
Article 2(4)

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Article 2(4)

Text of Article 2(4)

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

...

4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations.

Introductory note

1. As in the previous five *Supplements*,¹ Article 2(4) requires treatment in a separate study in *Supplement No. 7* since there were a number of decisions of the Security Council and of the General Assembly with bearing on this provision, which gave rise to extensive constitutional discussion in United Nations organs.

2. The general survey summarizes briefly all those decisions of the Security Council and of the General Assembly that referred explicitly or implicitly to the provision of Article 2(4).

3. The analytical summary of practice contains a detailed account of a number of decisions of the Security Council and of the General Assembly that have direct bearing on the interpretation and application of Article 2(4) and were preceded or followed by a constitutional discussion. The material in the present study under Article 2(4) is organized under three subheadings: (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”; and (c) The question of the bearing of the injunction in Article 2(4) on the right of self-defence.

I. General survey

4. During the period under review, the Security Council adopted two resolutions, concerning a complaint by Tunisia against Israel, which contained explicit references to Article 2(4) of the Charter and cited the entire text of the Article.² In addition, the General Assembly approved the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in

¹ *Repertory, Supplement No. 2*, vol. I, pp. 69-116, covering the period from 1 September 1956 to 31 August 1959; *Supplement No. 3*, vol. I, pp. 132-173, covering the period from 1 September 1959 to 31 August 1966; *Supplement No. 4*, vol. I, pp. 36-70, covering the period from 1 September 1966 to 31 December 1969; *Supplement No. 5*, vol. I, pp. 28-48, covering the period from 1 January 1970 to 31 December 1978; and *Supplement No. 6*, vol. I, pp. 68-89, covering the period from 1 January 1979 to 31 December 1984.

² SC resolutions 573 (1985) (preamb. para. 4): letter dated 1 October 1985 from the Permanent Representative of Tunisia to the United Nations addressed to the President of the Security Council (S/17509); and 611 (1988) (preamb. para. 4): letter dated 19 April 1988 from the Permanent Representative of Tunisia to the United Nations addressed to the President of the Security Council (S/19798).

International Relations,³ which contained explicit reference to Article 2(4) and quoted the text of the said provision.⁴

5. A number of resolutions of the Security Council, without referring to Article 2(4), cited the text of that provision in their preambular parts.⁵ Similarly, the General Assembly adopted a number of resolutions quoting the text of Article 2(4) or the basic principle enshrined in that provision without referring to it explicitly.⁶

6. Both the Security Council and the General Assembly adopted numerous resolutions that contained what might be considered implicit references to Article 2(4). In several resolutions, adopted by both organs, they condemned, deplored or expressed concern about the commission of acts of aggression or the launching of armed intervention.⁷ A number of resolutions contained calls for a

³ GA resolution 42/22, annex.

⁴ Ibid. (preamb. para. 2 and para. 1).

⁵ SC resolutions 568 (1985) (preamb. para. 4): letter dated 17 June 1985 from the Permanent Representative of Botswana to the United Nations addressed to the President of the Security Council (S/17279); 574 (1985) (preamb. para. 3): letter dated 1 October 1985 from the Permanent Representative of Angola to the United Nations addressed to the President of the Security Council (S/17510); 580 (1985) (preamb. para. 3): letter dated 23 December 1985 from the Permanent Representative of the Kingdom of Lesotho addressed to the President of the Security Council; and 581 (1986) (preamb. para. 2): letter from the Permanent Representative of the Sudan (S/17770); and 588 (1986) (preamb. para. 4): adopted on the situation between Iran and Iraq.

⁶ GA resolutions 40/7 (preamb. para. 1), concerning the situation in Kampuchea; 40/9 (preamb. para. 4 and para. 2), on the solemn appeal to States in conflict to cease armed action forthwith and to settle disputes between them through negotiations, and to States Members of the United Nations to undertake to solve situations of tension and conflict and existing disputes by political means and to refrain from the threat or use of force and from any intervention in the internal affairs of other States; 40/12 (preamb. para. 3 and para. 7), concerning the situation in Afghanistan; 40/85 (preamb. paras. 2, 3 and 4), on the conclusion of an international convention on the strengthening of the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons; 41/33 (preamb. para. 3), on the situation in Afghanistan; 41/38 (preamb. para. 2 and para. 2), on the Declaration of the Assembly of Heads of State and Government of the Organization of African Unity on the aerial and naval military attack against the Socialist People's Libyan Arab Jamahiriya by the present United States Administration in April 1986; 41/59E (preamb. para. 1), concerning general and complete disarmament; and 43/20 (preamb. para. 2), on the situation in Afghanistan.

⁷ SC resolutions 566 (1985) (para. 1), concerning the question of Namibia; 567 (1985) (preamb. para. 3 and para. 1), concerning the complaint by Angola against South Africa: letter dated 13 June 1985 from the Permanent Representative of Angola to the United Nations addressed to the President of the Security Council (S/17267); 568 (1985) (preamb. paras. 5 and 6 and paras. 1 and 2): letter dated 17 June 1985 from the Permanent Representative of Botswana to the United Nations addressed to the President of the Security Council (S/17279); 573 (1985) (preamb. para. 5 and para. 1) concerning the complaint by Tunisia against Israel: letter from the Permanent Representative of Tunisia addressed to the President of the Security Council (S/17509); 574 (1985) (preamb. para. 5 and paras. 1 and 2): letter from the Permanent Representative of Angola addressed to the President of the Security Council (S/17510); 577 (1985) (preamb. para. 3 and para. 2): report of the Security Council Commission of Investigation established under resolution 571 (1985); 580 (1985) (preamb. paras. 5 and 6 and para. 1): letter dated 23 December 1985 from the Permanent Representative of the Kingdom of Lesotho to the United Nations addressed to the President of the Security Council (S/17692); 581 (1986) (preamb. para. 4 and paras. 1 and 2): letter from the Permanent Representative of the Sudan addressed to the President of the Security Council (S/17770); 582 (1986) (paras. 1 and 2), concerning the situation between Iran and Iraq; 587 (1986) (para. 1), concerning the United Nations Interim Force in Lebanon; 598 (1987) (preamb. paras. 3 and 4), concerning the situation between Iran

