

# Uluslararası Hukukta Self-Determinasyona Yardım Gerekçesiyle Yapılan Tek Taraflı Askeri Müdahalelerin Kabul Edilebilirliđi: Devlet Uygulamaları ve Birleşmiş Milletler'in Tepkileri

Hakemli Makale

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## ÖZET

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**B**u makale, uluslararası hukukta ve politikada yüceltilen self-determinasyon hakkı ile uluslararası hukukun kuvvet kullanma yasađı ve iç işlerine karışmama ilkelerinin problemliliğini inceleyip, analiz etmektedir. Makale, özellikle halkların dış self-determinasyon hakkı için mücadelesine yardım etme gerekçesiyle kuvvet kullanımını meşrulaştırma sorunsalını ele almakta, ve askeri müdahale için hukuki zemin olarak gösterildiđi üç Soğuk Savaş dönemi vakasını ve bunlara Birleşmiş Milletler'in (BM) tepkilerini inceleyerek, dış self-determinasyonu desteklemek için yapılan tek taraflı askeri müdahalelerin kabul edilebilirliđini, analiz etmektedir. Bu makalenin temel argümanı, self-determinasyon hakkına verilen tartışmasız öneme rağmen, BM'in bu gerekçeyle yapılmış askeri müdahalelere tepkilerinin, devletlere bu gerekçeyle tek taraflı askeri müdahalede bulunma ve diđer bir devletin iç işlerine karışma hakkı tanımadıđını ortaya koyduđudur.

### Anahtar Kelimeler

Kuvvet kullanımı, tek taraflı askeri müdahale, self-determinasyon, devlet uygulamaları, Birleşmiş Milletler

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**ABSTRACT**

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**Permissibility of Unilateral Military Interventions to Assist Self-Determination in International Law: State Practice and United Nations' Responses**

This article aims to examine and analyze the problematic clash of the most promoted right of self-determination with the most enshrined norms of non-use of force and non-intervention in domestic affairs in international law. It specifically addresses the question of justification of the use of force on the basis of assistance to peoples in their struggle for 'external' self-determination, and examine the permissibility of the state justifications for military intervention in support of external self-determination, by analyzing three Cold War cases where it was specifically invoked as the legal ground for military intervention and the United Nations (UN) reactions to them. The article's main contention is that despite the incontestable significance attached to self-determination, the historical record of the UN responses to such military interventions demonstrates that the right of self-determination does not lend itself to an unquestionable legal right for a state to take a unilateral military action and intervene in domestic affairs of another state.

**Keywords**

Use of force, unilateral military intervention, self-determination, state practice, United Nations

**Introduction**

Since the end of the Cold War, international community has demonstrated an increasing concern for the elimination of authoritarian regimes/dictatorships, promotion of political and civil rights, and encouragement of democratic governance. In international law, this interest can be seen among others in a number of conventions as well as declarations at the United Nations (UN) with regards to the right of self-determination. Parallel to the ever-increasing emphasis on 'individual' (as opposed to the state) as the subject matter of international law, it is not surprising that right of political self-determination has gradually come to occupy a significant place in the global legal and political discourse as well.

Self-determination in essence refers to the right of all peoples to "free themselves from foreign, colonial or racist domination".<sup>1</sup>The content and scope of the right of self-determination has developed considerably in the 20<sup>th</sup> century, which led the way for the colonial peoples to break away from colonial dominations and gain independence through secessionist movements and decolonization process during and after World War I and World War II. As a result, it has come to be considered to be a general principle of international law. It is recognized in the international customary law, and also embraced as a right of all peoples in numerous international treaties, most importantly in the UN Charter and the twin Covenants ie. International Covenant on Civil and Political Rights, and International Covenant on Economic, Social and Cultural Rights. Contemporary conceptions of the principle of self-determination encompass external and internal notions. External self-determination can be defined as the right of peoples

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1 SENESE, Salvatore, "External and Internal Self-Determination", **Social Justice**, 1989, Vol. 16, No. 1, p. 19.

to freely determine their international status. In other words, it denotes the right of peoples to determine their own destiny in the international system and found a state, thus concerns a stage before statehood. Internal self-determination on the other hand, stands for the right of peoples to freely select their own political, economic and social system without pressure from other states. It thus involves political and social rights and in that sense has to do with a phase after state formation.<sup>2</sup>

This article aims to examine and analyze the problematic clash of the most promoted right of self-determination with the most enshrined norms of non-use of force and non-intervention in domestic affairs in international law. The principle of self-determination may become pertinent to military intervention in internal affairs mainly in two ways: when a foreign power provides military assistance to a government, which does not represent the will of indigenous people, or alternatively, when a foreign power provides military assistance to peoples entitled to self-determination. The former situation concerns 'internal' self-determination as defined above. This article will mainly address the other side of the coin, which is the question of justification of the use of force on the basis of assistance to peoples in their struggle for 'external' self-determination. More precisely, the article will examine the permissibility of the state justifications for military intervention in support of external self-determination, by analyzing three Cold War cases where it was specifically invoked as the legal ground for military intervention and the UN reactions to them. Within this framework, the article's main contention is that despite the incontestable significance attached to self-determination, the historical record of the UN responses to such military interventions demonstrates that the right of self-determination does not lend itself to an unquestionable legal right for a state to take a unilateral military action and intervene in domestic affairs of another state.

For the purpose of exploring the permissibility of foreign armed intervention in support of self-determination, the article will first provide the legal framework for use of force in state relations. It will then provide an overview of the principle of non-intervention in international law. In the following part, the article will attempt to discern the status of right of self-determination within the domain of general international law and in relation to the UN Charter and other UN documents, such as declaratory General Assembly resolutions. In this framework, it will finally explore the relevant state practice and assess UN responses to individual cases.

