

**Chapter X**

**CONSIDERATION OF THE PROVISIONS OF CHAPTER VI OF THE CHARTER**

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## INTRODUCTORY NOTE

The present chapter is concerned with activities of the Security Council related to the pacific settlement of disputes. It includes only material which is relevant to discussion in the Council of Articles 33 to 38 of Chapter VI of the Charter, i.e., those instances in which the Council deliberately considered the relation of its proceedings or of proposed measures to Chapter VI of the Charter. Thus, it does not cover all the activities of the Council in the pacific settlement of disputes for, in general, the debates preceding Council decisions in this field have dealt with the actual issues before the Council or the relative merits of proposed measures, without discussion of their relation to the provisions of the Charter.

A comprehensive listing of the decisions of the Council in the pacific settlement of disputes is set out under the appropriate subheadings in the analytical table of measures adopted by the Council contained in chapter VIII, part I, of the present *Supplement*. The procedures of the Council reviewed in chapters I to IV, in so far as they related to the consideration of disputes or situations, are also integral to the Council's application of Chapter VI of the Charter, as is much of the material included in chapter V.

Because the case histories presented in this chapter are narrow in focus, they should be examined in the context of the respective proceedings presented in chapter VIII, part II, of the present *Supplement*.

### CHAPTER VI OF THE CHARTER: PACIFIC SETTLEMENT OF DISPUTES

#### *"Article 33*

"1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

"2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

#### *"Article 34*

"The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

#### *"Article 35*

"1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.

"2. A State which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.

"3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

#### *"Article 36*

"1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.

"2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.

"3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

#### *"Article 37*

"1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.

"2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

#### *"Article 38*

"Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute."

## Part I

## CONSIDERATION OF THE PROVISIONS OF ARTICLE 33 OF THE CHARTER

## NOTE

The significance of Article 33 in the pacific settlement of disputes rests on the discharge by the parties of their own obligations under that Article, as well as on the possibility of recourse to the Article by the Council itself.<sup>1</sup>

During the period under review, one communication submitting a dispute to the Council contained references to efforts at peaceful settlement made prior to resort to the Council.<sup>2</sup> Several other communications that reached the Council during this period concerning disputes and situations that either were to be considered by the Council for the first time or whose consideration was to be resumed also included references to earlier efforts at peaceful settlement. Such communications were received in connection with the letter dated 1 September 1980 from the representative of Malta,<sup>3</sup> the letter dated 1 April 1982 from the representative of the United Kingdom,<sup>4</sup> the letter dated 16 March 1983 from the representative of Chad<sup>5</sup> and the letter dated 3 October 1984 from the representative of the Lao People's Democratic Republic.<sup>6</sup>

References to prior efforts at peaceful settlement were also made in opening statements during the initial phase of the Council's consideration of the situation in Namibia,<sup>7</sup> the situation in Cyprus,<sup>8</sup> the situation in the Middle East,<sup>9</sup> the letter dated 1 September 1980 from the representative of Malta,<sup>10</sup> the question concerning the Falkland Islands (Islas Malvinas),<sup>11</sup> the situation between Iran and Iraq,<sup>12</sup> the letter dated 21 May 1984 from the representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates<sup>13</sup> and the letter dated 3 October 1984 from the representative of the Lao People's Democratic Republic.<sup>14</sup>

The Council, in exercise of its responsibility to bring about the peaceful settlement of a dispute or situation, may adopt decisions which refer, explicitly or implicitly, to Article 33. Instances in which the adoption of such decisions has been accompanied by extensive deliberations concerning the constitutional significance or applicability of Article 33 are covered in this part of the present chapter as case histories. During the period under review, there was only one such instance in which the Council engaged in what might be described as a discussion on both the significance and the machinery for the application of this principle of the Charter. A case history belonging in this category is included below.

None of the resolutions or decisions adopted by the Council during the period under review contained explicit references to Article 33, but a number of them contained provisions calling upon the parties to seek peaceful settlements to their disputes,<sup>15</sup> to seek a diplomatic solution to their differences<sup>16</sup> or to pursue negotiations to settle their differences.<sup>17</sup> In connection with the situation in the Middle East, the Council appealed to the parties on a number of occasions to implement the provisions regarding peaceful settlement contained in resolution 338 (1973).<sup>18</sup>

In connection with the situation between Iran and Iraq, the Council called upon the parties to be guided by their obligations under the Charter to settle their disputes by peaceful means,<sup>19</sup> to achieve a cease-fire with a view to seeking a peaceful solution and to cooperate with the Council in its efforts to bring about conditions leading to a peaceful settlement of the conflict.<sup>20</sup> In connection with the same question, the Council on several occasions called for continuing mediation efforts on the part of the Secretary-General.<sup>21</sup>

The Council expressed support for the Secretary-General and requested him to undertake a renewed mission of good offices in connection with the question concerning the Falkland Islands (Islas Malvinas),<sup>22</sup> while in connection with the situation in Cyprus, the Council on a number of occasions requested the Secretary-General to continue his mission of good offices,<sup>23</sup> and subsequently reaffirmed his mandate and requested him to undertake a new effort to attain a solution.<sup>24</sup> On one occasion, the President of the Council expressed his determination to remain in contact with the parties, with a view to exploring all means to secure a settlement to the underlying issues in the dispute.<sup>25</sup> On another occasion the Council adopted a resolution<sup>26</sup> declaring that, in accordance with the Charter, only peaceful means should be used to resolve international disputes and calling upon one of the parties to declare publicly that, in future, it would comply with the Charter and not resort to acts of aggression.

A number of draft resolutions that were considered by the Council but were either not put to the vote or voted upon and not adopted also contained implicit references to Article 33:

(a) During the Council's consideration of a letter dated 19 March 1982 from the representative of Nicaragua, at the 2347th meeting, on 2 April 1982, the representatives of Guyana and Panama submitted a draft resolution<sup>27</sup> by which the Council would have taken into account Article 2, paragraph 4, and other provisions of the Charter concerning the pacific settlement of disputes; reminded Member States of their obligation to respect the principles of the Charter, and in particular those relating, *inter alia*, to pacific settlement of disputes; appealed to all parties concerned to have recourse to dialogue and negotiation, as contemplated in the Charter, and called upon all Member States to lend their support to the search for a peaceful solution to the problems of Central America and the Caribbean. The draft resolution was voted upon and not adopted owing to the negative vote of a permanent member of the Council.<sup>28</sup>

(b) In connection with a letter dated 1 April 1982 from the representative of the United Kingdom, at the Council's 2350th meeting, on 3 April 1982, the Minister for Foreign Affairs of Panama introduced in the course of his statement a draft resolution<sup>29</sup> under which the Council would have requested the Governments of both parties to carry out negotiations immediately in order to put an end to the current situation of tension. The draft resolution was not put to the vote.

(c) While the Council was discussing the question concerning the Falkland Islands (Islas Malvinas), at its 2366th meeting, on 25 May 1982, the representative of Ireland introduced a draft resolution<sup>30</sup> sponsored by his delegation under which the Council would have requested the Secretary-General to undertake a renewed mission of good offices consistent with resolution 502 (1982) and in accordance with the approach outlined in his statement of 21 May 1982;<sup>31</sup> urged the parties to co-operate fully with the Secretary-General in his mission and, as a first step, to agree to a complete suspension of present hostilities for a period of 72 hours; and requested the Secretary-General, within that period, to enter into contact with the parties with a view to the negotiation of mutually acceptable terms for a continuing cease-fire, including, if necessary, arrangements for the dispatch of United Nations observers to monitor compliance with the terms of the cease-fire. The draft resolution was not put to the vote.

(d) In connection with the same item, at its 2368th meeting, on 26 May 1982, the Council had before it a draft resolution<sup>32</sup> sponsored by Japan under which the Council would have expressed its grave concern at the stalemate of diplomatic efforts to seek a peaceful settlement; reaffirmed the fundamental principles of the Charter, in particular the non-use of force and the settlement of international disputes by peaceful means; and also reaffirmed its support of the good offices of the Secretary-General and requested him to renew the use of his good offices on the basis of his previous efforts as reported in his statement at the 2360th meeting of the Council,<sup>33</sup> with a view to achieving the earliest possible cessation of hostilities, realizing a peaceful settlement of the dispute and securing the implementation of resolution 502 (1982). The draft resolution was not put to the vote.

On a few occasions Article 33 was explicitly referred to during the deliberations of the Council. Article 33 was invoked with reference to the obligation of the parties to seek a peaceful settlement to their differences during the Council's consideration of the question concerning the Falkland Islands (Islas Malvinas)<sup>33</sup> and during its consideration of a letter dated 9 November 1984 from the representative of Nicaragua.<sup>34</sup> Article 33 was also invoked both explicitly and implicitly in the course of the Council's consideration of a letter dated 19 March 1982 from the representative of Nicaragua. On that occasion, virtually every speaker expressed support for dialogue and negotiations, but a number of delegations objected to the Council's consideration of the matter on the grounds that, under Articles 33 and 52, the parties to a dispute should try to achieve pacific settlement through regional arrangements before having recourse to the Council.

Others argued that the obligation of States to seek peaceful settlement through appropriate regional organizations could not limit the sovereign right of a State, under Article 35, to bring a dispute before the Council, and it was further pointed out that, under Article 103, the obligations of a Member State under the Charter took precedence over any other international agreement.<sup>35</sup>

Other references to Article 33 in the proceedings of the Council were implicit. Article 33 was implicitly touched upon during the Council's discussions in connection with the situation in Namibia,<sup>36</sup> the situation in Cyprus,<sup>37</sup> the situation in the Middle

East,<sup>38</sup> the letter dated 1 September 1980 from the representative of Malta,<sup>39</sup> the letter dated 1 April 1982 from the representative of the United Kingdom,<sup>40</sup> the question concerning the Falkland Islands (Islas Malvinas),<sup>41</sup> the letter dated 22 March 1983 from the representative of Nicaragua,<sup>42</sup> the letter dated 8 August 1983 from the representative of the Libyan Arab Jamahiriya,<sup>43</sup> the letter dated 21 May 1984 from the representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates<sup>44</sup> and the letter dated 3 October 1984 from the representative of the Lao People's Democratic Republic.<sup>45</sup>

## CASE I

*Letter dated 5 May 1983 from the representative of Nicaragua*

(In connection with an eight-Power draft resolution voted upon and adopted on 19 May 1983)

During the Council's deliberations in connection with the letter dated 5 May 1983 from the representative of Nicaragua, the members of the Council and other participants were unanimous in their support for the efforts of the regional contact group known as Contadora to promote a peaceful settlement of the conflict in the region, and virtually all expressed the view that any action by the Council should aim at reinforcing those efforts. To that end, it was maintained by one group that the Council should mandate the Secretary-General to work in co-ordination with the regional contact group towards the establishment of a dialogue among the parties concerned. However, the proposal was opposed by another group, which held that it was inappropriate for the Council to involve itself directly in the search for a peaceful settlement so long as efforts through regional mechanisms had not been exhausted; and that, in view of the lack of consensus and support for such an approach among the States of the region, the introduction of extraregional elements could damage the regional efforts which were already underway.<sup>46</sup>

At the 2437th meeting, on 19 May 1983, a draft resolution submitted by Guyana, Jordan, Malta, Nicaragua, Pakistan, Togo, Zaire and Zimbabwe was adopted unanimously, as orally amended, as resolution 530 (1983).<sup>47</sup> The resolution reads, in part, as follows:

*The Security Council,*

...  
*Recalling* all the relevant principles of the Charter of the United Nations, particularly the obligation of States to settle their disputes exclusively by peaceful means, not to resort to the threat or use of force and to respect the self-determination of peoples and the sovereign independence of all States,

*Noting* the widespread desire expressed by the States concerned to achieve solutions to the differences between them,

*Commending* the appeal of the Contadora Group of countries, Colombia, Mexico, Panama and Venezuela, in its 12 May 1983 communiqué [S/15762, annex], that the deliberations of the Council should strengthen the principles of self-determination and non-interference in the affairs of other States, the obligation not to allow the territory of a State to be used for committing acts of aggression against other States, the peaceful settlement of disputes and the prohibition of the threat or use of force to resolve conflict,

*Considering* the broad support expressed for the efforts of the Contadora Group to achieve solutions to the problems that affect Central American countries and to secure a stable and lasting peace in the region,

...  
2. *Commends* the efforts of the Contadora Group and urges the pursuit of those efforts;

3. *Appeals urgently* to the interested States to co-operate fully with the Contadora Group, through a frank and constructive dialogue, so as to resolve their differences;

4. *Urges* the Contadora Group to spare no effort to find solutions to the problems of the region and to keep the Security Council informed of the results of these efforts;

## Part II

### CONSIDERATION OF THE PROVISIONS OF ARTICLE 34 OF THE CHARTER

#### NOTE

There was no constitutional discussion concerning the interpretation or application of Article 34 during the period under review. None of the decisions adopted by the Council during this period included explicit references to Article 34. Two resolutions adopted by the Council in connection with the same agenda item implicitly invoked the provisions of Article 34.<sup>48</sup> On many occasions during this period proposals were made to the Council which included implicit references to Article 34; and there were also both implicit and explicit references to that Article in the debates in the Council.