ceasefire,⁸ for a withdrawal of troops from foreign territories⁹ or for the cessation of hostilities, armed attacks or acts of aggression.¹⁰

and Iraq; 602 (1987) (preamb. para. 3 and para. 1): letter from the Permanent Representative of Angola addressed to the President of the Security Council (S/19278); 606 (1987) (para. 1), pertaining to the letter from the Permanent Representatives of the Congo, Ghana and Zambia addressed to the President of the Security Council (S/19377); and 611 (1988) (preamb. para. 6 and para. 1), concerning the letter dated 19 April 1988 from the Permanent Representative of Tunisia addressed to the President of the Security Council (S/19798). GA resolutions 40/6 (preamb. para. 7 and para. 1), concerning Armed Israeli aggression against the Iraqi nuclear installations; 40/7 (preamb. para. 4), concerning the situation in Kampuchea; 40/9 (preamb. para. 1), on the solemn appeal to States in conflict to cease armed action forthwith and to settle disputes between them through negotiations, and to States Members of the United Nations to undertake to solve situations of tension and conflict and existing disputes by political means and to refrain from the threat or use of force and from any intervention in the internal affairs of other States; 40/12 (preamb. para. 5), concerning the situation in Afghanistan; 40/24 (preamb. para. 3), concerning the universal realization of the right of peoples to self-determination; 40/64 (preamb. para. 4 and para. 3), regarding the policies of apartheid of the Government of South Africa; 40/97 (preamb. para. 21 and para. 7), regarding the question of Namibia; 40/168 (para. 8), regarding the situation in the Middle East; 41/6 (preamb. para. 4), regarding the situation in Kampuchea; 41/33 (preamb. para. 5), regarding the situation in Afghanistan; 41/38 (preamb. para. 7 and para. 1), on the Declaration of the Assembly of Heads of State and Government of the Organization of African Unity on the aerial and naval military attack against the Socialist People's Libyan Arab Jamahiriya by the present United States Administration in April 1986; 42/3 (preamb. para. 4), relating to the situation in Kampuchea; 42/14 (preamb. para. 18), relating to the question of Namibia; 42/15 (preamb. para. 5), pertaining to the situation in Afghanistan; 43/19 (preamb. para. 4), relating to the situation in Kampuchea; and 43/26 (para. 4), concerning the question of Namibia.

⁸ SC resolutions 582 (1986) (para. 3), regarding the situation between Iran and Iraq; and 598 (1987) (para. 1), concerning the situation between Iran and Iraq.

⁹ SC resolutions 567 (1985) (para. 3), concerning the complaint by Angola against South Africa; 574 (1985) (para. 3), concerning the complaint by Angola against South Africa; 582 (1986) (para. 3), relating to the situation between Iran and Iraq; 602 (1987) (para. 4), concerning the complaint by Angola against South Africa; 606 (1987) (para. 1), concerning the complaint by Angola against South Africa; 587 (1986) (para. 7), regarding the situation in the Middle East; 598 (1987) (para. 1), concerning the situation between Iran and Iraq; 602 (1987) (para. 4), pertaining to the letter from the Permanent Representative of Angola to the United Nations to the President of the Security Council (S/19278). GA resolutions 40/12 (para. 3), relating to the situation in Afghanistan and its implications for international peace and security; 40/64 B (para. 11 (a)), concerning the situation in South Africa and assistance to the liberation movements; 40/97 A (para. 44), pertaining to the question of Namibia; 40/168 A (para. 5), regarding the situation in the Middle East; 41/6 (para. 2), concerning the situation in Kampuchea; 41/33 (para. 3), regarding the situation in Afghanistan; 41/35 H (para. 4 (g)), on the concerted international action for the elimination of apartheid; 41/41 B (para. 10), on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples; 41/162 A (para. 1), concerning the situation in the Middle East; 42/3 (para. 2), regarding the situation in Kampuchea; 42/15 (para. 3), concerning the situation in Afghanistan; 42/209 B (para. 5), concerning the situation in the Middle East; 43/19 (para. 2), regarding the situation in Kampuchea; 43/20 (para. 4), relating to the situation in Afghanistan; and 43/54 A (para. 1), relating to the situation in the Middle East.

¹⁰ SC resolutions 567 (1985) (para. 3), concerning the complaint by Angola against South Africa; 568 (1985) (para. 3): letter dated 17 June 1985 from the Permanent Representative of Botswana to the United Nations addressed to the President of the Security Council (S/17279); 577 (1985) (para. 4), regarding the complaint by Angola against South Africa; 582 (1986) (para. 3), relating to the situation between Iran and Iraq; 598 (1987) (para. 1), regarding the situation between Iran and Iraq; 602 (1987) (para. 4), concerning the complaint by Angola against South Africa. GA

7. The Security Council and the General Assembly adopted many resolutions that contained implicit references to Article 2(4). In a number of resolutions, adopted by both organs, they affirmed the principles of territorial integrity and political independence of States or deplored their violation and sought full respect for the said principles.¹¹ Many resolutions adopted by the Council¹² and by the Assembly¹³ reaffirmed the inadmissibility of territorial acquisition by means of resort to force.