## I. Conceptual Framework

In the international system, the prevailing legal norm is the rule of non-intervention as implied by the state system based on the principle of sovereignty and equality.<sup>3</sup> In other words, the norm proscribing intervention in the internal affairs of states has come to represent the flip side of the norm upholding sovereignty.<sup>4</sup> The leading legal scholar

2 For detailed analysis of the concepts of external and internal self-determination, SENESE, 1989, pp. 19-25.

3 MERAY, Seha L., *Devletler Hukukuna Giriş*, İkinci Cilt, Ankara Üniversitesi Basımevi, Ankara, 1965, P. 394.

4 SLAUGHTER BURLEY, Anne-Marie/ KAYSEN, Carl, "Introductory Note: Emerging Norms of Justified In-

Hersch Lauterpacht defined intervention as the “dictatorial interference by a State in the affairs of another State for the purpose of maintaining or altering the actual condition of things.”<sup>5</sup> Generally speaking, international relations literature also reflects the legal-normative definition of the term. For example, Max Beloff argues that intervention is an attempt by one state aiming to “affect the internal structure and external behavior of other states through various degrees of coercion.”<sup>6</sup> In this sense, intervention involves the activities that impair a state’s external independence or territorial authority by imposing a certain order of things on a state without its consent, thus violating its sovereignty. Hence, for the purposes of the present article, intervention is defined as the coercive interference of an external agency, whether a state, a group of states or an international body, in the internal affairs of another state in a manner that disturbs the conventional pattern of their relations, with the aim of rearranging its domestic political order, including its authority structure and domestic policies, in a particular fashion.

Within this framework, foreign armed intervention to assist self-determination can be identified as the use of armed force by one state or group of states against another state -the target state- with the intention to assist people in their struggle to freely determine their political, economic and social system as well as cultural status. Therefore, in this article the key guides to the incidence of intervention are the organized physical transgression of the borders of a recognized sovereign state and the conception of intrusion in its domestic affairs with the aim of supporting people to realize their right to self-determination.

A further conceptual clarification concerns the issue of foreign armed interventions in support of humanitarian purposes, which emerged as a matter of extensive deliberation in the post-Cold War. In this respect, debates have focused whether or not military intervention in states where there are massive human rights violations and atrocities is permissible. More recently, the discussion has shifted to the framework of “responsibility to protect” as a developing norm of humanitarian intervention. In this context, it has to be underlined that foreign armed intervention to assist the right of self-determination and military intervention for humanitarian purposes do not necessarily represent the same phenomenon. In this respect, the complexity arises from the fact that military interventions in support of the struggles of self-determination may in fact be addressed within the context of expanded version of humanitarian intervention, for in the final analysis, human self-realization can be assumed to be the major ground out of which basic human rights would spring and human dignity be upheld. Moreover, this line of thinking can at the same time extend to include the pro-democratic military interventions. However, one should note that the use of force for humanitarian purposes does not necessarily include an intention to

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tervention”, **Emerging Norms of Justified Intervention**, (Laura W. Reed and Carl Kaysen, eds.), American Academy of Arts and Sciences, Cambridge, **1993**, p. 13.

5 LAUTERPACHT, Hersch, **Lassa Francis Lawrence Oppenheim, International Law: A Treatise Vol. I**, Longmans, Green & Co., London, **1955**, p. 305.

6 BELOFF, Max, “Reflections on Intervention,” **Journal of International Affairs**, **1968**, Vol. 22, No. 2, p. 198.

or end up with a regime change in a way to materialize self-determination of peoples. One obvious example in this respect is the 1991 intervention in Northern Iraq. During the *Operation Provide Comfort*, the Allies set up a no-fly zone to protect the Kurds, but did not attempt to oust the Baath party regime of Saddam Hussein and help realize self-determination in Northern Iraq. Thus, in this article, foreign armed intervention for self-determination is distinguished both from humanitarian intervention and pro-democratic military interventions; and denotes the use of force with clear stated intention to assist the struggle of self-determination of the people within the target state. In this sense, military interventions with the aim to end gross violations of human rights and foster internal self-determination within a state (i.e. by changing the regime) are out of the scope of this present article.

## II. The Ban on the Use of Force and the Principle of Non-Intervention in International Law

Notwithstanding the prevalence of the incidents of intervention in international politics, under international law, it is firmly established that interference in domestic affairs of other states is an illegal act. Consequently, the debate on intervention in the scholarly literature has sought to discern exceptions to the rule of non-intervention. Thus, the relevant question here is whether military intervention to assist the struggle of self-determination qualifies as an admissible ground for intervention.

Within the UN Charter framework, the most relevant provision is Article 2(4), which concerns the use of force by states. Article 2(4)<sup>7</sup> requires that states refrain in their international relations from the threat or use of force. In this respect, Kelsen maintains that by establishing the obligation of states to refrain from the threat or use of force in their relations, Article 2(4) implies the obligation of states to refrain from intervention in the domestic matters of other states.<sup>8</sup> The substantial majority of legal scholars attribute the norm contained in Article 2(4) to a *jus cogens* character.<sup>9</sup> The *jus cogens* status of Article 2(4) is also confirmed in the *Nicaragua* judgment of the International Court of Justice (ICJ), where it referred to statements by government representatives who considered the prohibition of force in Article 2(4) as not only a principle of customary international law but also “a fundamental and cardinal principle of such law.”<sup>10</sup> Nonetheless, the prohibition of force by states is not absolute. The UN Charter provides

7 Article 2(4) reads as follows: “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 manner inconsistent with the Purposes of the United Nations.”

8 KELSEN, Hans, **The Law of the United Nations**, Stevens & Sons Limited, London, 1951, p. 770.

9 See for example, SHAW, Malcolm N., **International Law**, Grotius Publications Limited, Cambridge, 1991, p. 686; CASSESE, Antonio, **International Law in a Divided World**, Oxford University Press, New York, 1994, p. 141; ÇELİK, Edip, **Milletlerarası Hukuk**, Filiz Kitabevi, İstanbul, 1982, p.410. In this respect, Brownlie also states that the customary norm regarding the use of force is “restated and reinforced” by Article 2(4). See BROWN-LIE, Ian, **International Law and the Use of Force by States**, Oxford University Press, London, 1963, p. 112.

10 Military and Paramilitary Activities in and against Nicaragua (*Nicaragua v. United States of America*), Merits, **ICJ Reports**, 1986, para. 190.

in Article 51 for an exception to this rule in relation to measures of collective and individual self-defense.<sup>11</sup> Article 51 specifies the conditions under which individual states may resort to force.<sup>12</sup> Hence, by allowing for only one condition as an exception to the prohibition of the use of force i.e. self-defense, the Charter has considerably confined the scope of what are considered legitimate self-help measures.