The one case history entered in this part relates to the function of investigation by the Council as envisaged in Article 34: in connection with the complaint by Seychelles, the Council established a commission of inquiry to investigate the origin, backing and financing of a mercenary aggression against Seychelles and to assess the resulting economic damages.

In three other instances, the decisions of the Council might be considered to have touched upon the provisions of Article 34. In connection with the complaint by Lesotho against South Africa, the Council, in resolution 527 (1982), requested the Secretary-General to enter into immediate consultations with the Government of Lesotho and agencies of the United Nations to ensure the welfare of refugees in a manner consistent with their security. The Secretary-General sent a mission to Lesotho and transmitted to the Council the mission's report,<sup>49</sup> which contained an account of the mission's consultations with the Government of Lesotho concerning its need for assistance from the international community following an attack by South Africa.

In connection with the situation in the occupied Arab territories, the Council, in a statement of the President on behalf of its members issued on 4 April 1983,<sup>50</sup> requested the Secretary-General to conduct independent inquiries concerning the causes and effects of the reported cases of mass poisoning in the occupied West Bank. The Secretary-General submitted a report<sup>51</sup> on 10 May 1983. In connection with the situation between Iran and Iraq, in June 1984, the Secretary-General, with the agreement of the Council,<sup>52</sup> dispatched to Baghdad and Teheran inspection teams with a mandate to inspect specific allegations of any violation of the commitment that had been undertaken by the Governments of the Islamic Republic of Iran and Iraq not to attack civilian areas. By a note<sup>53</sup> dated 19 September 1984, the Secretary-General confirmed to the Council that the teams were in place, and he included the report of the team in Baghdad, which had carried out the first inspection.

Two revised draft resolutions which were voted upon and not adopted by the Council would have

implicitly invoked the provisions of Article 34. Under the first, a revised six-Power draft resolution<sup>54</sup> submitted in connection with the complaint by Angola against South Africa, the Council would have sent a commission of investigation comprising five members of the Council to Angola to undertake an on-the-spot evaluation of the critical situation resulting from the armed invasion by South Africa and to report thereon to it. At the 2300th meeting, on 31 August 1981, the revised draft resolution received 13 votes in favour to 1 against, with 1 abstention, and was not adopted owing to the negative vote of a permanent member of the Council.

Under the other revised draft resolution,<sup>55</sup> which was submitted by 17 sponsors in connection with the shooting down of a Korean Air Lines plane in Soviet airspace, the Council would have stressed the need for an explanation of the facts of the incident based upon impartial investigation; invited the Secretary-General, making use of such expert advice as he deemed necessary and in consultation with appropriate international bodies, to conduct a full investigation into the circumstances of the tragedy; further invited the Secretary-General to report his findings to the Council within 14 days; and called upon all States to co-operate with the Secretary-General in order to facilitate his investigation. At the 2476th meeting, on 12 September 1983, the revised draft resolution received 9 votes in favour to 2 against, with 4 abstentions, and was not adopted owing to the negative vote of a permanent member of the Council.

A number of proposals or suggestions that were made to the Council might also be considered to have implicitly invoked the provisions of Article 34: (a) in connection with the situation in Namibia, the Minister for Foreign Affairs and Information of South Africa invited, through the Secretary-General, all the members of the Council to visit Namibia in order personally to observe and establish the cause of the instability in the area of the border with Angola;<sup>56</sup> (b) in connection with the letter dated 9 March 1982 from the representative of Nicaragua, the representative of France suggested that the Council call upon the Secretary-General to investigate the charges by both Nicaragua and the United States and report back to the Council within two or three weeks;<sup>57</sup> (c) in connection with the situation in the Middle East, the Federal Minister for Foreign Affairs of Austria suggested that the Council send a commission of inquiry, to be composed of members of the Council as well as the necessary experts, in order to obtain clarity regarding those responsible for the massacre of civilians in Israeli-occupied Beirut;<sup>58</sup> and (d) in connection with the situation in Grenada, the representative of the Libyan Arab Jamahiriya called upon the Council to establish a fact-finding committee to establish the facts surrounding the invasion.<sup>59</sup>

Article 34 was also invoked explicitly, and in one instance implicitly, in connection with the Council's consideration of the letter dated 19 March 1982 from the representative of Nicaragua,<sup>60</sup> the letter dated 22 March 1983 from the representative of Nicaragua,<sup>61</sup> the letter dated 5 May 1983 from the representative of Nicaragua,<sup>62</sup> the letter dated 2 August 1983 from the representative of Chad<sup>63</sup> and the situation in Grenada.<sup>64</sup>

## CASE 2

*Complaint by Seychelles*

(In connection with a draft resolution prepared in the course of the Council's consultations and adopted on 15 December 1981, and another draft resolution sponsored by Guyana, Jordan, Panama, Togo, Uganda and Zaire, voted on and adopted on 28 May 1982)

During the Council's consideration of the complaint by Seychelles, which had suffered an attack by foreign mercenaries on 25 November 1981, the representative of Seychelles stated that her Government was convinced a certain State had been involved in the attack and requested that the Council establish an international commission of inquiry to be composed of three members of the Council, the terms of reference of which would be to investigate the origin, background and financing of the mercenary invasion of Seychelles, as well as to assess and evaluate economic damages, and to report to the Council not later than 31 January 1982.<sup>65</sup>

At the 2314th meeting, on 15 December 1981, a draft resolution that had been prepared in the course of consultations among the members of the Council was voted upon and adopted unanimously as resolution 496 (1981).<sup>66</sup> Paragraphs 3 to 5 of the resolution read as follows:

*The Security Council,*

3. *Decides* to send a commission of inquiry composed of three members of the Security Council in order to investigate the origin, background and financing of the mercenary aggression of 25 November 1981 against the Republic of Seychelles, as well as assess and evaluate economic damages, and to report to the Council with recommendations no later than 31 January 1982;

4. *Decides* that the members of the commission of inquiry will be appointed after consultations between the President and the members of the Security Council and the Republic of Seychelles;

5. *Requests* the Secretary-General to provide the commission of inquiry with the necessary assistance;

At its 2359th meeting, on 20 May 1982, the Council included the report of the Commission of Inquiry<sup>67</sup> in its agenda and resumed consideration of the issue. At the 2370th meeting, on 28 May 1982, the representative of Togo introduced a draft resolution submitted by Guyana, Jordan, Panama, Togo, Uganda and Zaire. At the same meeting the draft resolution was put to the vote and unanimously adopted as resolution 507 (1982).<sup>68</sup> The resolution reads, in part, as follows:

*The Security Council,*

*Having examined* the report of the Security Council Commission of Inquiry established under resolution 496 (1981),

1. *Takes note* of the report of the Security Council Commission of Inquiry established under resolution 496 (1981) and expresses its appreciation for the work accomplished;

12. *Decides* to mandate the Commission of Inquiry to examine all further developments and present by 15 August 1982 a supplementary report, with appropriate recommendations, which should take into account, *inter alia*, the evidence and testimony presented at any trial of any member of the invading mercenary force;

13. *Requests* the Secretary-General to provide all necessary assistance for the implementation of the present resolution and paragraph 12 above;

## Part III

## CONSIDERATION OF THE PROVISIONS OF ARTICLE 35 OF THE CHARTER

## NOTE

During the period under review, 35 questions involving the maintenance of international peace and security were brought to the attention of the Council. In one case, a request for a meeting was submitted by a non-Member State.<sup>69</sup> In three cases, the General Assembly adopted resolutions requesting a meeting of the Council; to give due consideration to the report of the Secretary-General on the work of the Organization; and to proceed to the necessary measures for the effective implementation of its decisions.<sup>70</sup> In one instance, the Secretary-General brought an item to the attention of the Council.<sup>71</sup> In all other cases, the requests under Article 35 were brought to the attention of the Council by Members of the United Nations. The relevant data regarding the submission of these questions are summarized in the appended tabulation.<sup>72</sup>

The Council continued to consider, at the request of the parties or other Members of the United Nations, questions that previously had been included in the agenda: the situation in Namibia, the situation

in the Middle East, the letter dated 1 September 1980 from the representative of Malta, the complaint by Angola against South Africa, the question of South Africa, the situation in the occupied Arab territories, the situation between Iran and Iraq, the complaint by Lesotho against South Africa and the situation in Cyprus.