8. Both organs affirmed, in a number of resolutions, the legitimacy of struggle of peoples under colonial, racist or foreign domination to achieve their rights to self-determination, freedom and independence.¹⁴ Moreover, the Security Council and the

resolutions 40/97 A (para. 44), regarding the question of Namibia; 41/39 A (para. 47), regarding the question of Namibia; 42/14 A (para. 53), regarding the question of Namibia; and 43/26 A (para. 42), relating to the question of Namibia.

¹¹ SC resolutions 561 (1985) (para. 2), concerning the situation in the Middle East: report of the Secretary-General on the United Nations Interim Force in Lebanon (S/17093); 562 (1985) (para. 1), concerning Nicaragua-United States of America; 564 (1985) (para. 2), regarding the situation in the Middle East: letter dated 30 May 1985 from the Permanent Mission of Egypt to the United Nations addressed to the President of the Security Council (S/17228); 574 (1985) (para. 4), regarding the complaint by Angola against South Africa (S/17510); 575 (1985) (para. 2), concerning the situation in the Middle East: report of the Secretary-General on the United Nations Interim Force in Lebanon (S/17557); 583 (1986) (para. 2), concerning the situation in the Middle East: report of the Secretary-General on the United Nations Interim Force in Lebanon (S/17965); 586 (1986) (para. 2), concerning the situation in the Middle East: report of the Secretary-General on the United Nations Interim Force in Lebanon (S/18164 and Add.1); 594 (1987) (para. 2), concerning the situation in the Middle East: report of the Secretary-General on the United Nations Interim Force in Lebanon (S/18581 and Corr.1 and Add.1); and 599 (1987) (para. 2), concerning the situation in the Middle East: report of the Secretary-General on the United Nations Interim Force in Lebanon (S/18990).

¹² SC resolutions 566 (1985) (paras. 2 and 4), concerning the question of Namibia; and 601 (1987) (para. 1), concerning the question of Namibia.

¹³ GA resolutions 40/157 (para. 1 (b)), on the strengthening of security and cooperation in the Mediterranean region; 40/168 A and B (preamb. para. 10; para. 6), regarding the situation in the Middle East; 41/89 (para. 1 (b)), on the strengthening of security and cooperation in the Mediterranean region; 41/162 A and B (preamb. para. 10; and para. 6), concerning the situation in the Middle East; 42/22, annex (para. 10), on the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations; 43/54 A and B (preamb. para. 10; para. 6), regarding the situation in the Middle East; and 43/58 F (preamb. para. 6), on the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories.

¹⁴ SC resolutions 560 (1985) (para. 5), concerning the question of South Africa (S/16991); 566 (1985) (para. 2), concerning the question of Namibia; 577 (1985) (para. 5), concerning the question of South Africa; and 591 (1986) (preamb. para. 7), regarding the question of South Africa. GA resolutions 40/3, annex (para. 3), on the proclamation of the International Year of Peace; 40/7 (preamb. para. 12), concerning the situation in Kampuchea; 40/14 (preamb. para. 4), on the International Youth Year: Participation, Development, Peace; 40/25 on the importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights; 40/27, concerning the status of the International Convention on the Suppression and Punishment of the Crime of Apartheid; 40/41 through 40/50, concerning the questions of American Samoa, Guam, Bermuda, the British Virgin Islands, the Cayman Islands, Montserrat, the Turks and Caicos Islands, Anguilla, the United States Virgin Islands and Western Sahara; 40/53, regarding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations; 40/57, regarding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples; 40/56 on the twenty-fifth

anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples; 40/62, on the question of the Comorian island of Mayotte; 40/61 (preamb. para. 7), on international terrorism; 40/74 (preamb. para. 5), on the drafting of an international convention against the recruitment, use, financing and training of mercenaries; 40/96 C (preamb. para. 3), on the question of Palestine; 40/64 (preamb. para. 7), on the policies of apartheid of the Government of South Africa; 40/97 (preamb. para. 14), concerning the question of Namibia; 40/148 on the measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror; 40/157 (para. 1 (b)), on the strengthening of security and cooperation in the Mediterranean region; 40/158 (preamb. para. 10), concerning the review of the implementation of the Declaration on the Strengthening of International Security; 40/161 (para. 1), regarding the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories; 40/168 A (para. 1), concerning the situation in the Middle East; 41/15 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations; 41/6, relating to the situation in Kampuchea; 41/18, concerning the question of Bermuda; 41/17, relating to the question of Anguilla; 41/20, on the question of the Cayman Islands; 41/19, concerning the question of the British Virgin Islands; 41/22, relating to the question of the Turks and Caicos Islands; 41/25, on the question of Guam; 41/26, concerning the question of Tokelau; 41/23, relating to the question of American Samoa; 41/30, concerning the question of the Comorian island of Mayotte; 41/41, relating to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples; 41/42, concerning the dissemination of information on decolonization; 41/43, on the question of Palestine; 41/35, concerning the policies of apartheid of the Government of South Africa; 41/63, relating to the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories; 41/89, concerning the strengthening of security and cooperation in the Mediterranean region; 41/100, relating to the universal realization of the right of peoples to self-determination; 41/101, on the importance of the universal realization of the rights of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights; 41/103, on the status of the International Convention on the Suppression and Punishment of the Crime of Apartheid; 41/160, relating to the measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror; 41/162, on the situation in the Middle East; 42/3, on the situation in Kampuchea; 42/17, on the question of the Comorian island of Mayotte; 42/23, concerning the policies of apartheid of the Government of South Africa; 42/56, concerning the status of the International Convention on the Suppression and Punishment of the Crime of Apartheid; 42/66, on the question of Palestine; 42/71, on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples; 42/74, on the activities of foreign economic and other interests which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Namibia and in all other Territories under colonial domination and efforts to eliminate colonialism, apartheid and racial discrimination in southern Africa; 42/75, on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations; 42/80, on the question of Anguilla; 42/79, on the question of New Caledonia; 42/82, on the question of the British Virgin Islands; 42/81, on the question of Montserrat; 42/84, on the question of Tokelau; 42/86, on the question of Bermuda; 42/83, on the question of the Turks and Caicos Islands; 42/85, on the question of the Cayman Islands; 42/88, on the question of American Samoa; 42/89, on the question of the United States Virgin Islands; 42/90, on the strengthening of security and cooperation in the Mediterranean region; 42/94, on the universal realization of the right of peoples to self-determination; 42/95, on the importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights; 42/160, concerning the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories; 43/14, on the question of the