In addition to the UN Charter, from the very inception of the United Nations, the General Assembly has repetitively underlined the non-intervention principle as the principle duty of states. For example, Article 3 of the *Draft Declaration on the Rights and Duties of States* of 6 December 1949, stated that:

*“Every state has the duty to refrain from intervention in the internal and external affairs of the any other state.”*<sup>13</sup>

The duty of non-intervention in internal affairs was strongly emphasized in subsequent resolutions. In *Peace Through Deeds* Resolution for example, the General Assembly condemns “the 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.”<sup>14</sup> The 1957 Resolution of *Peaceful and Neighbourly Relations among States* reiterates the duty of non-intervention as one of the main principles the Charter was based on.<sup>15</sup>

General Assembly Resolution 2131, the *Declaration on the Admissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty* adopted in 1965, provides the first detailed formulation of the principle:

*“No State has the right to intervene, directly or indirectly, for any reason whatever, in the internal and external affairs of any other State. Consequently, armed intervention and all other forms of interference or attempted*

11 In addition to these, there are two other exceptions to Article 2(4). The changed circumstances however, since then, have rendered the above exceptions practically void. Hence, for the purposes of the study, force used in self-defense and force authorized by the Security Council are presumed to be the two exceptions pertinent under current international standards. For an elaboration of other exceptions, see for example, BROWNLIE, pp. 336-337; AREND, Anthony Clark/BECK, Robert J., **International Law and the Use of Force, Beyond the UN Charter Paradigm**, Routledge, London, 1993, pp. 32-33; SIMMA, Bruno, **The Charter of the United Nations**, Oxford University Press, Oxford, 1994, p. 119; PAZARCI, Hüseyin, **Uluslararası Hukuk Der- sleri**, IV. Kitap, Turhan Kitabevi, Ankara, 2000, p. 121.

12 Article 51 states: “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 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 any time such action as it deems necessary in order to maintain or restore international peace and security.”

13 UN General Assembly (GA) Res. 375 (IV), **Draft Declaration on the Rights and Duties of States**, 6 December 1949.

14 UN GA Res. 380 (V), **Peace Through Deeds**, 17 November 1950.

15 UN GA Res. 1236 (XII), **Peaceful and Neighbourly Relations among States**, 14 December 1957.

*threats against the personality of the State or against its political, economic and cultural elements are condemned.*"<sup>16</sup>

The following paragraphs further condemn the use of "economic, political or any other type of measures to coerce another State," subversion, and all other forms of indirect intervention. Specifically, the second operative paragraph is relevant for the purposes of the present article. It declares that:

*"No State shall organize, assist, foment, finance, incite, or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the regime of another State, or interfere in civil strife in another State."*

The question of definition of the duty of non-intervention was also taken up in the drafting of the Resolution 2625, which aimed to outline the fundamental principles of international law. The subsequent *Declaration of Principles of International Law* of 1970 adopts essentially the same definition of non-intervention as that provided in Resolution 2131. It links "the obligation not to intervene in the affairs of any other State" with the international peace and security. Restating the principle concerning "the duty not to intervene in matters within the domestic jurisdiction of any State," it additionally proclaims that acts of "armed intervention and all other forms of interference" constitute violation of international law.<sup>17</sup> The following Resolution 2734 on the *Strengthening of International Security* once again calls upon all States "not to intervene in matters within the domestic jurisdiction of any State."<sup>18</sup>

The principle of non-intervention was further developed in a more detailed way in the 1981 *Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of the States*. Regarding the "full observance of the principle of non-intervention and non-interference in the internal and external affairs of States" as having the utmost significance for the "maintenance of international peace and security," and violation of it as a "threat to the freedom of peoples, the sovereignty, political independence and territorial integrity of States" as well as to "their political, economic, social and cultural development," the Resolution embarks on a detailed elaboration of the scope of the principle of non-intervention and non-interference in the internal and external affairs of States, and prescribes a series of specific duties. According to it, states are:

*"...to refrain in their international relations from the threat or use of force in any form whatsoever...to disrupt the political, social or economic order of*

16 UN GA Res. 2131 (XX), **Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty**, 21 December 1965.

17 UN GA Res. 2625 (XXV), **Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among States in accordance with Charter of the United Nations**, 24 October 1970.

18 UN GA Res. 2734 (XXV), **Declaration on the Strengthening of International Security**, 16 December 1970.

*another State, to overthrow or change the political system of another State or its Government..., to refrain from armed intervention, subversion, military occupation or any other form of intervention and interference, overt or covert, directed at another State or group of States, or any act of military, political or economic interference in the internal affairs of another State.”<sup>19</sup>*

As such, intervention in the internal affairs in general and intervention to oust and change the political system of another state in particular is condemned in a number of General Assembly resolutions.<sup>20</sup> Although General Assembly resolutions are not binding over states, there is a general agreement on the authoritative character of the resolutions on notions like intervention, self-determination and human rights. In this respect, they are argued to represent concrete interpretations of the Charter and assertions of general international law.<sup>21</sup> Judgments of International Court of Justice also support this view. For example, in the *Nicaragua* case, the Court referred to Resolution 2131 and Resolution 2625 as reflecting customary law.<sup>22</sup>

### **III. The Right of Self-Determination and the Use of Force under the UN Charter and in the General Assembly Resolutions**

#### **A. The Use of Force by the Oppressive State**

Several international documents defined self-determination as a right belonging to every people and articulated its exercise as the duty of every state vis-a-vis peoples and international community to ensure it.<sup>23</sup> In practice, this description implies that when a people engages in a struggle for self-determination, the state concerned does not have a right to impede the process, in any way including employing force.<sup>24</sup> In this

19 UN GA Res. 36/103, **Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of the States**, 9 December 1981.

20 Among other resolutions that emphasized the principle of non-intervention are UN GA Res. 34/103, **Inadmissibility of the Policy of Hegemonism in International Relations**, 14 December 1979 and UN GA Res. 37/10, **Manila Declaration on the Peaceful Settlement of International Disputes**, 15 November 1982.

21 SLOAN, Blaine, **United Nations General Assembly Resolutions In Our Changing World**, Transnational Publishers, Inc., New York, 1991, p. 45.