## SUBMISSIONS BY MEMBERS OF THE UNITED NATIONS

Members of the United Nations have generally submitted questions to the Council by means of a communication to the President of the Council.<sup>73</sup> Article 35 was cited five times as the basis of such submissions.<sup>74</sup>

One question was submitted by a Member to the Council as a dispute.<sup>75</sup> In 37 instances questions were explicitly described as situations.<sup>76</sup> In 19 instances the letter of submission contained terms similar to those of Article 39.<sup>77</sup> In several instances, the request for the Council to consider a question did not specify circumstances or give other details.<sup>78</sup> In two instances the Council was requested to hold consultations on the matter submitted for its consideration<sup>79</sup> and in

two other instances the Council was requested to resume consideration of a question.<sup>80</sup> On one occasion the Secretary-General was requested to call upon the Council at a more suitable time to debate and to take appropriate actions with regard to the matter.<sup>81</sup> In one instance the Council was requested to consider a report of the Secretary-General<sup>82</sup> and in another instance to consider a report by a commission established by the Council and to reconstitute the membership of the Commission to continue with its mandate.<sup>83</sup> In yet another instance the Council was requested to consider the status of direct negotiations, including possible recommendations to the parties in accordance with Article 38 of the Charter.<sup>84</sup>

In connection with the situation in Namibia, the Council was requested to consider the question in the light of South Africa's refusal to implement Council resolutions and to consider further action on the implementation of the Council's plan for Namibian independence.<sup>85</sup>

With regard to the situation in the Middle East, the Council was requested to address repeated Israeli aggression against Lebanon,<sup>86</sup> to discuss the deteriorating situation in southern Lebanon and Israeli attacks against civilian targets,<sup>87</sup> to take action to enable UNIFIL to fulfil its mandate,<sup>88</sup> to consider Israeli bombing raids on Beirut and shelling of southern Lebanon,<sup>89</sup> to examine the situation in Israeli-occupied Lebanon and to avert a holocaust of Lebanese and Palestinian civilian populations,<sup>90</sup> to consider the situation in Lebanon in the light of the latest Israeli incursion into Beirut,<sup>91</sup> to declare a cease-fire and adopt measures for its implementation,<sup>92</sup> to consider the situation in northern Lebanon<sup>93</sup> and the situation in the city of Beirut,<sup>94</sup> to consider an Israeli act of aggression against a Palestinian refugee camp in southern Lebanon<sup>95</sup> and to consider practices and measures taken by the Israeli occupying authorities in parts of Lebanon.<sup>96</sup>

In connection with the complaint by Iraq, the Council was requested to convene to consider an Israeli act of aggression and to take measures to deal with it.<sup>97</sup>

In connection with three communications from Malta, the Council was requested to convene in order to ask the Libyan Arab Jamahiriya officially to comply with the commitment it had given to the Special Representative of the Secretary-General and to condemn the Libyan Arab Jamahiriya for a show of force and for going back on its undertaking.<sup>98</sup>

In connection with the complaint by Angola against South Africa, the Council was requested to meet to consider armed invasions of Angola by South Africa, the occupation of Angolan territory by South Africa and the advancement of South African forces further into Angola.<sup>99</sup>

In connection with the question of South Africa, the Council was asked to consider or to take action with regard to the death sentences passed by South Africa on members of the African National Congress of South Africa (ANC) and consider the imposition of "constitutional reforms" and a "new constitution" in South Africa.<sup>100</sup>

In connection with the complaint by Seychelles, the Council was requested to consider and take action with regard to a mercenary invasion.<sup>101</sup>

With regard to the situation in the occupied Arab territories, the Council was requested to convene to discuss the Israeli decision to apply Israeli law to the

Golan Heights,<sup>102</sup> to consider the deteriorating situation in the occupied territories,<sup>103</sup> to consider events taking place, particularly in Jerusalem,<sup>104</sup> to consider the latest attack against an Islamic holy place in Jerusalem,<sup>105</sup> to consider the Israeli establishment of settlements in the occupied territories<sup>106</sup> and to discuss the serious situation arising from cases of mass poisoning in the West Bank.<sup>107</sup>

In connection with communications from Nicaragua, the Council was requested to consider the threat of an imminent United States invasion and to adopt measures to avert an aggression,<sup>108</sup> to consider the situation arising from increased acts of aggression against Nicaragua,<sup>109</sup> to consider measures in view of the launching of a new stage of the invasion of Nicaragua,<sup>110</sup> and to consider the situation created by acts of aggression, threats and provocations fostered by the United States.<sup>111</sup>

In connection with the letter dated 31 March 1982 from the President of Kenya transmitting a complaint by Chad, the Council was asked to assist the Organization of African Unity (OAU) in the maintenance and operation of a pan-African peacekeeping force in Chad.<sup>112</sup>

In connection with the question concerning the Falkland Islands (Islas Malvinas) and related communications, the Council was requested to address an anticipated invasion of the islands,<sup>113</sup> to prepare a resolution calling for a cease-fire and the negotiation of a diplomatic settlement,<sup>114</sup> to consider serious developments in the region,<sup>115</sup> to consider the situation in the region and the letter of the Secretary-General dated 20 May 1982,<sup>116</sup> to continue consideration of the conflict and to adopt measures to assure the cessation of hostilities and achieve a peaceful solution<sup>117</sup> and to assume responsibility for the maintenance of international peace and security.<sup>118</sup>

In connection with the situation between Iran and Iraq, the Council was requested to consider the prolonged and intensifying armed conflict and to discuss the deterioration of the situation.<sup>119</sup>

In connection with the complaint by Lesotho against South Africa, the Council was requested to deal with an unprovoked aggression by South Africa.<sup>120</sup>

In connection with communications from the Libyan Arab Jamahiriya, the Council was requested to consider the situation arising from provocative military actions by the United States and called upon to assume its responsibilities, deter aggression and halt the provocations,<sup>121</sup> to consider and put an end to United States acts of intimidation and aggression<sup>122</sup> and to consider the deteriorating situation resulting from provocative and hostile acts of the United States against the Libyan Arab Jamahiriya.<sup>123</sup>

In connection with communications from Chad, the Council was requested to consider the situation resulting from the occupation of part of Chad by the Libyan Arab Republic<sup>124</sup> and to consider an unusually violent bombing of Chad by the Libyan Arab Republic.<sup>125</sup>

The Council was also requested to consider the situation arising from the downing of a civilian airliner of the Republic of Korea by the air force of the Soviet Union.<sup>126</sup>

In connection with the situation in Grenada, the Council was requested to consider the invasion of Grenada by United States troops.<sup>127</sup>



In connection with the situation in Cyprus, the Council was requested to consider the situation in the light of the purported secession of a part of Cyprus and to consider the situation created by the "exchange of ambassadors" between Turkey and the illegal régime in part of Cyprus and to take effective measures for the implementation of its resolutions.<sup>128</sup>

In connection with the letter dated 18 March 1984, from the representative of the Sudan, the Council was requested to consider an aggression committed by the Libyan Arab Jamahiriya and to take measures pursuant to its responsibility for the maintenance of international peace and security.<sup>129</sup>

In connection with the letter dated 21 May 1984, from the representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates, the Council was requested to consider Iranian acts of aggression on the freedom of navigation to and from the ports of those Member States.<sup>130</sup>

In connection with the letter dated 3 October 1984, from the representative of the Lao People's Democratic Republic, the Council was requested to consider recent developments in the situation created by the attack on and occupation of three Lao villages in the Lao-Thai border by Thailand.<sup>131</sup>

#### SUBMISSIONS BY STATES NOT MEMBERS OF THE UNITED NATIONS

During the period under review, the Permanent Observer for the Republic of Korea to the United Nations requested a meeting of the Council to consider the shooting down of a civilian airliner of the Republic of Korea by the air force of the Soviet Union.<sup>132</sup>

#### SUBMISSIONS BY THE GENERAL ASSEMBLY OR ITS SUBSIDIARY ORGANS

On one occasion the General Assembly adopted a resolution in which, *inter alia*, it requested the Council to convene a meeting to discuss the situation

in the Middle East and the adoption of effective measures to implement the recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.<sup>133</sup> On another occasion, the Assembly adopted a resolution regarding the report of the Secretary-General on the work of the Organization<sup>134</sup> and requested the Council to give due consideration to that report.<sup>135</sup> On a third occasion, the Assembly adopted a resolution entitled "Disarmament and international security", in connection with the review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly, and requested the Council to proceed with a sense of urgency to the necessary measures for the effective implementation of its decisions.<sup>136</sup>

#### SUBMISSIONS BY THE SECRETARY-GENERAL

On one occasion the Secretary-General informed the Council, in view of its responsibilities, that the efforts in which he had been engaged did not, in his view, offer the present prospect of ending the crisis.<sup>137</sup>

#### PROCEDURAL CONSEQUENCES OF SUBMISSIONS UNDER ARTICLE 35

Communications submitting questions for consideration by the Council were dealt with in accordance with rules 6 to 9 of the provisional rules of procedure;<sup>138</sup> material relating to the application of these rules is contained in chapter II, parts II and III, of the present *Supplement*.

During the period under review, one letter of submission contained a draft resolution.<sup>139</sup>

The Council did not consider whether or not to accept the designation of any of the new questions submitted for its consideration in the initial submission. Nor was any question raised as to the appropriate designation for a question included in the agenda at an earlier date.

TABULATION OF QUESTIONS SUBMITTED TO THE SECURITY COUNCIL, 1981-1984

Section A. Questions submitted by Members as disputes

<i>Question</i>	<i>Submitted by</i>	<i>Other parties</i>	<i>Articles invoked in letter</i>	<i>Request for action by Security Council</i>	<i>Reference</i>
1. Communications concerning relations between Guatemala and Belize: letters dated 10 and 18 September 1981	Guatemala	United Kingdom Belize	33, 34, 35, 38	Requesting the Council to consider the "long-standing territorial dispute with the United Kingdom concerning Belize" and status of the direct negotiations fulfilled, and to take pertinent responsibilities for the pacific settlement of disputes; to investigate the dispute; to consider "whether there is a need . . . to make recommendations to the parties with a view to a pacific settlement of the dispute prior to the declaration of Belize's independence", in accordance with Article 38; to consider formally the Heads of Agreement and Guatemala's commentaries on that document; and to convene a meeting of the Council to consider the request of the Government of Guatemala	S/14683 and Add. 1, <i>OR, 36th yr., Suppl. for July-Sept. 1981</i> and S/14699, <i>ibid.</i>

Section B. Questions submitted by Members as situations

<i>Question</i>	<i>Submitted by</i>	<i>Other parties</i>	<i>Articles invoked in letter</i>	<i>Request for action by Security Council</i>	<i>Reference</i>
2. Situation in Namibia (a) Letter dated 29 January 1981	Tunisia	South Africa		Requesting, on behalf of the Group of African States at the United Nations, a meeting to consider the report of the Secretary-General concerning the implementation of resolutions 435 (1978) and 439 (1978) concerning the question of Namibia	S/14347, <i>ibid., Suppl. for Jan.-March 1981</i>

(b) Letter dated 10 April 1981	Uganda	South Africa	Requesting, as Chairman of the Group of African States at the United Nations, a meeting to consider the question of Namibia in the light of South Africa's refusal to implement Council resolutions	S/14434, <i>ibid.</i> , <i>Suppl. for April-June 1981</i>
(c) Letter dated 12 May 1983	Mauritius	South Africa	Requesting, as Chairman of the Group of African States at the United Nations, a meeting to consider the situation in Namibia	S/15760, <i>ibid.</i> , 38th yr., <i>Suppl. for April-June 1983</i>
(d) Letter dated 13 May 1983	India	South Africa	Requesting, on behalf of the Movement of Non-Aligned Countries, a meeting to consider further action on the implementation of the Council's plan for Namibian independence	S/15761, <i>ibid.</i>
(e) Letter dated 17 October 1983	Senegal	South Africa	Requesting, as Chairman of the Group of African States at the United Nations, a meeting to consider the situation in Namibia	S/16048, <i>ibid.</i> , <i>Suppl. for Oct.-Dec. 1983</i>
(f) Letter dated 18 October 1983	India	South Africa	Requesting, on behalf of the Movement of Non-Aligned Countries, a meeting to consider further the question of Namibia	S/16051, <i>ibid.</i>
3. Situation in the Middle East				
(a) Letter dated 3 March 1981*	Lebanon	Israel	Requesting a meeting to address repeated Israeli aggression against Lebanon	S/14391, <i>ibid.</i> , 36th yr., <i>Suppl. for Jan.-March 1981</i>
(b) Letter dated 17 July 1981	Lebanon	Israel	Requesting an urgent meeting to discuss the deteriorating situation in southern Lebanon and Israeli attacks against civilian targets	S/14596, <i>ibid.</i> , <i>Suppl. for July-Sept. 1981</i>
(c) Letter dated 16 February 1982	Lebanon		Confirming the request dated 14 December 1981 (in S/14792) for action to enable UNIFIL to fulfil its mandate	S/14875, <i>ibid.</i> , 37th yr., <i>Suppl. for Jan.-March 1982</i>
(d) Letter dated 21 April 1982*	Lebanon	Israel	Drawing attention to a serious breach of the peace by Israel, in the form of three extensive air attacks on parts of Lebanon, and requesting that the Council hold urgent consultations to determine what measures could be taken immediately to avoid further escalation and deterioration of the situation	S/14989, <i>ibid.</i> , 36th yr., <i>Suppl. for April-June 1982</i>