General Assembly adopted a number of resolutions calling on States to render, among other things, all moral and material assistance to the peoples under colonial rule in their struggle to exercise their right to self-determination and independence, in accordance with the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples.¹⁵

Comorian island of Mayotte; 43/19, on the situation in Kampuchea; 43/24, on the situation in Central America: threats to international peace and security and peace initiatives; 43/30, relating to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations; 43/29, concerning the activities of foreign economic and other interests which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Namibia and in all other Territories under colonial domination and efforts to eliminate colonialism, apartheid and racial discrimination in southern Africa; 43/33, on the question of Western Sahara; 43/35, on the question of Tokelau; 43/36, on the question of Anguilla; 43/37, on the question of the Cayman Islands; 43/39, on the question of Bermuda; 43/38, on the question of Montserrat; 43/41, on the question of the British Virgin Islands; 43/42, on the question of Guam; 43/40, on the question of the Turks and Caicos Islands; 43/43, on the question of American Samoa; 43/44, on the question of the United States Virgin Islands; 43/45, relating to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples; 43/51, concerning the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field; 43/84, on the strengthening of security and cooperation in the Mediterranean region; 43/89, relating to the comprehensive approach to strengthening international peace and security in accordance with the Charter of the United Nations; 43/97, on the status of the International Convention on the Suppression and Punishment of the Crime of Apartheid; 43/105, relating to the universal realization of the right of peoples to self-determination; 43/107, relating to the use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination; 43/106, concerning the importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights; 43/157, relating to the enhancing the effectiveness of the principle of periodic and genuine elections; and 43/175, on the question of Palestine.

¹⁵ SC resolution 566 (1985) (para. 2), concerning the question of Namibia. GA resolution 40/56 on the twenty-fifth anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples; 40/97 A (para. 32), on the situation in Namibia resulting from the illegal occupation of the Territory by South Africa; 41/41 B (para. 11), on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples; 41/35 (para. 5), on the policies of apartheid of the Government of South Africa; 41/94 (para. 3), on the Second Decade to Combat Racism and Racial Discrimination; 41/101 (para. 27), on the importance of the universal realization of the rights of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights; 41/39 (para. 33), on the question of Namibia; 42/23 A (para. 8), on the policies of apartheid of the Government of South Africa; 42/47 (para. 3), on the Second Decade to Combat Racism and Racial Discrimination; 42/14 A (para. 37), on the situation in Namibia resulting from the illegal occupation of the Territory by South Africa; 42/71 (para. 11), on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples; 42/75 (para. 21), on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations; 42/95 (para. 31), on the importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights; 43/30 (para. 20), on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations; 43/45 (para. 11), on the

9. The Security Council also considered several draft resolutions which cited the text of Article 2(4)¹⁶ or contained implicit references to it,¹⁷ but which failed to be adopted.

10. Most of the decisions of the Security Council and of the General Assembly which contain explicit or implicit references to Article 2(4), as listed above, did not give rise to constitutional discussion regarding their interpretation and application. The decisions of the above organs that were preceded or followed by constitutional discussion are covered in the analytical summary. However, a number of other resolutions or deliberations of the said organs with bearings on Article 2(4), which are not covered in the analytical summary, merit special attention.

11. The Security Council, at its 2665th, 2666th, 2713th and 2750th meetings, continued its consideration of the situation between Iran and Iraq¹⁸ and adopted three resolutions on the subject, namely, 582 (1986), 588 (1986) and 598 (1987). In the said resolutions, the Council noted that the obligations of Member States to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or from acting in any manner inconsistent with the purposes of the United Nations,¹⁹ and demanded the settlement of their disputes by peaceful means.²⁰ The Council further called upon the parties to the conflict to observe immediate ceasefire and withdraw their forces to internationally recognized boundaries.²¹ Moreover, it requested the Secretary-General to explore, in consultation with Iran and Iraq, the question of entrusting an impartial body with inquiring into responsibility for the conflict and to report to the Council as soon as possible.²²

12. The General Assembly considered two legal questions of a general nature that have bearings on the interpretation and application of Article 2(4) but have not been included in the analytical summary of practice, either because their consideration was not concluded by the end of the forty-third session or because the deliberations concerning the item did not lead to a substantive constitutional debate. These questions are discussed briefly in the following paragraph.

implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples; 43/50 A (para. 7), on the policies of apartheid of the Government of South Africa; 43/26 (para. 37), on the question of Namibia; and 43/106 (para. 23), on the importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights.

¹⁶ See draft resolutions contained in S/18087/Rev.1 and S/18163, concerning the policies of South Africa; see also S/PV.2686 and S/PV.2693.

¹⁷ See draft resolutions contained in S/17000, concerning the situation in Lebanon; S/17459, concerning the situation in the Middle East; S/17633, concerning the situation in Namibia; S/17730/Rev.2, regarding the situation in Lebanon; S/18016/Rev.1, concerning the armed attack against Libya; S/18250, relating to the situation in Nicaragua; S/18705, relating to the situation in Namibia; S/18785, concerning the situation in Namibia; S/19434, regarding the situation in Lebanon; S/19868, regarding the situation in Lebanon; and S/20332, concerning the situation in Lebanon.