22 **ICJ Reports, 1986**, para. 203.

23 See for example, UN GA Res. 1514 (XV), **Declaration on the Granting of Independence to Colonial Countries and Peoples**, 14 December 1960, paras. 4 and 5; **International Covenant on Civil and Political Rights**, 16 December 1966, Articles 1(2) and 1(3); **International Covenant on Economic, Social and Cultural Rights**, 16 December 1966, Article 1; UN GA Res. 2625 (XXV), principle (e), 24 October 1970; **Helsinki Final Act**, 1 August 1975. For a concise discussion of the historical background and evolution of the right of self-determination, see FALK, Richard A., “The Right of Self-Determination Under International Law: The Coherence of Doctrine Versus the Incoherence of Experience”, **Self-Determination and Self-Administration: A Sourcebook**, (Wofgang Danspeckgruber and Arthur Watts eds.), Lynne Rienner Publishers, Inc., Boulder, 1997, pp. 50-55; HSIUNG, James C., **Anarchy and Order: The Interplay of Politics and Law in International Relations**, Lynne Rienner Publishers, Inc., Boulder, 1997, pp. 130-132.

24 TANCA, Antonio, **Foreign Armed Intervention in Internal Conflict**, Martinus Nijhoff Publishers, The Netherlands, 1993, p. 103; KARAOSMANOĞLU, Ali, **İç Çatışmaların Çözümü ve Uluslararası Örgütler**, Boğaziçi Üniversitesi, İstanbul, 1981, p. 155; and AKEHURST, Michael, **A Modern Introduction to International Law**,

context, it has to be noted that the general ban on the use of force by states “in their international relations” laid down in Article 2(4) of the UN Charter does not extend to the use of force employed by any given state to suppress a riot, for under general international law, civil wars are in principle internal matters outside the confines of international law. However, with the growing recognition of the rule of self-determination since the 1950s, it has come to be accepted that, “the relations between a colonial power and the colonial people have no longer been regarded as internal or municipal, but are seen as coming within the purview of international relations proper.”<sup>25</sup> As a result, some scholars argue that the use of force by an oppressive power falls within the prohibition laid down in Article 2(4).<sup>26</sup> In addition, such instances of forcible action can also be characterized as military force used in a “manner inconsistent with the purposes of the United Nations”,<sup>27</sup> namely “self-determination of peoples” as laid down in Article 1(2). In this respect, the General Assembly *Declaration on the Granting of Independence to Colonial Countries and Peoples* of 1960 states that:

*“All armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence.”*<sup>28</sup>

In a similar vein, the *Declaration on Principles of International Law* affirms that states are under a duty not to suppress revolutions for self-determination, freedom and independence, and the use of force as such is a breach of international law:

*“Every State has the duty to refrain from any forcible action which deprives peoples referred to in the elaboration of the principle of equal rights and self-determination and freedom and independence.”*<sup>29</sup>

Further, this clause is somewhat strengthened by a provision in the Declaration’s section on non-intervention:

*“The use of force to deprive peoples of their national identity constitutes a violation of their inalienable rights and of the principle of non-intervention.”*<sup>30</sup>

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George Allen and Unwin, London, 1984, p. 257.

25 CASSESE, Antonio, *Self-Determination of Peoples, A Legal Reappraisal*, Cambridge University Press, Cambridge, 1995, p. 196. See also, SHAW, 1991, p. 701; and KARAOSMANOĞLU, 1981, p. 153.

26 See for example, CASSESE, 1995, p. 196.

27 Article 2(4) of the **UN Charter**.

28 UN GA Res. 1514 (XV), 14 December 1960. The Declaration passed by 89 affirmative votes to 0 with 9 abstentions, which comprised colonial powers such as South Africa, Australia, Belgium, France, Spain, Portugal, Great Britain, the United States and the Dominican Republic.

29 UN GA Res. 2625 (XXV), 24 October 1970.

30 *Ibid.*

Finally, paragraph 6 of the *Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States* also underlines that “all states shall respect the right of self-determination of peoples to be freely exercised without any foreign pressure.”<sup>31</sup>

### **B. The Use of Force by the Oppressed People**

Article 2(4) does not extend to the use of force by the peoples or liberation movements for the realization of self-determination, since the prohibition laid down in Article 2(4) applies only to the states. During 1950s and 1960s, a number of developing countries together with the socialist states put forward the argument that resort to armed force by dependent peoples in their liberation movements from colonial powers constituted a form of self-defense against armed aggression, and as such, was authorized by Article 51 of the UN Charter.<sup>32</sup> For example, during the sessions of the UN Special Committee on Principles of International Law Concerning Friendly Relations and Cooperation Among States in 1964, while Czechoslovakia proposed to modify the Charter’s prohibition of the threat or use of force in international relations by incorporating “self-defense of nations against colonial domination in exercise of the right of self-determination” to the exceptions of that prohibition,<sup>33</sup> Yugoslavia, India and Ghana proposed the idea that:

*“The prohibition of the use of force shall not affect ... the right of peoples to self-defense against colonial domination in the exercise of their right to self-determination.”*<sup>34</sup>

However, this political proposition did not find support from the majority of the member states of the United Nations, particularly from the Western states and a number of Latin American states.<sup>35</sup> Further proposals to the effect that the exercise of self-determination be regarded as part of the inherent right of self-defense and thus entailed a right to seek assistance from other states were submitted to the Committee during 1966 and 1967.<sup>36</sup> Opponents argued that “the assertion of a right of self-defense in the context of a principle of equal rights and self-determination” could provide a ground “for the intervention of a state in the affairs of another” and would contravene the duty of non-intervention in matters within the domestic jurisdiction of any state. In addition, it was asserted that under the Charter provisions, the right of self-defense was

31 UN GA Res. 2131 (XX), 21 December 1965.

32 SCHWEBEL, Stephen M., “Wars of Liberation as Fought in the UN Organs”, *Law and Civil War in the Modern World*, (John Norton Moore, ed.), The Johns Hopkins University Press, Baltimore, 1974, pp. 446-457.

33 UN Doc. A/5746, 1964, *Report of the Special Committee on Principles of International Law Concerning Friendly Relations and Co-operation among States*, p. 20.