TABULATION OF QUESTIONS SUBMITTED TO THE SECURITY COUNCIL, 1981-1984 (continued)

Question	Submitted by	Other parties	Articles invoked in letter	Request for action by Security Council	Reference
(e) Letter dated 4 June 1982	Lebanon	Israel		Pursuant to a letter of the same date (S/15161) drawing attention to Israeli bombing raids on Beirut and shelling of southern Lebanon, calling for an urgent meeting in view of the deterioration of the situation	S/15162, <i>ibid.</i>
(f) Letter dated 4 July 1982	Jordan	Lebanon Israel		Requesting an immediate meeting to examine the situation in Israeli-occupied Lebanon and to avert the holocaust of the Lebanese and Palestinian civilian populations, particularly those besieged in and around Beirut	S/15272, <i>ibid.</i> , <i>Suppl. for July-Sept. 1982</i>
(g) Letter dated 28 July 1982	Egypt France	Israel Lebanon Palestine Liberation Organization (PLO)		Further to a letter of 2 July 1982 (S/15315), requesting an urgent meeting to take up the question "The situation in the Middle East"	S/15316, <i>ibid.</i> , 37th yr., <i>Suppl. for July-Sept. 1982</i> and S/15317, <i>ibid.</i>
(h) Letter dated 16 September 1982	Lebanon	Israel		Requesting an urgent meeting to consider the situation in Lebanon in the light of the latest Israeli incursion into Beirut	S/15392, <i>ibid.</i>
(i) Letter dated 9 September 1983	Lebanon	Israel Syrian/Arab Republic PLO and others		Pressing for an urgent meeting; and urging that the Council declare a cease-fire and take all possible and necessary measures for its implementation	S/15974, <i>ibid.</i> , 38th yr., <i>Suppl. for July-Sept. 1983</i>
(j) Letter dated 22 November 1983	France		35	Requesting an urgent meeting to consider the situation in northern Lebanon	S/16178, <i>ibid.</i> , <i>Suppl. for Oct.-Dec. 1983</i>
(k) Letter dated 14 February 1984	France			Requesting an urgent meeting to consider the situation in Beirut	S/16339, <i>ibid.</i> , 39th yr., <i>Suppl. for Jan.-March 1984</i>
(l) Letter dated 17 May 1984	Kuwait	Israel Lebanon		Requesting, as Chairman of the Group of Arab States at the United Nations, an urgent meeting to consider an Israeli act of aggression against a Palestinian refugee camp in southern Lebanon	S/16569, <i>ibid.</i> , <i>Suppl. for April-June 1984</i>

(m) Letter dated 24 August 1984	Lebanon	Israel	Requesting an immediate meeting to consider practices and measures taken by the Israeli occupying authorities in parts of Lebanon	S/16713, <i>ibid.</i> , <i>Suppl. for July-Sept. 1984</i>
4. Complaint by Iraq				
Letter dated 8 June 1981*	Iraq	Israel	Requesting an immediate meeting to consider an Israeli act of aggression and to take measures to deal with it	S/14509, <i>ibid.</i> , 36th yr., <i>Suppl. for April-June 1981</i>
5. Letter dated 1 September 1980 from the representative of Malta				
(a) Letter dated 3 June 1981 to the Secretary-General	Malta	Libyan Arab Jamahiriya	Requesting a meeting to ask the Libyan Arab Jamahiriya officially to comply with the commitment given by the Libyan Arab Jamahiriya to the Special Representative of the Secretary-General to ratify the 1976 Malta/Libya agreement without conditions	S/14498, <i>ibid.</i>
(b) Letter dated 18 June 1981 to the Secretary-General	Malta	Libyan Arab Jamahiriya	Reiterating the request made in the letter dated 3 June 1981 (S/14498)	S/14558, <i>ibid.</i>
(c) Letter dated 21 July 1981	Malta	Libyan Arab Jamahiriya	Requesting a meeting to condemn the Libyan Arab Jamahiriya for its show of force and for going back on its undertaking to submit the dispute with Malta to the International Court of Justice	S/14595, <i>ibid.</i> , <i>Suppl. for July-Sept. 1981</i>
6. Complaint by Angola against South Africa				
(a) Letter dated 26 August 1981 to the Secretary-General	Angola	South Africa	Requesting an urgent meeting in view of the grave situation resulting from an armed invasion of Angola by South Africa	S/14647, <i>ibid.</i>
(b) Letter dated 27 August 1981*	Angola	South Africa	Drawing attention to a matter threatening international peace and security, namely the most recent invasion of Angola by South Africa, and requesting an urgent meeting before the situation deteriorated further	S/14654, <i>ibid.</i>

TABULATION OF QUESTIONS SUBMITTED TO THE SECURITY COUNCIL, 1981-1984 (continued)

Question	Submitted by	Other parties	Articles invoked in letter	Request for action by Security Council	Reference
(c) Letter dated 15 August 1983 to the Secretary-General	Angola	South Africa		Informing the Secretary-General that South Africa, following armed attacks, had expanded its occupation of Angolan territory and requesting the Secretary-General, at a more suitable opportunity, to call upon the Council to debate and to take appropriate actions in regard to the situation	S/15929, <i>ibid.</i> , 38th yr., <i>Suppl. for July-Sept. 1983</i>
(d) Letter dated 14 December 1983 <sup>a</sup>	Angola	South Africa		Requesting an urgent meeting in view of the threat to international peace and security represented by the South African occupation since 1981 of parts of southern Angola	S/16216, <i>ibid.</i> , <i>Suppl. for Oct.-Dec. 1983</i>
(e) Letter dated 1 January 1984	Angola	South Africa		Requesting an urgent meeting to take action in response to the advancement of South African forces further north into Angolan territory and the violent combat occurring between South African and Angolan military units	S/16244, <i>ibid.</i> , 39th yr., <i>Suppl. for Jan.-March 1984</i>
7. Question of South Africa					
(a) Letter dated 27 August 1981	Niger	South Africa		Requesting, on behalf of the Group of Non-Aligned Countries, a meeting at the earliest possible opportunity to consider the death sentences passed on three members of the African National Congress of South Africa (ANC)	S/14648, <i>ibid.</i> , 36th yr., <i>Suppl. for July-Sept 1981</i>
(b) Letter dated 7 December 1981	Botswana	South Africa		Requesting, on behalf of the Group of African States at the United Nations, consultations regarding appropriate actions in response to the proclamation by South Africa of the independence of another bantustan	S/14787, <i>ibid.</i> , <i>Suppl. for Oct.-Dec. 1981</i>
(c) Letter dated 8 April 1982	Uganda	South Africa		Requesting an urgent meeting to examine the situation in southern Africa following the confirmation by South Africa of the death sentences on three members of the ANC	S/14959, <i>ibid.</i> , 37th yr., <i>Suppl. for April-June 1982</i>

(d) Letter dated 6 June 1983	Morocco	South Africa	Calling attention, as Chairman of the Group of African States at the United Nations, to the South African confirmation of death sentences on three members of ANC and welcoming any urgent and appropriate action with a view to saving their lives	S/15814, <i>ibid.</i> , 38th yr. Suppl. for April-June 1983
(e) Letter dated 10 January 1984	Togo	South Africa	Requesting, as Chairman of the Group of African States at the United Nations, an urgent meeting to consider the death sentence passed by South Africa against a member of ANC	S/16265, <i>ibid.</i> , 39th yr., Suppl. for Jan.-March 1984
(f) Letter dated 8 August 1984	Algeria	South Africa	Requesting, on behalf of the Group of African States at the United Nations, an urgent meeting to consider the so-called constitutional reforms in South Africa	S/16692, <i>ibid.</i> , Suppl. for July-Sept. 1984
(g) Letter dated 17 October 1984	Ethiopia	South Africa	Requesting, on behalf of the Group of African States at the United Nations, consideration of the serious situation in South Africa emanating from the imposition of the so-called new constitution and measures to avert further aggravation of tension	S/16786, <i>ibid.</i> , Suppl. for Oct.-Dec. 1984
8. Complaint by Seychelles Letter dated 8 December 1981*	Seychelles	South Africa	Informing the Council of a mercenary invasion and requesting an immediate meeting to consider the matter and to take appropriate action in view of the threat to international peace and security created by the situation	S/14783, <i>ibid.</i> , 36th yr., Suppl. for Oct.-Dec. 1981
9. Situation in the occupied Arab territories				
(a) Letter dated 14 December 1981	Syrian Arab Republic	Israel	Requesting an urgent meeting to discuss the Israeli decision to apply Israeli law to the occupied Golan Heights	S/14791, <i>ibid.</i>
(b) Letter dated 22 March 1982	Jordan	Israel	Requesting, as Chairman of the Group of Arab States members of the League of Arab States (LAS), an urgent meeting to consider the deteriorating situation in the occupied Arab territories	S/14917, <i>ibid.</i> , 37th yr., Suppl. for Jan.-March 1982

TABULATION OF QUESTIONS SUBMITTED TO THE SECURITY COUNCIL, 1981-1984 (continued)

Question	Submitted by	Other parties	Articles invoked in letter	Request for action by Security Council	Reference
(c) Letter dated 12 April 1982	Morocco	Israel		Requesting an urgent meeting to consider the events taking place in the occupied territories, especially Jerusalem	S/14967, <i>ibid.</i> , <i>Suppl. for April-June 1982</i>
(d) Letter dated 13 April 1982	Iraq	Israel		Requesting, on behalf of the members of the Organization of the Islamic Conference, an urgent meeting to consider the grave situation arising from the latest attack against an Islamic holy place in Jerusalem	S/14969, <i>ibid.</i>
(e) Letter dated 4 May 1982	Jordan	Israel		Requesting the Council to address itself to the report of the Commission established under resolution 446 (1979) (S/14268) and to the reconstitution of the membership of the Commission to continue with its mandate	S/15038, <i>ibid.</i>
(f) Letter dated 5 November 1982	Morocco	Israel		Requesting, as Chairman of the Group of Arab States at the United Nations, an urgent meeting to consider the Israeli policy of establishing settlements in the occupied Arab territories	S/15481, <i>ibid.</i> , <i>Suppl. for Oct.-Dec. 1982</i>
(g) Letter dated 9 November 1982	Niger	Israel		Requesting, as Chairman of the Group of States members of the Organization of the Islamic Conference, an urgent meeting to discuss the Israeli establishment of new settlements in the occupied territories	S/15483, <i>ibid.</i>
(h) Letter dated 8 February 1983	Jordan	Israel		Requesting, as Chairman of the Group of Arab States at the United Nations, an urgent meeting to resume consideration of the Israeli policy of establishing settlements in the occupied territories	S/15599, <i>ibid.</i> , 38th yr., <i>Suppl. for Jan.-March 1983</i>