¹⁸ See *Repertory of Practice of United Nations Organs, Supplement No. 6*, study relating to Article 2(4), para. 23.

¹⁹ SC resolution 588 (1986) (preamb. para. 4).

²⁰ SC resolution 598 (1987) (preamb. para. 8).

²¹ SC resolutions 582 (1986) (para. 3); and 598 (1987) (para. 1).

²² SC resolution 598 (1987) (para. 6).

13. The General Assembly continued²³ its consideration of the agenda item on drafting of an international convention against the recruitment, use, financing and training of mercenaries,²⁴ and adopted four resolutions on this item.²⁵ In these resolutions, the Assembly, inter alia, bore in mind the need for strict observance of the principles of sovereign equality, political independence, territorial integrity of States and self-determination of peoples; recognized that the activities of mercenaries were contrary to fundamental principles of international law, such as non-interference in the internal affairs of States, territorial integrity and independence, and seriously impede the process of self-determination of peoples struggling against colonialism, racism, apartheid and all forms of foreign domination. Moreover, the Assembly, at its fortieth through forty-third sessions, renewed the mandate of the Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries.²⁶ However, the proceedings of the Ad Hoc Committee were not concluded as at 31 December 1988.

14. At its forty-third session, the General Assembly adopted resolution 43/51, the annex to which contained the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field. The Declaration recalls in its preamble that, “it is the duty of States to refrain in their international relations from military, political, economic or any other form of coercion against the political independence or territorial integrity of any State”.²⁷

15. The International Law Commission continued²⁸ its consideration of the draft code of crimes against the peace and security of mankind²⁹ and discussed several points with bearing on Article 2(4). Among other things, extensive discussions took place in the Commission on the offences against international peace and security, including, in particular, on the inclusion of the crime of aggression in the draft code and on the definition of the crime.³⁰ The exercise of the right of self-defence was also the subject of deliberations.³¹ However, the work of the Commission on the draft code was not concluded as at 31 December 1988.

²³ See *Repertory, Supplement No. 6*, vol. I, under Article 2(4), p. 75.

²⁴ See reports of the Sixth Committee on this item contained in A/40/979 and Corr.1; A/41/872; A/42/816; and A/43/884.

²⁵ GA resolutions 40/74, 41/80, 42/155 and 43/168.

²⁶ GA resolutions 40/74 (para. 2); 41/80 (para. 1); 42/155 (para. 2); and 43/168 (para. 2).

²⁷ GA resolution 43/51 (preamb. para. 7).

²⁸ See *Repertory of Practice of United Nations Organs, Supplement No. 6*, vol. I, study on Article 2(4), p. 75 (paras. 31-32).

²⁹ The title of the item under consideration was previously “draft code of offences against the peace and security of mankind”, which was changed to “draft code of crimes against the peace and security of mankind” at the forty-second session of the General Assembly; see GA resolution 42/151.

³⁰ See A/40/10, pp. 26-32; and A/43/10, pp. 186-190.

³¹ A/41/10, pp. 135-139.

II. Analytical summary of practice

A. The question of the scope and limits of the phrase “threat or use of force against the territorial integrity or political independence of any State”

16. Article 2(4) was referred to in the Security Council in connection with questions that involved allegations of the threat or use of force against the territorial integrity or political independence of a State. It was also invoked in the General Assembly in connection with one basic legal instrument,³² which focused, among other things, on the principle of non-use of force in international relations. In the course of the discussion of those issues, questions arose concerning the interpretation and application of the principle of Article 2(4). The following items entailed such relevant constitutional material:

In the Security Council:

(a) With regard to the letter dated 17 June 1985 from the Permanent Representative of Botswana,³³ the question under discussion was whether the attack on 14 June 1985, by the South African commandos on the capital of Botswana and the murder of a number of South African and Botswana nationals, constituted violation of the territorial integrity and sovereignty of that country;

(b) In connection with the letter dated 1 October 1985 from the Permanent Representative of Tunisia,³⁴ the issue under discussion was whether attacks by Israel against targets in the territory of Tunisia violated the territorial integrity of Tunisia and constituted the use of force, as prohibited under Article 2(4) of the Charter;

(c) With regard to several letters of complaint³⁵ from the Permanent Representative of Angola, the issue at stake was whether attacks by South African forces on a number of targets in Angola constituted violation of the sovereignty and territorial integrity of that country;

(d) In relation to the letter dated 19 April 1988 from the Permanent Representative of Tunisia,³⁶ the question under consideration was whether the assassination of a member of the Executive Committee of the Palestine Liberation Organization, in Tunis, by Israeli commandos, violated the sovereignty and territorial integrity of Tunisia.

In the General Assembly:

In connection with the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations, the subject of discussion was ways and means of applying the Charter principles of non-use of force, peaceful settlement of disputes and the right of peoples to struggle for self-determination.

³² Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations, GA resolution 42/22, annex.

³³ S/17279.

³⁴ S/17509.

³⁵ S/17267; S/19278; S/17510; and S/20336.

³⁶ S/19798.