34 *Ibid.*, p. 23.

35 *Ibid.*, pp. 42-45.

36 See for example, UN Documents A/6230, 1966; and A/6799, 1967, *Reports of the Special Committee on Principles of International Law*.

only accorded to sovereign states, not to peoples, and broad interpretations of the concept would serve to disturb international peace.<sup>37</sup> As a result, neither the *Declaration on Principles of International Law* nor the *Definition of Aggression* defined colonialism as 'aggression' and placed the right to self-determination within the framework of self-defense.<sup>38</sup>

Despite the fact that the UN Charter neither confirms nor bans the right of rebellion by dependent peoples or by liberation movements for the attainment of self-determination, the view that grew over the years, has come to allow resort to force by such movements on the condition that self-determination is forcibly denied by armed forces or coercive measures by the oppressive power.<sup>39</sup> This standpoint has become evident in various General Assembly resolutions adopted particularly in the 1970s, affirming the legitimacy of the struggles of the liberation movements from colonial domination and alien subjugation, "by all available means including armed struggle."<sup>40</sup> Although this should not be taken as a legal right proper granted to liberation movements, it can be said that a license to use force is conferred on them by the international community.<sup>41</sup> Both the *Declaration on Principles of International Law* and the *Definition of Aggression* reflect this formulation.<sup>42</sup> For instance, *Definition of Aggression* reaffirms the right of self-determination of peoples forcibly deprived of that right "under colonial and racist regimes or other forms of alien domination," and "the right of these peoples to struggle to that end."<sup>43</sup>

In this context, the question arises as to who is entitled to the right of self-determination. The Assembly resolutions and declarations confer the right of self-determination upon the peoples of non-self-governing territories, trust territories and

37 *Ibid.*

38 Article 3 of the *Definition of Aggression*, which lists the acts that qualify as 'aggression,' do not refer to 'colonialism' as one constituting 'aggression.' However, Article 4 lays down that the acts enumerated in Article 3 "are not exhaustive and the Security Council may determine that other acts constitute aggression under the provisions of the Charter." In this sense, the Security Council enjoys wide discretion under Article 39 of the Charter in determining any instance of 'colonialism' as an act of aggression. However, the Security Council has not taken a decision to this effect thus far. See KARAOSMANOĞLU, 1981, p. 152.

39 AKEHURST, 1984, p. 155.

40 See for example, UN GA Resols. 3103 (XXVIII), **Basic Principles of the Legal Status of the Combatants Struggling Against Colonial and Alien Domination and Racist Regimes**, 12 December 1973; 31/91, **Non-Interference in the Internal Affairs of States**, 14 December 1976; 31/92, **Implementation of the Declaration on the Strengthening of International Security**, 14 December 1976; 32/42, **Implementation of the Declaration of the Granting of Independence to Colonial Countries and Peoples**, 7 December 1977; 32/154, **Implementation of the Declaration on the Strengthening of International Security**, 19 December 1977; 32/14, **Implementation 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**, 7 November 1977; 39/50, **Question of Namibia**, 12 December 1984; 39/72, **Policies of Apartheid of the Government of South Africa**, 13 December 1984.

41 CASESSE, 1995, p. 198.

42 UN GA Res. 2625 (XXV), 24 October 1970; UN GA Res. 3314 (XXIX), **Definition of Aggression**, 14 December 1974.

43 UN GA Res. 3314 (XXIX), 14 December 1974, Article 7.

mandated territories, but remain reluctant to acknowledge the right of self-determination in non-colonial situations. For example, while paragraph 2 of *Declaration on the Granting of Independence* states that “all peoples have the right of self-determination,” paragraph 6 deems attempts to “partial or total disruption of the national unity or the territorial integrity of a country” as “incompatible with the purposes and principles of the Charter.”<sup>44</sup> Similarly, the *Declaration on Principles of International Law* affirms that the principle of self-determination does not authorize “any action which would dismember” independent states “conducting themselves with the principle of equal rights and self-determination of peoples ... and thus possessed of a government representing the whole people ... without distinction as to race, creed or colour.”<sup>45</sup> Although this may seem to imply that secessionist action is allowed when the government does not represent the whole people, the UN resolutions on self-determination do not extend the right of self-determination to ‘nations’ or ‘minorities’ within an established state, but rather confine the right to the peoples under colonial and racist regimes or other forms of alien domination.<sup>46</sup>

### C. The Use of Force by Third States in Support of Self-Determination

A final issue, which is the most relevant to the purposes of the present study, is whether third states are entitled to take any action against a state that forcibly denies the right of self-determination. More precisely, the question is whether and under what circumstances the implementation of the principle of self-determination can be invoked to justify a direct military intervention. In this respect, the general view seems to accept that while third states are permitted to give military equipment and financial or technical assistance to liberation movements, they are not allowed to send armed troops in support of such movements.<sup>47</sup> In fact, a number of the General Assembly resolutions have called on states to give all forms of moral and material assistance to peoples struggling to attain self-determination.<sup>48</sup>

44 UN GA Res. 1514 (XV), 14 December 1960.

45 UN GA Res. 2625 (XXV), 24 October 1970.

46 FALK, Richard, “Intervention and National Liberation”, *Intervention in World Politics*, (Hedley Bull, ed.), Oxford University Press, Oxford, 1984, p. 129.

47 CASSESE, 1995, p. 199; SHAW, 1991, p. 702. It should be noted that Judge Schwebel has taken a more restrictive view in his dissenting opinion in *Nicaragua* case. He maintained that “it is lawful for a foreign State or movement to give to a people struggling for self-determination moral, political and humanitarian assistance; but it is not lawful for a foreign State or a movement to intervene in that struggle with force or to provide arms, supplies or other logistical support in the prosecution of armed rebellion.” *ICJ Reports*, 1986, Dissenting Opinion of Judge Schwebel, para. 180.

48 See for example, UN GA Resols. 2105(XX), *Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples*, 20 December 1965; 2734 (XXV), 16 December 1970; 31/29, *Information From Non-Self Governing Territories Transmitted Under Article 73E of the Charter of the United Nations*, 29 November 1976; 31/33, *Adverse Consequences For the Enjoyment of Human Rights of Political, Military, Economic and Other Forms of Assistance Given to Colonial and Racist Regimes in Southern Africa*, 30 November 1976; 32/10, *Decade For Action to Combat Racism and Racial Discrimination*, 7 November 1977; and 32/154, *Implementation of the Declaration on the Strengthening of International Security*, 19 December 1977.