(i)	Letter dated 31 March 1983	Iraq	Israel	Requesting, as Chairman of the Group of Arab States at the United Nations, an urgent meeting to discuss the serious situation arising from cases of mass poisoning in the occupied Arab territory of the West Bank	S/15673, <i>ibid.</i>
(j)	Letter dated 13 May 1983	Qatar	Israel	Requesting, as Chairman of the Group of Arab States at the United Nations, an urgent meeting to resume consideration of the situation in the occupied Arab territories	S/15764, <i>ibid.</i> , <i>Suppl. for April-June 1983</i>
(k)	Letter dated 27 July 1983	Democratic Yemen	Israel	Requesting, as Chairman of the Group of Arab States at the United Nations, an immediate meeting to discuss the situation in the occupied Arab territories	S/15890, <i>ibid.</i> , <i>Suppl. for July-Sept. 1983</i>
10.	Letter dated 19 March 1982 from the representative of Nicaragua	Nicaragua	United States	Requesting an urgent meeting to consider the threat of an imminent United States invasion of Nicaragua and to adopt whatever measures are necessary to prevent an aggression	S/14913, <i>ibid.</i> , <i>37th yr.</i> , <i>Suppl. for Jan.-March 1982</i>
11.	Letter dated 31 March 1982 from the President of Kenya transmitting a complaint by Chad				
(a)	Letter dated 2 December 1981	Kenya	Chad	Requesting, as Chairman of the Organization of African Unity (OAU), the Council to assist OAU financially, materially and technically in the deployment, maintenance and operation of a pan-African peace-keeping force in Chad	S/15011, <i>ibid.</i> , <i>Suppl. for April-June 1982</i>
(b)	Letter dated 31 March 1982	Kenya	Chad	Requesting, as Chairman of OAU and with the support of the President of Chad, United Nations assistance to the OAU/pan-African peace-keeping force in Chad	S/15012, <i>ibid.</i>
12.	Letter dated 1 April 1982 from the representative of the United Kingdom				
(a)	Letter dated 1 April 1982	United Kingdom	Argentina	Requesting an immediate meeting to address an anticipated invasion of the Falkland Islands by Argentina	S/14942, <i>ibid.</i>

TABULATION OF QUESTIONS SUBMITTED TO THE SECURITY COUNCIL, 1981-1984 (continued)

Question	Submitted by	Other parties	Articles invoked in letter	Request for action by Security Council	Reference
(b) Letter dated 4 May 1982	Ireland	Argentina United Kingdom		Requesting an immediate meeting in order to prepare a resolution calling for a cease-fire and the negotiation of a diplomatic settlement under United Nations auspices	S/15044, <i>ibid.</i>
13. Question concerning the Falkland Islands (Islas Malvinas)					
(a) Letter dated 4 May 1982	Ireland	Argentina United Kingdom		Requesting a meeting to consider serious developments in the region of the Falkland Islands	S/15037, <i>ibid.</i>
(b) Letter dated 21 May 1982	Panama	Argentina United Kingdom		Requesting a meeting to consider the serious situation in the region of the Malvinas Islands and the letter of the Secretary-General dated 20 May 1982 (see 35 below)	S/15100, <i>ibid.</i>
(c) Telegram dated 21 May 1982	Ecuador	Argentina United Kingdom		Requesting an urgent meeting to continue consideration of the conflict over the Malvinas Islands and to adopt urgent and appropriate measures to ensure the cessation of hostilities and achieve a peaceful, fair and honourable solution	S/15123, <i>ibid.</i>
(d) Letter dated 31 May 1982 <sup>a</sup>	Panama	Argentina United Kingdom		Requesting an urgent meeting to consider the serious situation in the region of the Malvinas Islands and to assume responsibility for the maintenance of international peace and security	S/15145, <i>ibid.</i>
14. Situation between Iran and Iraq					
(a) Letter dated 30 May 1982	Jordan	Iran Iraq		Requesting an immediate meeting to consider the prolonged and intensifying armed conflict between Iraq and Iran	S/15141, <i>ibid.</i>
(b) Letter dated 1 October 1982	Iraq	Iran		Requesting an urgent meeting to discuss the deterioration of the situation concerning the conflict between Iraq and Iran	S/15443, <i>ibid.</i> , <i>Suppl. for Oct.-Dec. 1982</i>

15. Complaint by Lesotho against South Africa				
Letter dated 9 December 1982 <sup>a</sup>	Lesotho	South Africa	Requesting an urgent meeting to deal with an unprovoked aggression by South Africa against Lesotho	S/15515, <i>ibid.</i>
16. Letter dated 19 February 1983 from the representative of the Libyan Arab Jamahiriya				
(a) Letter dated 19 February 1983	Libyan Arab Jamahiriya	United States	Requesting an urgent meeting to consider the situation arising from provocative military actions by the United States	S/15615, <i>ibid.</i> , 38th yr. <i>Suppl. for Jan.-March 1983</i>
(b) Letter dated 10 May 1983 <sup>a</sup>	Libyan Arab Jamahiriya	United States	Drawing attention to repeated provocations and threats against the Libyan Arab Jamahiriya by the United States, and calling upon the Council to assume its responsibilities, deter aggression and halt the provocations	S/15755, <i>ibid.</i> , <i>Suppl. for April-June 1983</i>
17. Letter dated 16 March 1983 from the representative of Chad	Chad	Libyan Arab Jamahiriya	Requesting an urgent meeting to consider the situation resulting from the occupation of part of Chad by the Libyan Arab Jamahiriya	S/15643, <i>ibid.</i> , <i>Suppl. for Jan.-March 1983</i>
18. Letter dated 22 March 1983 from the representative of Nicaragua <sup>a</sup>	Nicaragua		Requesting an urgent meeting to consider the situation arising from increased acts of aggression against Nicaragua	S/15651, <i>ibid.</i>
19. Letter dated 5 May 1983 from the representative of Nicaragua	Nicaragua	Honduras United States	Requesting an urgent meeting to review the situation and consider measures in view of the launching of a new stage of the invasion of Nicaragua by forces supported by the United States and operating out of Honduras	S/15746, <i>ibid.</i> , <i>Suppl. for April-June 1983</i>
20. Letter dated 2 August 1983 from the representative of Chad	Chad	Libyan Arab Jamahiriya	Requesting an urgent meeting to consider the unusually violent bombing by the Libyan Arab Jamahiriya of the territory of Chad	S/15902, <i>ibid.</i> , <i>Suppl. for July-Sept. 1983</i>
21. Letter dated 8 August 1983 from the representative of the Libyan Arab Jamahiriya <sup>a</sup>	Libyan Arab Jamahiriya	United States	Requesting an urgent meeting to consider and put an end to United States acts of intimidation and aggression against the Libyan Arab Jamahiriya and others	S/15914, <i>ibid.</i>

TABULATION OF QUESTIONS SUBMITTED TO THE SECURITY COUNCIL, 1981-1984 (continued)

Question	Submitted by	Other parties	Articles invoked in letter	Request for action by Security Council	Reference
22. Letters dated 1 September 1983 from the representatives of the United States, Canada, and Japan and the observer for the Republic of Korea and letter dated 2 September 1983 from the representative of Australia					
(a) Letter dated 1 September 1983	United States	USSR Republic of Korea		Requesting an urgent meeting to consider the situation arising from the destruction of a Republic of Korea civilian airliner by the Soviet air force	S/15947, <i>ibid.</i>
(b) Letter dated 1 September 1983	Canada	USSR		Associating the Canadian Government with the requests made by the United States (see (a) above) and Republic of Korea (see 34 below)	S/15949, <i>ibid.</i>
(c) Letter dated 1 September 1983	Japan	USSR		Requesting an urgent meeting to consider the shooting down of a commercial airliner of the Republic of Korea	S/15950, <i>ibid.</i>
(d) Letter dated 2 September 1983	Australia	USSR		Associating the Australian Government with the requests made by the United States (see (a) above) and the Republic of Korea (see 34 below)	S/15951, <i>ibid.</i>
23. Letter dated 12 September 1983 from the representative of Nicaragua*	Nicaragua	United States		Requesting an urgent meeting to consider the situation brought about by escalated acts of aggression against Nicaragua committed by United States supported forces	S/15975, <i>ibid.</i>
24. Situation in Grenada					
(a) Letter dated 25 October 1983	Nicaragua	Grenada United States		Requesting an urgent meeting to consider the invasion of Grenada by United States troops	S/16067, <i>OR, 38th yr., Suppl. for Oct.-Dec. 1983</i>
(b) Letter dated 25 October 1983	Libyan Arab Jamahiriya	Grenada United States		Supporting the request by Nicaragua (see (a) above)	S/16068, <i>ibid.</i>
(c) Letter dated 25 October 1983	Grenada			Supporting the request of Nicaragua (see (a) above)	S/16075, <i>ibid.</i>

25. Situation in Cyprus

(a) Letter dated 15 November 1983	United Kingdom	Cyprus	35	Requesting an urgent meeting to consider the situation in Cyprus	S/16147, <i>ibid.</i>
(b) Letter dated 15 November 1983	Cyprus	Turkey		Requesting an urgent meeting to consider the situation in Cyprus in the light of the purported secession declared in the areas under Turkish military occupation	S/16150, <i>ibid.</i>
(c) Letter dated 15 November 1983	Greece	Cyprus	35	Requesting an urgent meeting to consider the situation in Cyprus	S/16151, <i>ibid.</i>
(d) Letter dated 30 April 1984	Cyprus	Turkey		Requesting an urgent meeting to consider the situation in Cyprus caused by the "exchange of ambassadors" between Turkey and the illegal régime in areas of Cyprus under Turkish military occupation; further requesting that the Council take effective measures for the full implementation of its resolutions	S/16514, <i>ibid.</i> , 39th yr., <i>Suppl. for April-June 1984</i>
26. Letter dated 3 February 1984 from the representative of Nicaragua <sup>a</sup>	Nicaragua	United States		Requesting an immediate meeting to consider the situation created by the escalation of acts of aggression to which Nicaragua had been subjected by United States forces, in which foreign armies were directly involved	S/16306, <i>ibid.</i> , <i>Suppl. for Jan.-March 1984</i>
27. Letter dated 18 March 1984 from the representative of the Sudan <sup>a</sup>	Sudan	Libyan Arab Jamahiriya		Requesting a meeting in order to consider an aggression committed by the Libyan Arab Jamahiriya against the Sudan and to take measures pursuant to its responsibility for the maintenance of international peace and security	S/16420, <i>ibid.</i>
28. Letter dated 22 March 1984 from the representative of the Libyan Arab Jamahiriya	Libyan Arab Jamahiriya	United States		Requesting an urgent meeting to consider the deteriorating situation resulting from recent provocative and hostile acts of the United States directed against the Libyan Arab Jamahiriya	S/16431, <i>ibid.</i>
29. Letter dated 29 March 1984 from the representative of Nicaragua <sup>a</sup>	Nicaragua			Requesting an urgent meeting to consider the escalation of acts of aggression being perpetrated against Nicaragua	S/16449, <i>ibid.</i>

**TABULATION OF QUESTIONS SUBMITTED TO THE SECURITY COUNCIL, 1981-1984 (continued)**

<i>Question</i>	<i>Submitted by</i>	<i>Other parties</i>	<i>Articles invoked in letter</i>	<i>Request for action by Security Council</i>	<i>Reference</i>
30. Letter dated 21 May 1984 from the representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates	Bahrain Kuwait Oman Qatar Saudi Arabia United Arab Emirates	Iran (Islamic Republic of)		Requesting an urgent meeting to consider Iranian acts of aggression on the freedom of navigation to and from the ports of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates	S/16574, <i>ibid.</i> , <i>Suppl. for April-June 1984</i>
31. Letter dated 4 September 1984 from the representative of Nicaragua*	Nicaragua			Requesting an urgent meeting to consider the situation created by a new escalation of aggression against Nicaragua	S/16731, <i>ibid.</i> , <i>Suppl. for July-Sept. 1984</i>
32. Letter dated 3 October 1984 from the representative of the Lao People's Democratic Republic	Lao People's Democratic Republic	Thailand		Requesting an urgent meeting to consider recent developments in the situation created by the attack on and occupation of three Lao villages in the Lao-Thai border region by Thailand	S/16765, <i>ibid.</i> , <i>Suppl. for Oct.-Dec. 1984</i>
33. Letter dated 9 November 1984 from the representative of Nicaragua*	Nicaragua	United States		Requesting an urgent meeting to consider the serious situation created by acts of aggression, threats and provocations fostered by the United States	S/16825, <i>ibid.</i>