1. In the Security Council

(a) *Decision of 21 June 1985 concerning the letter dated 17 June 1985 from the Permanent Representative of Botswana*

(i) *Precis of proceedings*

17. By letter dated 17 June 1985 addressed to the President of the Security Council, the Permanent Representative of Botswana requested an urgent meeting of the Security Council to consider the situation arising as a result of South Africa's military attack on the capital of Botswana on 14 June 1985. The Minister for Foreign Affairs of Botswana requested the Council, at its 2598th meeting, to demand that South Africa desist from further attacks on that country.³⁷

18. At its 2599th meeting, the Security Council adopted resolution 568 (1985) of 21 June 1985, by which it strongly condemned the unprovoked and unwarranted military attack on the capital of Botswana as an act of aggression against that country and a gross violation of its territorial integrity and national sovereignty.³⁸ It demanded the immediate, total and unconditional cessation of all acts of aggression by South Africa against Botswana.³⁹ Moreover, the Council denounced and rejected South Africa's practice of hot pursuit.⁴⁰

(ii) *Precis of relevant constitutional discussion*

19. During the deliberations of the Security Council on the matter, one party viewed the acts committed by South Africa as a violation of the territorial integrity of Botswana.⁴¹ The other party advanced the argument that under international law a State should not permit on its territory activities for the purpose of carrying out acts of violence on the territory of another State.⁴² Moreover, it claimed that a State had a right to take appropriate steps to protect its own security and territorial integrity against such acts.⁴³

(b) *Decision of 4 October 1985 in connection with the letter dated 1 October 1985 from the Permanent Representative of Tunisia*

(i) *Precis of proceedings*

20. By letter dated 1 October 1985 to the President of the Security Council, the Permanent Representative of Tunisia reported that six Israeli military aircrafts had attacked civilian targets in the southern suburbs of Tunis, which had resulted in the loss of many human lives and had caused material damage and destruction on a wide scale. Tunisia had requested an immediate meeting of the Security Council for condemnation of the Israeli aggression, demanded full compensation for the damage sustained, and called for the adoption of appropriate measures to prevent recurrence of such acts.

³⁷ S/PV.2598, p. 5 (para. 42).

³⁸ SC resolution 568 (1985) (para. 1).

³⁹ Ibid. (para. 2).

⁴⁰ Ibid. (para. 4).

⁴¹ S/PV.2598, p. 5 (para. 39).

⁴² S/17282, p. 4; and S/PV.1599, p. 8 (para. 83).

⁴³ Ibid.

21. At its 1615th meeting, on 4 October 1985, the Security Council adopted resolution 573 (1985),⁴⁴ under the terms of which, the Council, inter alia, vigorously condemned the acts of armed aggression perpetrated by Israel against Tunisian territory in flagrant violation of the Charter of the United Nations;⁴⁵ demanded that Israel refrain from perpetrating such acts of aggression or from threatening to do so;⁴⁶ and considered that Tunisia had the right to appropriate reparation as a result of loss of human life and material damage.⁴⁷

(ii) *Precis of relevant constitutional discussion*

22. During the deliberations of the Security Council on the matter, references were made to the prohibition of the threat or use of force in international relations in accordance with the Charter of the United Nations.⁴⁸ One side, however, viewed the Israeli attack as a blatant act of aggression against the territorial integrity, sovereignty and independence of Tunisia and a flagrant violation of the rules and norms of international law, as well as the principles set forth in the Charter.⁴⁹ The other side described the military operations as self-defence, undertaken in response to acts of terrorism.⁵⁰

(c) *Decisions of the Security Council regarding complaints by Angola*

(i) *Precis of proceedings*

23. The Permanent Representative of Angola, in a number of letters to the President of the Security Council,⁵¹ complained that the South African armed forces had attacked a number of targets in Angola and had violated the territorial integrity and sovereignty of that country. The representative of Angola repeatedly requested the Council to meet and assess the ensuing situations.

24. In response to the complaints made by Angola, the Council adopted four resolutions, in which it condemned the military attacks by South Africa against Angola and declared that those acts and the continued occupation of parts of the territory of Angola constituted a flagrant violation of the sovereignty and territorial integrity of that country.⁵² In paragraphs along the following lines, the Council, inter alia:

Strongly condemned the South African regime for its continued, intensified and unprovoked acts of aggression against the People's Republic of Angola, which constituted a flagrant violation of the sovereignty and territorial integrity of Angola;⁵³

⁴⁴ Draft resolution presented by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago (S/17535).

⁴⁵ SC resolution 573 (1985) (para. 1).

⁴⁶ Ibid. (para. 2).

⁴⁷ Ibid. (para. 4).

⁴⁸ See S/PV.2610-S/PV.2612.

⁴⁹ S/PV.2610 (para. 20).

⁵⁰ S/PV.2611 (para. 59).

⁵¹ See footnote 5.

⁵² SC resolutions 567 (1985) (para. 1); 574 (1985) (para. 1); 577 (1985) (para. 2); and 602 (1987) (para. 1).

⁵³ SC resolutions 567 (1985) (para. 1); 574 (1985) (para. 1); 577 (1985) (para. 2); and 602 (1987) (para. 1).

Strongly condemned South Africa's utilization of the international Territory of Namibia as a springboard for armed invasions and destabilization of the People's Republic of Angola;⁵⁴

Demanded South Africa immediately to cease all acts of aggression against the People's Republic of Angola and unconditionally withdraw all forces occupying Angolan territory, as well as scrupulously respect the sovereignty, airspace, territorial integrity and independence of Angola.⁵⁵

(ii) *Precis of relevant constitutional discussion*

25. During the discussions on the above question in the Security Council, one side viewed the attacks as constant violations of the sovereignty and territorial integrity of Angola.⁵⁶ The other side advanced the argument that it was an established principle that a State should not permit or encourage on its territory activities for the purpose of carrying out acts of violence on the territory of another State. It was further argued that it was equally well established that a State had the right to take appropriate steps to protect its own security and territorial integrity against such acts.⁵⁷

(d) *Decision of 22 April 1988 in connection with the letter dated 19 April 1988 from the Permanent Representative of Tunisia*

(i) *Precis of proceedings*

26. By letter dated 16 April 1988 to the President of the Security Council, the Permanent Representative of Tunisia reported that an Israeli commando had entered the residence of a member of the Executive Council of Palestine Liberation Organization, located in the northern suburbs of Tunis, and had assassinated him on the same date. Tunisia requested an urgent meeting of the Security Council to condemn the Israeli aggression and to take appropriate measures to prevent the repetition of such acts.

