to in Article 51 would mean, in effect, describing the circumstances justifying the use of force in self-defence (SR.6, p. 9). So did the representatives of Iraq (SR.4, p. 3) and Syria, who urged the Committee to concentrate on defining
'armed attack' within the meaning of Article 51 (SR.15, p. 7). He suggested, however, that a definition should have two parts, the first dealing with armed attack within the meaning of Article 51, the second with other forms of aggression (SR.13, pp. 9 et seq.).

"127. The definition of 'armed attack' in Article 51 aimed at the clarification and within the lines drawn by the Charter - the limitation of self-defence. The importance of this purpose was realized by many delegations. The USSR representative stated that the primary object was to define aggression in such a way that the aggressor could not follow the familiar pattern and invoke the right of self-defence (SR.3, p. 11). On the other hand, the singling out of the concept of armed attack as used in Article 51 was criticized. In the opinion of the Czechoslovak representative, the Netherlands representative had not proposed a definition of aggression but had only given an explanatory comment to aid in the interpretation and practical application of Article 51 (SR.10, p. 7).

"128. Defining armed attack would, in the opinion of the Netherlands representative, mean dealing only with the use of armed force, armed attack being a specific case of armed aggression (SR.13, p. 15). The crucial point was to determine the cases of the use of armed force in which a state might go to war in self-defence. In this regard, the representatives of the United Kingdom and of the Netherlands agreed that, as a matter of course in case of border incidents, a state might take limited action in self-defence (SR.12, pp. 4 and 5). In the view of the Netherlands representative such protective action was not based on the provision of Article 51 of the Charter, but followed from the function of the state to maintain law and order in its territory (SR.13, p. 14). The representative of Iraq pointed out that the place of Article 51 - in Chapter VII dealing with 'action with respect to threats to the peace, breaches of the peace and acts of aggression' - indicated that the self-defence referred to in that Article was defence against armed attacks of a specific quality constituting a breach of the peace (SR.16, pp. 7-8).

"129. The representative of China stated that, although armed attack was the most obvious form of aggression, it was the one which stood least in need of definition (SR.3, p. 5), and it was not the most dangerous. Particularly since the end of the Second World War, aggressors had been resorting to more subtle forms of aggression. The most dangerous of them was subversion; it could not be left out of any definition of aggression. Subversion might well be said to be gradually taking the place of armed aggression as the method by which one State attacked the political independence of another. It was, therefore, not a commendable step to adopt a definition limited to armed attack; its effect would only be to create an illusion that aggression had been defined (SR.14, p. 4)."

ANNEX II

Extract from the Report of the Sixth Committee b/

"22. With regard to content, several delegations stated that there was no need to define aggression within the meaning of Article 39 of the Charter, but that the definition should be confined to the notion of armed attack, in the sense of Article 51 of the Charter. It was conceivable that certain acts other than aggression might be declared illegal in an international convention, but it would only lead to confusion if they were included in the notion of aggression.

b/ GA (XII), a.i. 54, A/3756, p. 2.
"23. On the other hand, many delegations pointed out that under the Charter aggression was not confined to the use of armed force, and that the notion of 'armed attack' mentioned in Article 51 of the Charter was but a special case of armed aggression in the sense of Article 39. Article 39 authorized the Security Council to take measures in the event of a threat to the peace, and in modern times it was indisputable that certain economic or ideological measures might constitute such a threat. Attempts to deprive a State of economic resources or to endanger its trade or trade routes should be considered acts of aggression.

"24. Some delegations, however, which thought that under the Charter indirect aggression, economic aggression and ideological aggression might be included in the definition, pointed out that it would be better for the time being to confine the definition to armed attack, without prejudice to the recognition of other forms of aggression."
Chapter VIII

REGIONAL ARRANGEMENTS