**\*\*Section C. Questions submitted by Members as threats to the peace, breaches of the peace or acts of aggression**

**Section D. Questions submitted by States not Members as disputes**

<i>Question</i>	<i>Submitted by</i>	<i>Other parties</i>	<i>Articles invoked in letter</i>	<i>Request for action by Security Council</i>	<i>Reference</i>
34. Letters dated 1 September 1983 from the representatives of the United States, Canada and Japan and the observer for the Republic of Korea and letter dated 2 September 1983 from the representative of Australia (see 22 above) Letter dated 1 September 1983	Republic of Korea	USSR	35	Requesting an urgent meeting to consider the shooting down of a commercial passenger plane of the Republic of Korea by fighter planes of the USSR	S/15948, <i>ibid.</i> , <i>38th yr.</i> , <i>Suppl. for July-Sept. 1983</i>

**\*\*Section E. Questions submitted by States not Members as threats to the peace, breaches of the peace or acts of aggression**

**Section F. Questions submitted by the General Assembly or its subsidiary organs**

<i>Question</i>	<i>Submitted by</i>	<i>Other parties</i>	<i>Articles invoked in letter</i>	<i>Request for action by Security Council</i>	<i>Reference</i>
35. Situation in the Middle East (see 2 above)	General Assembly			Requesting that a meeting be convened to consider the situation in the Middle East and the adoption of effective measures to implement the recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People as endorsed by the General Assembly in its resolution 31/20	S/14855 (note from the Secretary-General drawing attention to para. 10 of General Assembly resolution 36/120 D)
36. Report of the Secretary-General on the work of the Organization	General Assembly			Requesting that the Council give due consideration to the report of the Secretary-General in view of the grave concern at the crisis in many multilateral negotiations, especially within the United Nations, as noted by the General Assembly in its resolution 37/67	S/15583 (note from the Secretary-General drawing attention to para. 5 of the General Assembly resolution 37/67)

**Section G. Questions submitted by the Secretary-General**

<i>Question</i>	<i>Submitted by</i>	<i>Other parties</i>	<i>Articles invoked in letter</i>	<i>Request for action by Security Council</i>	<i>Reference</i>
37. Disarmament and international security	General Assembly			Stressing the need for a new and more positive approach to the problem of disarmament based on rendering operable the collective security system provided for in the Charter and requesting the Council—especially its permanent members—to proceed with a sense of urgency to the necessary measures for the effective implementation of its decisions	S/15589 (note from the Secretary-General drawing attention to para. 2 of General Assembly resolution 37/100 E)

TABULATION OF QUESTIONS SUBMITTED TO THE SECURITY COUNCIL, 1981-1984 (continued)

Question	Submitted by	Other parties	Articles invoked in letter	Request for action by Security Council	Reference
38. Question concerning the Falkland Islands (Islas Malvinas) (see 13 above)	Secretary-General	United Kingdom Argentina		Informing the Council, in view of its responsibilities, that, in his judgement, the efforts in which he had been engaged did not offer the present prospect of ending the crisis or preventing the intensification of the conflict	S/15099, OR, 37th yr., Suppl. for April-June 1982

\*The letter of submission employs terms similar to those of Article 39 of the Charter.



## Part IV

## CONSIDERATION OF THE PROVISIONS OF ARTICLES 36-38 AND OF CHAPTER VI IN GENERAL

## NOTE

This part deals with any discussions in the Council regarding the Council's responsibility for the settlement of a particular dispute or situation in the light of the provisions of Chapter VI of the Charter.<sup>140</sup> It also covers instances in which Articles 36 to 38 or Chapter VI were invoked or where the proceedings of the Council had a bearing on the interpretation of these provisions.

During the period under review, there continued to be very little evidence of constitutional discussion related to the interpretation of the provisions of Chapter VI of the Charter. For the most part, debates preceding decisions of the Council in this field continued to deal mostly with the actual issues before the Council and the relative merits of proposed measures without discussion regarding their relation to the provisions of the Charter. The provisions of Articles 36 to 38 or Chapter VI were not invoked in the texts of any decisions adopted by the Council during this period. There were both explicit and implicit references in the discussions in the Council and in communications submitted to it.<sup>141</sup> For the most part, when Articles 36 to 38 or Chapter VI as a whole were cited it was to recall or affirm the principles embodied therein.

There were several instances in which a discussion in the Council might be viewed as having touched upon the interpretation of the provisions of Chapter VI. On a number of occasions, it was stated or implied that the fulfilment of the Council's responsibility to promote the peaceful settlement of disputes required that the Council take some kind of action,<sup>142</sup> whereas in one instance the Council was urged not to adopt a draft resolution before it, on the grounds that it would be detrimental to the effort to achieve a peaceful settlement.<sup>143</sup>

On one occasion, during the Council's consideration of the complaint by Lesotho against South Africa, the principle of the peaceful settlement of disputes was frequently invoked by the participants, many of whom maintained that it was incumbent upon the Council to adopt measures that would compel one of the parties to the dispute to abandon its current policies and to seek a negotiated solution. The representative of the party in question, however, rejected the possibility that the Council could promote a peaceful settlement, on the grounds that the Council lacked the necessary impartiality. He cited as evidence of the Council's bias that nine of the Council's members had supported a General Assembly resolution, which, in direct contravention of the Charter principle of the peaceful settlement of disputes, commended the national liberation movement operating against his Government for having intensified its campaign; that his delegation's request to present its case before the Council prior to the voting on the draft resolution had been denied; and that the draft resolution that had been adopted made no mention of the provocation to which his Government had been subjected and, hence, was entirely one-sided.<sup>144</sup>

On another occasion, during the Council's consideration of the letter dated 19 March 1982 from the representative of Nicaragua, virtually every speaker expressed support for dialogue and negotiations; however, one group objected to the Council's consideration of the matter on the grounds that, under Articles 33 and 52, the parties to a dispute should try to achieve pacific settlement through regional arrangements before having recourse to the Council.<sup>145</sup> Another group maintained that the obligation of States to seek peaceful settlement through appropriate regional organizations could not limit the sovereign right of a State, under Article 35, to bring a dispute before the Council. It was further pointed out that, under Article 103, the obligations of a Member State under the Charter took precedence over any other international agreement.<sup>146</sup>

Article 36 and the referral of legal issues to the International Court of Justice (ICJ) continued to be of particular significance in the direct and indirect efforts undertaken by the Council to assist the Governments of Malta and the Libyan Arab Jamahiriya concerning the dispute over the delimitation of the continental shelf area between the two countries.<sup>147</sup>

At a meeting of the Council and in a number of communications circulated as Council documents during the period under review, Malta continued to deplore the delay in submitting the question to ICJ for adjudication and particularly the "imposition by Libya of a new and unilateral condition" that no drilling in the disputed area would be allowed until the Court had concluded its consideration of the matter.<sup>148</sup> Malta further charged that that condition had been intended to obstruct the exchange of instruments of ratification of the 1976 special agreement and to procrastinate the submission of the delimitation case to ICJ with the direct objective of preventing Malta from exercising its right to exploit its offshore resources. The Libyan Arab Jamahiriya rejected the charge that it was responsible for the delay and maintained that bilateral negotiations between the two sides should be continued in order to put the special agreement into effect, thereby leading to the submission of the dispute to the ICJ. As suggested under Article 36 of the Charter, the two parties, the Council and the Secretary-General continued to emphasize the use of judicial procedures for a peaceful settlement of the dispute.<sup>149</sup>

In another instance, in connection with the letter dated 29 March 1984 from the representative of Nicaragua, one of the parties to the conflicts in Central America lodged before ICJ a complaint concerning "... acts of aggression systematically carried out against the Sandinist People's Revolution".<sup>150</sup>

Resolutions adopted by the Council during the period under review, including draft resolutions that were considered but were either not put to the vote or voted upon and not adopted, contained provisions that might be interpreted as corollary measures of a pacific settlement. Special attention should therefore be drawn to part I of the present chapter, since the

ma. rial covered therein has a bearing on the interpretation and application of the basic instruments of peaceful settlement as stipulated under Article 33 of the Charter. Furthermore, the appropriate headings in the analytical table of measures of Chapter VIII of the present *Supplement*, as well as the materials in the other parts of Chapter X should be consulted as a guide to relevant decisions of the Council. For

discussions bearing on procedures relating to pacific settlement under Chapter VI of the Charter as a whole and Article 36, the relevant parts of chapters VIII and X of the present *Supplement* should be consulted. Reference should also be made to various parts of chapter XI for situations submitted to the Council as threats to the peace, breaches of the peace or acts of aggression.

## NOTES

<sup>1</sup> For a full range of the actions taken by the Council in this connection during the period under review, see the various decisions of the Council entered under "Measures for settlement" and "Provisions bearing on specific issues relating to the settlement" in the analytical table of measures of Chapter VIII of the present *Supplement*.

<sup>2</sup> See the letter dated 10 September 1981 from Guatemala (S/14683 and Add.1, *OR*, 36th yr., *Suppl. for July-Sept. 1981*) requesting, *inter alia*, that a meeting of the Council be convened to consider the dispute between Guatemala and the United Kingdom over the Territory of Belize. The letter charged that the agreements that had been reached in direct negotiations and embodied in the "Heads of Agreement" had remained unfulfilled by the United Kingdom, thus creating a situation of insecurity in the area.

<sup>3</sup> See S/14348 and S/14782 (letters dated 27 January 1981 and 8 December 1981, respectively, from Malta), *OR*, 36th yr., *Suppl. for Jan.-March 1981* and *ibid.*, *Suppl. for Oct.-Dec. 1981*.

<sup>4</sup> See S/14940 (letter dated 1 April 1982 from Argentina), *OR*, 37th yr., *Suppl. for April-June 1982*.

<sup>5</sup> See S/15889 (letter dated 27 July 1983 from Chad), *OR*, 38th yr., *Suppl. for July-Sept. 1983*.

<sup>6</sup> See S/16719 (letter dated 27 August 1984 from Thailand), *OR*, 39th yr., *Suppl. for July-Sept. 1984*; and S/16727 (letter dated 29 August 1984 from Lao People's Democratic Republic), *ibid.*

<sup>7</sup> For the texts of relevant statements, see 2263rd mtg., United States; and 2267th mtg., Sierra Leone.

<sup>8</sup> 2279th mtg.: the Secretary-General and Cyprus; 2313th mtg.: the Secretary-General; 2531st mtg.: Cyprus; and 2547th mtg.: Turkey.

<sup>9</sup> 2292nd mtg.: PLO.

<sup>10</sup> 2294th mtg.: the Secretary-General and Malta.

<sup>11</sup> 2360th mtg.: Ecuador.

<sup>12</sup> 2383rd mtg.: France, United Kingdom, China, USSR and Iraq; 2399th mtg.: Morocco; and 2493rd mtg.: USSR.

<sup>13</sup> 2541st mtg.: Kuwait, Yemen and Senegal.

<sup>14</sup> 2558th mtg.: Lao People's Democratic Republic and Thailand.