27. At its 2810th meeting, the Security Council adopted resolution 611 (1988),⁵⁸ which quoted the text of Article 2(4) in its preamble. Moreover, it vigorously condemned the aggression perpetrated on 16 April 1988 against the sovereignty and territorial integrity of Tunisia in flagrant violation of the Charter of the United Nations,⁵⁹ and urged Member States at the United Nations to take measures to prevent such acts against the sovereignty and territorial integrity of all States.⁶⁰

(ii) *Precis of relevant constitutional discussion*

28. During the deliberations of the Security Council on the matter, one side viewed the Israeli operations as a violation of the sovereignty and territorial

⁵⁴ SC resolutions 567 (1985) (para. 2); 574 (1985) (para. 2); 577 (1985) (para. 3); and 602 (1987) (para. 3).

⁵⁵ SC resolutions 567 (1985) (para. 3); 574 (1985) (para. 3); 577 (1985) (para. 4); and 602 (1987) (para. 4).

⁵⁶ S/PV.2596, p. 1 (para. 6); and S/PV.2763, p. 17.

⁵⁷ S/PV.2597, p. 6 (para. 60).

⁵⁸ Draft resolution submitted by Algeria, Argentina, Nepal, Senegal, Yugoslavia and Zambia (S/19819). The resolution was adopted by 14 votes in favour and none against, with one abstention (United States of America).

⁵⁹ SC resolution 611 (1988) (para. 1).

⁶⁰ *Ibid.* (para. 2).

integrity of an independent State.⁶¹ Israel did not participate in the proceedings of the Council.

2. In the General Assembly

Decision of 18 November 1987 of the General Assembly in connection with the report of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations

(i) *Precis of proceedings*

29. During the period under review, the General Assembly continued its consideration of the item proposed by the Soviet Union⁶² on the conclusion of a world treaty on the non-use of force in international relations,⁶³ in the framework of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations.⁶⁴

30. At its fortieth session, the General Assembly, for the second time⁶⁵ modified the mandate of the Special Committee and requested it to prepare at the earliest possible date, as an intermediate stage, a declaration on the non-use of force in international relations.⁶⁶

31. At its forty-second session, the General Assembly, by its resolution 42/22, approved the recommendation of the Special Committee and adopted the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations. The relevant paragraphs of the Declaration are as follows:

“The General Assembly,

“Recalling the principle that States 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,

“Recalling that this principle is enshrined in Article 2, paragraph 4, of the Charter of the United Nations and has been reaffirmed in a number of international instruments,

“... ”

“1. Solemnly declares that:

⁶¹ S/PV.2807, p. 7.

⁶² Letter dated 28 September 1976 from the Permanent Representative of the Soviet Union addressed to the President of the General Assembly requesting the inclusion of a world treaty on the non-use of force in international relations in the agenda of the thirty-first session of the General Assembly (A/31/243).

⁶³ See item 124 of the agenda of the thirty-first session.

⁶⁴ The General Assembly had established the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations at its thirty-second session; see GA resolution 32/150 (para. 1).

⁶⁵ At its thirty-seventh session, the General Assembly for the first time modified the mandate of the Special Committee and requested it to elaborate the formulas of the working paper containing the main elements of the principle of non-use of force in international relations; see GA resolution 37/105 (para. 3).

⁶⁶ GA resolution 40/70 (para. 2).

“I

“1. Every State has the duty to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any State, or from acting in any other manner inconsistent with the purposes of the United Nations. Such a threat or use of force constitutes a violation of international law and of the Charter of the United Nations and entails international responsibility.

“2. The principle of refraining from the threat or use of force in international relations is universal in character and is binding, regardless of each State’s political, economic, social or cultural system or relations of alliance.

“3. No consideration of whatever nature may be invoked to warrant resorting to the threat or use of force in violation of the Charter.

“4. States have the duty not to urge, encourage or assist other States to resort to the threat or use of force in violation of the Charter.

“...

“6. States shall fulfil their obligations under international law to refrain from organizing, instigating, or assisting or participating in paramilitary, terrorist or subversive acts, including acts of mercenaries, in other States, or acquiescing in organized activities within their territory directed towards the commission of such acts.

“...

“9. In accordance with the purposes and principles of the United Nations, States have the duty to refrain from propaganda for wars of aggression.

“10. Neither acquisition of territory resulting from the threat or use of force nor any occupation of territory resulting from the threat or use of force in contravention of international law will be recognized as legal acquisition or occupation.

“11. A treaty is void if its conclusion has been procured by the threat or use of force in violation of the principles of international law embodied in the Charter.

“...”

(ii) *Precis of relevant constitutional discussion*

32. During the debate of the item in the Sixth Committee, it was emphasized that the draft declaration shed light on the relationship between the principle of the non-use of force, laid down in Article 2(4) of the Charter, and a number of other important principles and norms, such as peaceful settlement of disputes.⁶⁷ However, constitutional discussions took place, in particular, on paragraph 10 of the draft declaration and on the penultimate paragraph.