However, the staunch opposition of Western states to “material assistance,”<sup>49</sup> which could include weapons among others, eventually led to the formulation that recognized the right of peoples struggling against the colonial rule to receive ‘support’ from other states. The *Declaration on Principles of International Law* mirrors this uneasy compromise regarding the position of the third states vis-a-vis the liberation movements:

*“In their action against, and resistance to, such forcible action [by a State, seeking to deprive a people of its right to self-determination] in pursuit of the exercise of their right to self-determination, such peoples are entitled to seek and receive support in accordance with the purposes and principles of the Charter.”*<sup>50</sup>

As such, the language of the Declaration does not specify ‘armed’ support. Moreover, it underlines that the support permitted is to be “in accordance with the purposes and principles of the Charter.” On the other hand, the Declaration also includes a clause, which reflects the priority attached to territorial integrity of states:

*“Every State shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of any other State or country.”*<sup>51</sup>

Hence, it appears that the Declaration distinguishes liberation movements in the sense of decolonization from secessionist movements in non-colonial states. While the Declaration allows third state support to the former, it rules it out to the latter.

Similarly, the *Definition of Aggression* reaffirms the right of peoples, “particularly peoples under colonial and racist regimes or other forms of alien domination,” to self-determination, independence and freedom, and to seek and receive support for these ends. Like the *Declaration on Principles of International Law*, however, the *Definition of Aggression* does not spell out the nature of the support. In addition, both the *Declaration on Principles of International Law* and Article 6 of the *Definition of Aggression* underscore that none of the rules laid down in these documents “shall be construed as in any way enlarging or diminishing” the scope of the Charter’s provisions “concerning cases in which the use of force is lawful.” Hence, while both resolutions recognize a right of revolution, and in effect legitimate “support for anti-colonial, anti-racist, anti-hegemonic action” as an exception to the rule of non-intervention,<sup>52</sup> the support which revolutionaries may seek and receive is limited by the terms of the

49 For example, UN GA Res. 2105 (XX), 1965, passed by 74 votes to 6 with 27 abstentions. The Western states either voted against or abstained. See *UN Yearbook, 1965*, p. 554.

50 UN GA Res. 2625 (XXV), 24 October 1970.

51 *Ibid.*

52 FALK, 1984, p. 130.

resolutions as well as purposes of the Charter.<sup>53</sup> In this sense, the 'support' in question should not extend to include the use of force, which could possibly prolong the conflict to a degree that would endanger international peace and security.<sup>54</sup>

The reluctance to endorse 'armed' support can also be inferred from the debates before the voting of the *Declaration on Principles of International Law*. In voting for the resolution, the United States representative, for example, indicated his agreement with the British representative that the text cannot "be regarded as affording legal sanction for any and every course of action which might be taken in the circumstances contemplated." He further stated that:

"We agree, as the United Kingdom said, that States are not entitled 'under the Charter, to intervene by giving military support or armed assistance in Non-Self-Governing Territories or elsewhere. The support which ... States were entitled to give peoples deprived of their right to self-determination was ... limited to such support as was in accordance with the purposes and principles of the Charter and was therefore controlled by the overriding duty to maintain international peace and security.' In short, the Declaration [on Friendly Relations] does not constitute a license for gun-running."<sup>55</sup>

On the other hand, apart from the language of the *Declaration on Principles of International Law* which does not specify the kind of aid a people may receive in its struggle for self-determination, one other difficulty related to the military assistance to peoples entitled to the right of self-determination arises from the complexity of reconciling it with the general rule against providing help to the insurgents in civil war. In this respect, one prominent scholar argues that insofar as breaches of other rules of international law, for example human rights violations, does not justify aid given to insurgents, there is no logical rationale for "treating violations of the right of self-determination differently from other breaches of international law."<sup>56</sup> As a result, although the UN documents have granted the right to seek and receive support to the peoples entitled to self-determination, to the extent that there exists no explicit reference to a right to ask for foreign military aid, it can be said that international law does not recognize a general right to use force for the purpose of assisting peoples to achieve self-determination.<sup>57</sup>

#### **IV. State Practice and the UN Responses to the Use of Force to Assist Self-Determination**

Three cases of military interventions warrant close examination where the principle of

53 SCHWEBEL, 1974, p. 456.

54 KARAOSMANOĞLU, 1981, p. 156.

55 Press Release USUN-122, 1970, **Statement by the US Alternate Representative in the Legal Committee of the General Assembly**, 24 September 1970, p. 7.

56 AKEHURST, 1984, p. 258.

57 TANCA, 1993, p. 107.

self-determination played a significant role: the Indian intervention in Goa, Daman and Diu (1961), the Indian intervention in East Pakistan (1971) and the Indonesian intervention in East Timor (1975).<sup>58</sup>

When in December 1961 Indian forces attacked the Portuguese forces in what Portugal termed Portuguese territories,<sup>59</sup> India argued that Goa, Daman, Diu were by nature Indian and that India was responding to colonialism and exercising its right to self-defense.<sup>60</sup> In the Security Council, the Indian representative described these territories as "inalienable part of India unlawfully occupied by Portugal."<sup>61</sup> The Council's reaction was largely against Indian line of argument, mainly on the basis of the illegal use of force.<sup>62</sup> The United States representative maintained that the case was not about colonialism, but rather about a violation of one of the basic principles of the Charter, as embodied in Article 2(4).<sup>63</sup> Other states including the United Kingdom, Turkey, France, Ecuador, China and Chile held that force was an illegal means to resolve territorial disputes.<sup>64</sup> Joining the United States, they called for an immediate cease-fire and resumption of negotiations. On the other hand, recalling the General Assembly Resolution 1542 (XV) of 1960,<sup>65</sup> the Soviet Union, Ceylon, Liberia and the United Arab Republic contended that Portugal possessed no sovereign right over the non-self-governing-territories in Asia, and thus opposed the idea that there was an act of aggression committed by India. The Soviet representative further stated that Portuguese refusal to fulfill the terms of the General Assembly's *Declaration on the Granting of Independence to Colonial Countries and Peoples*<sup>66</sup> had generated a threat to international peace and security in many parts of the world, including Goa. These states agreed that the issue involved a colonial question. More specifically, the issue according to them, was the liberation of colonial dependence of peoples and territories which constitutes integral

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58 The Falklands conflict between the United Kingdom and Argentina, which the UK argued to involve a right to self-determination, is not a case considered in this article, for it was an "international conflict" in conventional terms, whereby two sovereign states fought with regular armies. Similarly, in various statements President Reagan justified the US aid to contras in Nicaragua as assistance to people who were demanding the right to determine their own government. However, insofar as this argument was not part of the official legal justification, the US action in Nicaragua is not considered within this context.