<sup>15</sup> Statement of the President on behalf of the Council (S/16142), issued on 11 November 1983, and resolution 542 (1983) regarding the situation in the Middle East, *OR*, 38th yr., *Resolutions and Decisions of the Security Council*, and S/16454, statement of the President on behalf of the Council issued on 30 March 1984 in connection with the situation between Iran and Iraq, *ibid.*, 39th yr., *Resolutions and Decisions of the Security Council*.

<sup>16</sup> Statement of the President on behalf of the members of the Council (S/14944), issued on 1 April 1982, in connection with the letter dated 1 April 1982 from the United Kingdom, *OR*, 37th yr., *Resolutions and Decisions of the Security Council*, 1982.

<sup>17</sup> Resolutions 486 (1981), 495 (1981), 510 (1982), 526 (1982) and 534 (1983), in connection with the situation in Cyprus.

<sup>18</sup> Resolutions 485 (1981), 493 (1981), 506 (1982), 524 (1982), 531 (1983), 543 (1983), 551 (1984) and 557 (1984).

<sup>19</sup> Statement of the President on behalf of the Council (S/15616), issued on 21 February 1983, *OR*, 38th yr., *Resolutions and Decisions of the Security Council*, 1983.

<sup>20</sup> Statement of the President on behalf of the Council members (S/16454), issued on 30 March 1984, *OR*, 39th yr., *Resolutions and Decisions*, 1984.

<sup>21</sup> Resolutions 514 (1982), 522 (1982) and 540 (1983); and statements of the President on behalf of the Council members, S/15616 and S/16454, *OR*, 38th yr., *Resolutions and Decisions*, 1983 and *ibid.*, 39th yr., *Resolutions and Decisions*, 1984.

<sup>22</sup> Statement of the President on behalf of the Council members (S/15047), issued on 5 May 1982, *OR*, 37th yr., *Resolutions and Decisions of the Security Council*, 1982, and resolution 505 (1982), *ibid.*

<sup>23</sup> Resolutions 486 (1981), 495 (1981), 510 (1982), 526 (1982), 534 (1983), 541 (1983), 544 (1983), 553 (1984) and 559 (1984).

<sup>24</sup> Resolution 550 (1984), para. 8.

<sup>25</sup> Statement of the President on behalf of the members of the Council (S/15296), *OR*, 37th yr., *Resolutions and Decisions of the Security Council*, 1982, in connection with the situation between Iran and Iraq.

<sup>26</sup> Resolution 527 (1982), paras. 6 and 7, in connection with the complaint by Lesotho against South Africa.

<sup>27</sup> S/14941, third preambular para. and operative paras. 1 and 4, *OR*, 37th yr., *Suppl. for April-June 1982*.

<sup>28</sup> For the vote on the draft resolution (S/14941), see 2347th mtg., para. 140.

<sup>29</sup> S/14950, operative para. 2, *OR*, 37th yr., *Suppl. for April-June 1982*.

<sup>30</sup> S/15106, operative paras. 2 to 4, *ibid.*

<sup>31</sup> S/2360th mtg.

<sup>32</sup> S/15112, third and fourth preambular paras. and para. 2, *ibid.*

<sup>33</sup> For the text of the relevant statement, see 2366th mtg.: Chile, para. 64.

<sup>34</sup> 2562nd mtg.: United States.

<sup>35</sup> For the texts of relevant statements, see 2335th mtg.: United States, para. 144; 2336th mtg.: Honduras, para. 17; 2337th mtg.: Cuba, para. 3; Mexico, para. 61; Guyana, para. 80; 2339th mtg.: Togo, paras. 64-66 (explicit); 2342nd mtg.: Zaire, paras. 7-17; 2343rd mtg.: Mauritius, para. 8; Chile, paras. 46-48 (explicit); Colombia, para. 117; and 2347th mtg.: United States, para. 15, Costa Rica, paras. 70 and 71; and the President (Zaire), paras. 154-157 (explicit). For the Council's discussion regarding Articles 52-54 (regional arrangements) and Article 103 of the Charter (miscellaneous provisions), see chap. XII, parts V and VII of the present *Supplement*.

<sup>36</sup> For the texts of relevant statements see 2263rd mtg.: Soviet Union, paras. 60-68; German Democratic Republic, paras. 84-89; United States, paras. 181 and 182; 2267th mtg.: Uganda, paras. 74-92; Sierra Leone, paras. 123-126; Niger, paras. 187-201; and Ethiopia, para. 207; 2268th mtg.: Indonesia, paras. 18 and 19; 2269th mtg.: India, paras. 85-90; 2270th mtg.: Nigeria, paras. 19-26; 2271st mtg.: Guinea, paras. 72-86; United Kingdom, paras. 90-94; and Brazil, paras. 115-122; 2274th mtg.: Federal Republic of Germany, paras. 74-80; 2440th mtg.: Indonesia; and 2446th mtg.: Qatar.

<sup>37</sup> The need for continued negotiations under the auspices of the Secretary-General was stressed throughout the period under review; in connection with the adoption of resolutions 541 (1983) and 550 (1984), there was some discussion concerning the basis on which the Secretary-General was to exercise his good offices. See chapter VIII, part II, under the same heading, for an account of the discussions in the Council.

<sup>38</sup> For the texts of relevant statements, see 2265th mtg.: Soviet Union, paras. 39 and 40; 2292nd mtg.: PLO, para. 102; 2384th mtg.: Egypt, paras. 35 and 36; and 2515th mtg.: United Kingdom.

<sup>39</sup> For the text of the relevant statement, see 2294th mtg.: Malta, paras. 33-38.

<sup>40</sup> For the texts of relevant statements, see 2349th mtg.: France, paras. 5-9; 2350th mtg.: Jordan, paras. 61-62; Spain, para. 203; Ireland, paras. 236-239; and Zaire, paras. 249-252.

<sup>41</sup> For the texts of relevant statements, see 2360th mtg.: Ireland, paras. 139-143 and 164-168; and Ecuador, paras. 203 and 204; 2363rd mtg.: Poland, para. 17; 2366th mtg.: Netherlands, para. 53; and Argentina, para. 170; 2368th mtg.: Federal Republic of Germany, paras. 15 and 16; Yugoslavia, paras. 24 and 29; Uganda, paras. 50 and 51; Spain, para. 62; and Panama, paras. 67-69 and 78.

<sup>42</sup> For the text of the relevant statement, see 2423rd mtg.: Philippines.

<sup>43</sup> For the texts of relevant statements, see 2466th mtg.: Guyana; and 2468th mtg.: Zimbabwe and India.

<sup>44</sup> For the texts of relevant statements, see 2541st mtg.: Yemen and Senegal; 2542nd mtg.: Ecuador and Panama; 2543rd mtg.: Somalia, Japan and Federal Republic of Germany; 2545th mtg.: United States, Mauritania, Turkey and Tunisia; 2546th mtg.: Liberia, China, Netherlands, Soviet Union, United Kingdom, Malta, Zimbabwe and Nicaragua.

<sup>45</sup> For the texts of relevant statements, see 2558th mtg.: Thailand and Lao People's Democratic Republic.

<sup>46</sup> For the texts of relevant statements, see 2431st mtg.: Nicaragua and Honduras; 2432nd mtg.: Mexico, Zimbabwe, Seychelles, Algeria and Grenada; 2433rd mtg.: Honduras, Syrian Arab Republic, Cuba and Guatemala; 2434th mtg.: Panama; 2435th mtg.: Colombia, Costa Rica, Lao People's Democratic Republic, El Salvador and Viet Nam; 2436th mtg.: Congo, Uganda, United Kingdom, China, Soviet Union, United States, Dominican Republic and Poland; and 2437th mtg.: India, Yugoslavia, Guyana, France and Nicaragua.

<sup>47</sup> For the vote on the draft resolution (S/15770), see 2437th mtg.

<sup>48</sup> See case 2.

<sup>49</sup> S/15600, report of the Secretary-General on assistance to Lesotho.

<sup>50</sup> S/15680 *OR*, 38th yr., *Resolutions and Decisions of the Security Council*, 1983.

<sup>51</sup> S/15756, *OR*, 38th yr., *Suppl. for April-June*, 1983.

<sup>52</sup> See the letter (S/16227) dated 14 June 1984 from the Secretary-General to the President of the Council, and the letter (S/16628) dated 15 June 1984 from the President of the Council to the Secretary-General, *OR*, 39th yr., *Resolutions and Decisions of the Security Council*, 1984.

<sup>53</sup> S/16750 and Corr. 1, *OR*, 39th yr., *Suppl. for July-Sept.* 1984.

<sup>54</sup> S/14664/Rev.2, *OR*, 36th yr., *Suppl. for July-Sept.* 1981.

<sup>55</sup> S/15966/Rev.1, *OR*, 38th yr., *Suppl. for July-Sept.* 1983.

<sup>56</sup> Letter (S/14652) dated 27 August 1981 from South Africa, *OR*, 36th yr., *Suppl. for July-Sept.* 1981.

<sup>57</sup> 2339th mtg., para. 43.

<sup>58</sup> Letter (S/15416) dated 21 September 1982 from Austria, *OR*, 37th yr., *Suppl. for July-Sept.* 1982. In connection with the same question, see also letter (S/15434 and annex) dated 23 September 1982 from Jamaica joining the call for an impartial investigation, *ibid.*

<sup>59</sup> 2487th mtg.

<sup>60</sup> 2337th mtg.: Mexico, para. 60 (implicit); 2339th mtg.: Togo, para. 66 (explicit); and 2347th mtg.: Costa Rica, para. 76 (explicit). See also letter (S/14927) dated 25 March 1982 from El Salvador and letter (S/14936) dated 30 March 1982 from Nicaragua, *OR*, 37th yr., *Suppl. for Jan.-March* 1982.

<sup>61</sup> See letter (S/15704) dated 13 April 1983 from Nicaragua, *OR*, 38th yr., *Suppl. for April-June* 1983.

<sup>62</sup> 2435th mtg.: Mali.

<sup>63</sup> 2469th mtg.: Guyana.

<sup>64</sup> 2491st mtg.: the President (Jordan).

<sup>65</sup> For the relevant text of the statement, see 2314th mtg.: Seychelles, para. 15. For the Council's discussion relating to the Charter principle on the prohibition of the threat or use of force (Article 2, para. 4, of the Charter) in the context of mercenary aggression, see chap. XII, part II, case 7.

<sup>66</sup> For the vote on the draft resolution (S/14793), see 2314th mtg., para. 33. For the detailed procedural history, see chapter VII, part II, under the same title.

<sup>67</sup> S/14905, replaced by S/14905/Rev.1, *OR*, 37th yr., *Special Supplement No. 2*.

<sup>68</sup> For the vote on the draft resolution (S/15127), see 2370th mtg., para. 26.

<sup>69</sup> For details, see the tabulation, sect. D.

<sup>70</sup> For details, see the tabulation, sect. F.

<sup>71</sup> For details, see the tabulation, sect. G.

<sup>72</sup> The tabulation was expanded to include sects. A-C in line with the scheme utilized in the original *Repertoire of the Practice of the Security Council, 1946-1951*, but the heading of sect. F was reworded to include questions submitted by the General Assembly or its subsidiary organs.

<sup>73</sup> In five cases communications were sent to the Secretary-General. See tabulation, entries 5(a) and (b), 6(a) and (c) and 10.

<sup>74</sup> For these cases, see tabulation, entries 1, 3(j), 25(a) and (c) and 34.

<sup>75</sup> See tabulation, entry 1.