33. Regarding paragraph 10 of the Declaration, on the one hand, it was emphasized that the phrase “in contravention of international law” should be construed as referring both to the acquisition and to the occupation of territory resulting from the threat or

⁶⁷ A/C.6/42/SR.18, p. 3 (para. 6).

use of force.⁶⁸ On the other hand, it was stressed that paragraph 10 meant that the acquisition or occupation of territory by force would not be recognized as legal, no matter what causes or reasons were invoked by the party that had used force.⁶⁹

34. Concerning the general clause on the right to self-determination of peoples, contained in the penultimate paragraph of the Declaration, divergent views were expressed. In accordance with one point of view, the principle of non-use of force in international relations could not be applied to the struggle of national liberation movements.⁷⁰ In accordance with another point of view, there was the obligation to refrain from the use of force against any struggle of peoples for self-determination.⁷¹ The last phrase of this paragraph, regarding the right of the peoples to struggle and to seek and receive support, gave rise to divergent comments. On the one hand, it was indicated that the right to self-determination of peoples was inclusive of the right to struggle and to seek and receive support in order to exercise the right to self-determination, freedom and independence.⁷² On the other hand, it was pointed out that that phrase was unnecessary⁷³ and confusing⁷⁴ since it could be interpreted as permitting the use of force under certain conditions, which was unacceptable. A view was also expressed that the right to receive support did not include support in the form of armed forces or other military assistance.⁷⁵ It was further stated that States that provide support for the peoples to struggle for their self-determination should fulfil their international obligations, including, in particular, respect for the principle of non-intervention in the internal affairs of other States.⁷⁶ It was stressed that paragraph 23 of the draft declaration, concerning the unequivocal condemnation of acts of terrorism, also applied to the general clause on the self-determination of peoples.⁷⁷

3. In the International Court of Justice

35. In its Judgment on the case concerning *Military and Paramilitary Activities in and against Nicaragua*, the International Court of Justice considered the relationship between the principle of non-use of force in international relations as contained in Article 2(4) of the Charter and a similar rule that existed under customary international law.⁷⁸ In that respect, the Court did not accept the contention of the United States of America that the relevant norms of customary international law had been subsumed and supervened by those of international treaty law, and especially those of the Charter of the United Nations,⁷⁹ and observed that in the areas of law relevant to the current dispute, it could not be claimed that all customary rules which might be invoked had a content exactly identical to that of the rules contained in the

⁶⁸ A/C.6/42/SR.50, p. 2 (para. 5); A/C.6/42/SR.50, p. 3 (para. 7); A/C.6/42/SR.50, p. 4 (para. 13); and A/C.6/42/SR.50, p. 4 (para. 12).

⁶⁹ A/C.6/42/SR.21, p. 4 (para. 14).

⁷⁰ A/C.6/42/SR.21, p. 4 (para. 72).

⁷¹ A/C.6/42/SR.17, p. 3 (para. 10); and A/C.6/42/SR.20, p. 12 (para. 20).

⁷² A/C.6/42/SR.21, p. 17 (para. 84).

⁷³ A/C.6/42/SR.19, p. 8 (para. 27).

⁷⁴ A/C.6/42/SR.50, p. 4 (para. 10).

⁷⁵ A/C.6/42/SR.50, p. 3 (para. 5).

⁷⁶ A/C.6/42/SR.50, p. 4 (para. 12).

⁷⁷ A/C.6/42/SR.50, p. 3 (para. 7).

⁷⁸ *I.C.J. Reports 1986*, p. 92 (para. 173).

⁷⁹ *Ibid.* (para. 174).

treaties.⁸⁰ As regards the argument that the areas covered by the two sources of law were identical, the Court observed that the Charter of the United Nations, the convention to which most of the argument of the United States was directed, by no means covered the whole area of the regulation of the use of force in international relations.⁸¹ It further held that customary international law continued to exist and to apply separately from international treaty law, even where the two categories of law had an identical content.⁸²

****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

36. On a number of occasions, constitutional discussion arose regarding the right of self-defence and its relationship with the injunction in Article 2(4). Those instances are dealt with above in part A⁸³ of the analytical summary of practice.⁸⁴ However, in the present part, a particular reference should be made to the 1986 Judgement of the International Court of Justice, in which the Court discussed the right of self-defence and its relationship with Article 2(4).

37. The Court, first, examined the relationship between customary international law and treaty law in the area of self-defence and concluded that customary international law continued to exist alongside treaty law, and that the areas governed by the two sources of law did not overlap exactly, and the rules did not have the same content.⁸⁵

38. Concerning the content of the right of collective self-defence, the Court noted that in the language of Article 51 of the Charter of the United Nations, the inherent right (or *droit naturel*) which any State possessed in the event of armed attack, covered both collective and individual self-defence.⁸⁶ The Court identified the conditions under which States might resort to collective self-defence and held that there was no rule in customary international law permitting another State to exercise the right of collective self-defence on the basis of its own assessment of the situation.⁸⁷ In the Court's view, a declaration of being the victim of an armed attack and a request for collective self-defence by the State concerned were required for the exercise of such a right.⁸⁸ Moreover, concerning the requirement of immediate report to the Security Council in the event of resort to collective self-defence, as enshrined in Article 51, the Court observed that, in customary international law it was not a condition of the lawfulness of the use of force in self-defence. However,

⁸⁰ Ibid. (para. 175).

⁸¹ Ibid. (para. 176).

⁸² Ibid. (para. 179).

⁸³ See cases (a), (b), (c) and (d), contained in paras. 17 through 28 of the present study.

⁸⁴ See also *Supplement No. 7*, vol. I, under Article 51.

⁸⁵ *I.C.J. Reports 1986*, p. 94 (para. 176).

⁸⁶ Ibid. (para. 193).

⁸⁷ Ibid. (para. 195).

⁸⁸ Ibid. (paras. 195 and 199).

the Court held that the procedure of reporting, as a treaty commitment, should be followed.⁸⁹

⁸⁹ Ibid. (para. 200).