59 For detailed account of events, see "Pro-invasion Developments. - Indian and Portuguese Allegations and Counter-allegations. - Mr. Nehru's Statements. - U Thant's Appeal for Indo-Portuguese Negotiations - Replies by Dr. Salazar and Mr. Nehru" and "The Invasion of Goa," *Keesing's Record of World Events* 8, March 1962, <http://www.keesings.com> (accessed 19 January 2014).

60 *UN Yearbook*, 1961, p. 130.

61 "Security Council Meeting on Goa Crisis - Mr. Stevenson's Criticism of Indian Action. - Soviet Veto of Western Resolution," *Keesing's* 8, March 1962.

62 For reactions of other states, see "Reactions in Other Countries," *Keesing's* 8, March 1962.

63 *UN Yearbook*, 1961, p. 130. See also, "Security Council Meeting on Goa Crisis - Mr. Stevenson's Criticism of Indian Action. - Soviet Veto of Western Resolution," *Keesing's* 8, March 1962.

64 "Security Council Meeting on Goa Crisis - Mr. Stevenson's Criticism of Indian Action. - Soviet Veto of Western Resolution," *Keesing's* 8, March 1962.

65 UN GA Res. 1542(XV), *Transmission of Information under Article 73e of the Charter*, 15 December 1960.

66 UN GA Res. 1514 (XV), 14 December 1960.

part of India.<sup>67</sup> Two draft resolutions, each of which was presented by the supporters of the respective arguments, were voted.<sup>68</sup> Neither of them was adopted. But the majority of the Security Council voted in favor of the resolution introduced by France, Turkey, the United Kingdom and the United States, calling for a cease-fire, withdrawal of Indian forces from Goa and settlement of the dispute by peaceful means.<sup>69</sup> By this resolution, recalling Article 1 of the Charter, which “specifies as one of the purposes of the United Nations the development of friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples,” the Council would have deplored the Indian use of force in Goa, Daman and Diu. Nonetheless, during consideration of the Portuguese colonialism, the General Assembly adopted a resolution on 19 December 1961 that condemned “the continuing non-compliance of the Government of Portugal with its obligations under Chapter XI of the Charter” and “with the terms of General Assembly Resolution 1542(XV).”<sup>70</sup>

In December 1971, besides justifying its intervention as responding to an earlier Pakistani attack and reacting against the massive inflow of the refugees, India defended it on the basis of assistance to the people of Bangladesh to achieve freedom.<sup>71</sup> Speaking at the Security Council, the Indian foreign minister claimed that the Indian use of force was justified to prevent the Pakistani violations of human rights and promote self-determination.<sup>72</sup> In the Security Council, along with Pakistan itself, the countries that openly condemned the dismemberment of Pakistan and the foundation of Bangladesh were the United States, China, Somalia, Tunisia and Saudi Arabia. The representatives of these countries expressly argued that military intervention for promoting self-determination was not permissible.<sup>73</sup> On the other hand, whilst not openly supporting the Indian intervention, other countries, especially the USSR, Poland, Ceylon, Syria, Argentina, Turkey, held that any solution of the issue must take the will of the Eastern-Pakistani people into consideration. This stance was implicitly endorsed by the United Kingdom and France as well.<sup>74</sup> However, initially having failed to agree on a position regarding the issue, the Security Council referred the matter to the General Assembly,

67 **UN Yearbook**, 1961, p. 131. See also, “Security Council Meeting on Goa Crisis - Mr. Stevenson’s Criticism of Indian Action. - Soviet Veto of Western Resolution,” **Keesing’s** 8, March 1962.

68 Draft resolution by France, Turkey, the United Kingdom and the United States, **UN Doc. S/5033**, 1961 and draft resolution by Ceylon, Liberia and the United Arab Republic, **UN Doc. S/5032**, 1961.

69 The resolution received 7 votes in favor (the four sponsors, Chile, Ecuador and Nationalist China) and 4 against (Ceylon, Liberia, United Arab Republic and the USSR).

70 UN GA Res. 1699 (XVI), **Non-Compliance of the Government of Portugal with Chapter XI of the Charter of the United Nations with General Assembly Resolution 1542 (XV)**, 19 December 1961, adopted by 90 votes in favor to 3 against (Portugal, South Africa, Spain), with 2 abstentions (Bolivia, France). Chapter XI of the Charter concerns Declaration Regarding Non-Self-Governing Territories.

71 See statements by the Permanent Representative of India at the UN General Assembly, UN Doc. A/PV.2003, 1971, and by the Indian Foreign Minister at the Security Council, UN Doc. S/PV.1611, 1971.

72 UN Doc. S/PV.1608, 1971, p. 141.

73 **UN Yearbook**, 1971, pp. 155-156.