<sup>76</sup> See tabulation, entries 2 (c) and (e), 3 (b), (d), (f), (h), (j) and (k), 6 (a), (b) and (c), 7 (c) and (g), 8, 9 (b), (d), (i), (j) and (k), 13 (b) and (d), 14 (b), 16 (a), 17, 18, 19, 22 (a), 23, 25 (a), (b), (c) and (d), 26, 28, 31, 32 and 33.

<sup>77</sup> See tabulation, entries 3 (a) and (f), 4, 6 (b) and (d), 8, 10, 13 (d), 15, 16 (b), 18, 19, 23, 26, 27, 29, 30, 31 and 33.

<sup>78</sup> See tabulation, entries 2 (b), (e) and (f), 3 (j) and (k), 9 (j) and (k) and 25 (a) and (c).

<sup>79</sup> See tabulation, entries 3 (d) and 7 (b).

<sup>80</sup> See tabulation, entries 9 (h) and (j).

<sup>81</sup> See tabulation, entry 6 (c).

<sup>82</sup> See tabulation, entry 2 (a).

<sup>83</sup> See tabulation, entry 9 (e).

<sup>84</sup> See tabulation, entry 1.

<sup>85</sup> See tabulation, entry 2 (a), (c) and (d).

<sup>86</sup> See tabulation, entry 3 (a).

<sup>87</sup> See tabulation, entry 3 (b).

<sup>88</sup> See tabulation, entry 3 (c).

<sup>89</sup> See tabulation, entry 3 (e).

<sup>90</sup> See tabulation, entry 3 (f).

<sup>91</sup> See tabulation, entry 3 (h).

<sup>92</sup> See tabulation, entry 3 (i).

<sup>93</sup> See tabulation, entry 3 (j).

<sup>94</sup> See tabulation, entry 3 (k).

<sup>95</sup> See tabulation, entry 3 (l).

<sup>96</sup> See tabulation, entry 3 (m).

<sup>97</sup> See tabulation, entry 4.

<sup>98</sup> See tabulation, entries 5 (a), (b) and (c).

<sup>99</sup> See tabulation, entries 6 (a), (b), (d) and (e).

<sup>100</sup> See tabulation, entries 7 (a), (c), (d), (e), (f) and (g).

<sup>101</sup> See tabulation, entry 8.

<sup>102</sup> See tabulation, entry 9 (a).

<sup>103</sup> See tabulation, entry 9 (b).

<sup>104</sup> See tabulation, entry 9 (c).

<sup>105</sup> See tabulation, entry 9 (d).

<sup>106</sup> See tabulation, entries 9 (f) and (g).

<sup>107</sup> See tabulation, entry 9 (i).

<sup>108</sup> See tabulation, entry 10.

<sup>109</sup> See tabulation, entries 18, 23, 26, 29 and 31.

<sup>110</sup> See tabulation, entry 19.

<sup>111</sup> See tabulation, entry 33.

<sup>112</sup> See tabulation, entries 11 (a) and (b).

<sup>113</sup> See tabulation, entry 12 (a).

<sup>114</sup> See tabulation, entry 12 (b).

<sup>115</sup> See tabulation, entry 13 (a).

<sup>116</sup> See tabulation, entry 13 (b).

<sup>117</sup> See tabulation, entry 13 (c).

<sup>118</sup> See tabulation, entry 13 (d).

<sup>119</sup> See tabulation, entries 14 (a) and (b).

<sup>120</sup> See tabulation, entry 15.

<sup>121</sup> See tabulation, entries 16 (a) and (b).

<sup>122</sup> See tabulation, entry 21.

- <sup>123</sup> See tabulation, entry 28.
- <sup>124</sup> See tabulation, entry 17.
- <sup>125</sup> See tabulation, entry 20.
- <sup>126</sup> See tabulation, entries 22 (a), (b), (c) and (d) and 34.
- <sup>127</sup> See tabulation, entries 24 (a), (b) and (c).
- <sup>128</sup> See tabulation, entries 25 (b) and (d).
- <sup>129</sup> See tabulation, entry 27.
- <sup>130</sup> See tabulation, entry 30.
- <sup>131</sup> See tabulation, entry 32.
- <sup>132</sup> See tabulation, entry 34.
- <sup>133</sup> See tabulation, entry 35.
- <sup>134</sup> *ORGA, 37th session, Suppl. No. 1 (A/37/1)*.
- <sup>135</sup> See tabulation, entry 36.
- <sup>136</sup> See tabulation, entry 37.
- <sup>137</sup> See tabulation, entry 38.
- <sup>138</sup> In a few cases the Council did not take up the questions or communications submitted for its consideration: for these instances see tabulation, entries 1, 14 and 37.
- <sup>139</sup> See tabulation, entry 3 (g).
- <sup>140</sup> For general criteria for entries in this part, see *Repertoire of the Practice of the Security Council, 1946-1951*, pp. 296 and 410.
- <sup>141</sup> For explicit references to Article 36, in connection with the letter dated 11 September 1980 from Malta, see letter dated 1 November 1981 from the Libyan Arab Jamahiriya (S/14752, *OR, 36th yr., Suppl. for Oct.-Dec. 1981*) and 2427th mtg.: President and United Kingdom. For an explicit reference to Article 37 in connection with the situation between Iran and Iraq, see communication dated 14 July 1982 from Iran (S/15292, *OR, 37th yr., Suppl. for July-Sept. 1982*) and communication dated 3 November 1982 from Iran (S/15478, *ibid., Suppl. for Oct.-Dec. 1982*). For explicit references to Chapter VI of the Charter, in connection with the question concerning the Falkland Islands (Islas Malvinas), see 2366th mtg.: Chile, paras. 64-70; in connection with the letter dated 16 March 1983 from the representative of Chad, see 2428th mtg.: Netherlands; and in connection with the letter dated 18 March 1984 from the representative of the Sudan, see 2521st mtg.: Oman. There was also an explicit reference to Chapter VI of the Charter with regard to a procedural question in connection with the letter dated 1 April 1982 from the representative of the United Kingdom: for a case history, see chapter I of the present *Supplement*. For implicit references to Article 36, in connection with letters dated 30 August and 4 September 1984 from the representative of Nicaragua (S/16728 and S/16730, *OR, 39th yr., Suppl. for July-Sept. 1984*); and in connection with the letters dated 8 and 12 November 1984 from the representative of Nicaragua (S/16824 and S/16826, *OR, 39th yr., Suppl. for Oct.-Dec. 1984*). For implicit references to Article 37, in connection with the letter dated 1 September 1980 from the representative of Malta, see letter dated 2 November 1981 from Malta (S/14743, *OR, 36th yr., Suppl. for Oct.-Dec. 1981*) and 2294th mtg.: Malta, paras. 62 and 63; in connection with the letter dated 1 April 1982 from the representative of the United Kingdom, see letter dated 3 May 1982 from Venezuela (S/15030, *OR, 37th yr., Suppl. for April-June 1982*); and in connection with the letter dated 19 February 1983 from the representative of the Libyan Arab Jamahiriya, see 2417th meeting: Viet Nam. For implicit references to Chapter VI of the Charter, in connection with the letter dated 19 March 1982 from the representative of Nicaragua, see 2343rd mtg.: Chile, para. 64; in connection with the letter dated 1 April 1982 from the representative of the United Kingdom see letter dated 5 April 1982 from Dominica (S/14956, *OR, 37th yr., Suppl. for April-June 1982*) and 2350th mtg.: Ireland, paras. 236-238; in connection with the question concerning the Falkland Islands (Islas Malvinas), see 2364th mtg.: Uganda, para. 12; in connection with the letter dated 22 March 1983 from the representative of Nicaragua, see 2426th mtg.: Italy; and in connection with the letter dated 5 May 1983 from the representative of Nicaragua, see 2436th mtg.: Dominican Republic.
- <sup>142</sup> In connection with the letter dated 1 September 1980 from Malta, see letter dated 2 November 1981 from Malta (S/14743, *OR, 36th yr., Suppl. for Oct.-Dec. 1981*), and 2294th mtg.: Malta, paras. 62 and 63; in connection with the letter dated 21 May 1984 from the representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates, see 2543rd mtg.: Morocco; in connection with the letter dated 1 April 1982 from the representative of the United Kingdom, see letter dated 2 May 1982 from Argentina (S/15030, *OR, 37th yr., Suppl. for April-June 1982*); in connection with the letter dated 19 February 1983 from the representative of the Libyan Arab Jamahiriya, see 2417th mtg.: Viet Nam; and in connection with the letter dated 8 August 1983 from the representative of the Libyan Arab Jamahiriya see 2466th mtg.: Lao People's Democratic Republic.
- <sup>143</sup> In connection with the situation between Iran and Iraq, during the Council's deliberations surrounding the adoption of resolution 540 (1983), several members of the Council stated that they did not believe that the draft resolution before the Council would be accepted by one of the parties, and that if the Council hoped to promote a peaceful settlement of the conflict it should take the time in consultations to arrive at a more conciliatory resolution, or it should forego the adoption of a decision altogether and concentrate on trying to bring the parties together in a dialogue through the good offices of the Secretary-General. See 2493rd mtg.: Pakistan and Malta.
- <sup>144</sup> For the texts of relevant statements, see 2407th mtg.: Zaire, paras. 21-31; United Kingdom, paras. 52-68; and Japan, paras. 100-107; 2408th mtg.: United States, paras. 19-26; Angola, paras. 29-38; Guinea, paras. 104-107; and Egypt, paras. 130-135; and 2409th mtg.: Kenya, paras. 33-46; Nicaragua, paras. 62-74; United Republic of Tanzania, paras. 94-101; and South Africa, paras. 127-160.
- <sup>145</sup> For the texts of relevant statements, see 2335th mtg.: United States, para. 144; 2336th mtg.: Honduras, paras. 20 and 21; 2339th mtg.: Togo, paras. 64-66; 2343rd mtg.: Chile, paras. 45-47; and 2347th mtg.: United States, para. 15; Costa Rica, para. 70; and Zaire, paras. 154-156.
- <sup>146</sup> For the texts of relevant statements, see 2337th mtg.: Cuba, para. 31; Mexico, paras. 60-62; Guyana, para. 80; 2343rd mtg.: Mauritius, paras. 6 and 7; Colombia, paras. 117 and 118; and 2347th mtg.: Costa Rica, paras. 68-71. For the Council's discussion relating to Chapter VIII of the Charter (regional arrangements), see chap. XII, part V.
- <sup>147</sup> For background material regarding the Council's efforts under Article 36 of the Charter in connection with this question, see *Repertoire of the Practice of the Security Council, Supplement 1975-1980*, chap. X, part IV.
- <sup>148</sup> The Council considered the question at its 2294th meeting, on 30 July 1981.
- <sup>149</sup> See 2294th mtg.: Secretary-General, paras. 5 and 6 and 9-11; Malta, paras. 24-33, 46, 57 and 62-69; and the Libyan Arab Jamahiriya, paras. 73-79. See also S/14743 and S/14752 (explicit), letters dated 2 and 11 November 1981 from Malta and the Libyan Arab Jamahiriya, respectively, *OR, 36th yr., Suppl. for Oct.-Dec. 1981*; and S/14786, note dated 9 December 1981 from the Secretary-General transmitting to the Council the report of his Special Representative, *ibid.*
- <sup>150</sup> See 2557th mtg., Nicaragua; S/16556, letter dated 10 May 1984 from Nicaragua, *OR, 39th yr., Suppl. for April-June 1984*; and S/16564, letter dated 10 May 1984 from the Registrar of the International Court of Justice (ICJ) transmitting an Order of the Court of the same date indicating provisional measures in the *Case Concerning Military and Paramilitary Activities in and against Nicaragua* (for the Order, see ICJ publication No. 499).