74 **UN Yearbook**, 1971, p. 152.

which adopted a resolution that portrayed the hostilities between India and Pakistan as “an immediate threat to international peace and security,” and called for a cease-fire and withdrawal of all armed forces.<sup>75</sup> The socialist countries and India voted against the resolution, since the resolution did not recognize Bangladesh.<sup>76</sup> Upon the request of the United States, the Security Council held a second round of meetings on the situation in the subcontinent, which resulted in the adoption of a resolution that characterized the situation, like the General Assembly, as “a threat to international peace and security,” and demanded a cease-fire as well as withdrawal of all armed forces.<sup>77</sup>

One other example of military intervention allegedly for facilitating self-determination is Indonesian intervention in East Timor in December 1975.<sup>78</sup> The Indonesian government justified its intervention as a necessary action to restore the order, which was upset by the outbreak of armed conflict between two factions that started after the withdrawal of the Portuguese army, in order to enable the people to exercise its right of self-determination.<sup>79</sup> When East Timor was ultimately annexed, Indonesia argued that with the re-establishment of the order, the people of East Timor had freely chosen to unite with Indonesia in June 1976.<sup>80</sup> At the UN, the annexation of East Timor by Indonesia was openly condemned. Both the General Assembly and the Security Council adopted resolutions deploring the Indonesian armed intervention in East Timor and calling for the withdrawal of Indonesian armed forces.<sup>81</sup> Thus, both organs rejected the Indonesian contention that Indonesian intervention was to facilitate the exercise of the right to self-determination in East Timor. On the contrary, these resolutions together with the subsequent resolutions adopted in the following year<sup>82</sup> expressly stressed that the withdrawal of Indonesian troops was demanded so as to enable the people of East Timor to exercise freely their right to self-determination and independence.

75 UN GA Res. 2793 (XXVI), **Question Considered by the Security Council at its 1606th, 1607th and 1608th Meetings on 4, 5 and 6 December 1971**, 7 December 1971.

76 The resolution was adopted by 104 to 11, with 10 abstentions. Negative votes were cast by Bhutan, Bulgaria, Byelorussian SSR, Cuba, Czechoslovakia, Hungary, India, Mongolia, Poland, Ukrainian SSR, USSR. Among those abstained were France and the United Kingdom.

77 UN SC Res. 307, 21 December 1971.

78 For the internal situation in East Timor before the Indonesian intervention, see “Coups by UDT,” “Outbreak of Civil War - Proposal for Four-Nation Peace-Keeping Force,” “Consolidation of Control by Fretilin - Indonesian Warnings to Fretilin,” “Further Indonesian Attacks on East Timor - Change in Australian Attitude to Indonesia - Rome Talks between Portugal and Indonesia,” “Declaration of Independence by Fretilin and of Merger with Indonesia by Pro-Indonesian Parties;” for the details of the Indonesian intervention, see “Indonesian Invasion of East Timor - Severance of Diplomatic Relations by Portugal” and “Provisional Government Formed by Pro-Indonesian Forces,” **Keesing’s Record of World Events 22**, January 1976 (accessed 28 July 2014).

79 UN Yearbook, 1975, pp. 859, 861.

80 “Incorporation into Indonesia,” **Keesing’s Record of World Events 22**, August 1976 (accessed 10 October 2014).

81 UN GA Res. 3485 (XXX), **Question of Timor**, 12 December 1975, adopted by 72 to 10, with 43 abstentions; and UN SC Res. 384, 22 December 1975, adopted unanimously.

82 UN SC Res. 389, 22 April 1976 and UN GA Res. 31/53, **Question of East Timor**, 1 December 1976.

## Conclusion

Despite the pervasiveness of intervention in international politics, the rule of non-intervention remains firmly established in international law. However, the phenomenon of intervention in internal affairs has coexisted with the principle of non-intervention since the foundation of the state system.

Presently and at the universal level, it is the United Nations framework that governs the non-intervention rule. The most relevant article of the Charter with respect to the non-intervention is Article 2(4), which sets forth the general prohibition of the use of force. Article 2(4) requires that states refrain from the threat or use of force in their international relations. In this sense, it represents the most explicit Charter provision against intervention with the use of armed force. Along with the Charter, the rule of non-intervention is also enshrined as the main governing rule in interstate relations by a number of General Assembly resolutions.

Within this context, the main purpose of this article has been to analyze the historical normative trend in legitimization of a specific justification of unilateral military interventions, namely assisting self-determination, by the United Nations. This article has examined the permissibility of the state justification for military intervention in support of external self-determination, by analyzing three Cold War cases where it was specifically invoked as the legal ground for military intervention and the UN reactions to them.

The negative reactions of the UN organs to the Indian intervention in East Pakistan and the Indonesian intervention in East Timor demonstrate that the third party military intervention to promote self-determination is not admitted as a lawful use of armed force. The UN reactions may in part be explained by the lack of a general agreement as to the people who are entitled to self-determination. Nonetheless, the response of the UN to the Indian military action in East Pakistan to “facilitate self-determination,” whereby many criticized the repressive Pakistani policies and stressed a solution that took into account the will of the Bengali people, suggests that the UN is reluctant to admit assistance to self-determination as an additional justification for military intervention, even in cases where the right of self-determination of the people in concern is not disputed generally. The UN reaction to these instances of military intervention illustrates that they were considered to be in violation of Article 2(4). On the other hand, the fact that the resultant Indian annexation of the Portuguese enclave Goa<sup>83</sup> was not referred to the General Assembly and did not draw reaction from the international society, arguably lends weight to the contention that “wars of liberation –viewed, at any rate, as liberation from Western colonialism—are treated by the international community as an exception from Charter prohibitions on the use of force.”<sup>84</sup> Thus, while the practice of the UN Charter system helped crystallize a legal license for people to take on armed struggle against oppressive states forcibly denying self-determination, it did not lend support to the formation of a

83 For the developments after the Indian action, see “Post-invasion Developments. - Goa joins Indian Union. - Statements by Air. Nehru and Mr. Krishna Menon. - Mr. Rajagopalachari’s Criticism of Military Action,” **Keesing’s 8**, March 1962.

84 SCHWABEL, 1974, p. 447.

legal right for third states to coercively intervene on behalf of those peoples.

In conclusion, it can be said that the UN does not admit assistance to self-determination as a justification for military intervention in internal affairs. Even in cases where the right of self-determination of the people in concern is not contested, the UN has considered the military interventions for promoting self-determination in contravention to Article 2(4). In this respect, the UN response corresponds to the general international law as well as the principles referred regarding this matter in the *Declaration on Principles of International Law* and the *Definition of Aggression* that while third states are permitted to give military equipment and financial or technical assistance to liberation movements, they are not allowed to send armed troops in support of such movements. Thus, while the UN appeared to admit "support for anti-colonial, anti-racist, anti-hegemonic action" as an exception to the rule of non-intervention, it has denied a general right to use force for the purpose of assisting peoples to achieve self-determination.

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