

Department of Political Affairs

Repertoire
of the
Practice
of the
Security Council

Supplement 1985-1988



UNITED NATIONS

New York, 2000

NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

ST/DPA/1/Add.10

UNITED NATIONS PUBLICATION

Sales No. E.98.VII.1

ISBN 92-1-137029-9

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GENERAL INTRODUCTION

The present volume constitutes the tenth supplement to the *Repertoire of the Practice of the Security Council, 1946-1951*, which was issued in 1954. It covers the proceedings of the Security Council from the 2566th meeting on 29 January 1985 to the 2834th meeting, on 20 December 1988. Further supplements covering the proceedings of later meetings will be issued at suitable intervals.

In order to make it easier to trace the Council's practice in respect of any given topic over the entire period covered by the 11 volumes, the headings under which the practices and procedures of the Council were presented in the original volume have been generally maintained unchanged in this *Supplement*. Topics that the Council did not discuss anew during this time are identified by double asterisks (**).

The methods employed and the principles observed in the preparation of this *Supplement* are the same as for the original volume of the *Repertoire*. They are explained in the general introduction to that volume. The *Repertoire* is an expository work which presents the results of an empirical survey of the procedures of the Security Council in a way calculated to make reference easy, and constitutes essentially a guide to the proceedings of the Council.

As was observed in the original volume, the *Repertoire* is not intended as a substitute for the records of the Council, which constitute the only comprehensive and authoritative account of its deliberations. The categories employed to arrange the material are not intended to suggest the existence of procedures or practices that have not been clearly or demonstrably established by the Council itself. The Council is at all times, within the framework of the Charter of the United Nations, "master of its own procedure". The object of the *Repertoire* will have been achieved if readers, by using the descriptive titles of the headings under which the material is presented, are enabled to find relevant proceedings in order to draw conclusions for themselves concerning the practice of the Council.

Details of the decisions of the Council have been included where appropriate in the accounts of its proceedings that make up this volume. The term "decision" has again been used to mean not only those "decisions" to which specific reference was made in the text of Articles of the Charter, but all significant steps decided upon by the Council, whether by vote or otherwise, in the course of consideration of a question.

The reader should refer for full explanations of the organization and preparation of material to the explanatory matter in the original volume. An effort has been made to avoid unnecessary repetition of such explanations in this *Supplement*.

EDITORIAL NOTE

References to the meetings of the Security Council are given in the following form:

S/PV.2567, para. 2.

As distinct from earlier volumes, reference is made in the present *Supplement* only to the provisional verbatim records, as the practice of placing meeting records in the *Official Records* of the Council was discontinued during the reporting period.

Documents of the Council are identified by the serial number in the S/ series. Where reference is given only to a number in the S/ series, this indicates that the text has not yet been issued as part of the quarterly series of the *Official Records*. Where the document has been printed in the supplements to the *Official Records*, the reference is given as follows:

Example:

S/17497, OR, 40th yr., Suppl. for July-Sept. 1985.

For reasons of expediency, however, the document citations in chapter VIII are uniformly without reference to the *Official Records*.

References to resolutions of the Council, published in yearly volumes of *Resolutions and Decisions of the Security Council*, follow the system adopted in 1964. They are identified by number, followed by the year of adoption in parenthesis, as follows:

Resolution 605 (1987).

The designations employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country or territory or of its authorities, or concerning the delimitation of its frontiers.

A list of short and official titles for agenda items considered by the Council throughout the period 1985 - 1988 is presented below. The short titles were formulated exclusively for the *Repertoire* in order to clarify for the reader the contents of the item under consideration. Hence they have no official standing.

Short title

Letter dated 28 January 1985 from the representative of Chad

The situation in the Middle East

Official title

Letter dated 28 January 1985 from the Chargé d'affaires a.i. of the Permanent Mission of Chad to the United Nations addressed to the President of the Security Council (S/16911)

The situation in the Middle East:

Letter dated 25 February 1985 from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council (S/16983)

Report of the Secretary-General on the United Nations Interim Force in Lebanon (S/17093)

Report of the Secretary-General on the United Nations Disengagement Observer Force (S/17177)

Letter dated 30 May 1985 from the Permanent Representative of Egypt to the United Nations addressed to the President of the Security Council (S/17228)

Report of the Secretary-General on the United Nations Interim Force in Lebanon (S/17557)

Report of the Secretary-General on the United Nations Disengagement Observer Force (S/17628)

Letter dated 6 January 1986 from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council (S/17717)

Report of the Secretary-General on the United Nations Interim Force in Lebanon (S/17965)

Report of the Secretary-General on the United Nations Disengagement Observer Force (S/18061)

Report of the Secretary-General on the United Nations Interim Force in Lebanon (S/18164 and Add.1 and Add.1/Corr.1)

Letter dated 4 September 1986 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council (S/18318)

The situation in the Middle East:

(a) Special Report of the Secretary-General on the United Nations Interim Force in Lebanon (S/18348); (b) Letter dated 18 September 1986 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council (S/18353)

Report of the Secretary-General on the United Nations Interim Force in Lebanon (S/18396 and Corr.1)

Report of the Secretary-General on the United Nations Disengagement Observer Force (S/18453)

Report of the Secretary-General on the United Nations Interim Force in Lebanon (S/18581 and Corr.1 and Add.1)

Report of the Secretary-General on the United Nations Disengagement Observer Force (S/18868)

<i>Short title</i>	<i>Official title</i>	
The situation in the Middle East [continued]	Report of the Secretary-General on the United Nations Interim Force in Lebanon (S/18990)	
	Report of the Secretary-General on the United Nations Disengagement Observer Force (S/19263)	
	Letter dated 7 January 1988 from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council (S/19415)	
	Report of the Secretary-General on the United Nations Interim Force in Lebanon (S/19445)	
	Letter dated 5 May 1988 from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council (S/19861)	
	Report of the Secretary-General on the United Nations Disengagement Observer Force (S/19895)	
	Report of the Secretary-General on the United Nations Interim Force in Lebanon (S/20053)	
	Report of the Secretary-General on the United Nations Disengagement Observer Force (S/20276)	
	Letter dated 9 December 1988 from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council (S/20318)	
		The situation between Iran and Iraq:
The situation between Iran and Iraq	Letter dated 24 February 1985 from the Permanent Representative of Iraq to the United Nations addressed to the President of the Security Council (S/16980)	
	Report of the Secretary-General on his visit to Iran and Iraq (S/17097); Letter dated 17 April 1985 from the Secretary-General addressed to the President of the Security Council (S/17127)	
	Letter dated 12 February 1986 from the Permanent Representative of Iraq to the United Nations addressed to the President of the Security Council (S/17821)	
	Report of the mission dispatched by the Secretary-General to investigate allegations of the use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq (S/17911 and Add.1)	
	Letter dated 30 September 1986 from the Permanent Representatives of Iraq, Jordan, Kuwait, Morocco, Saudi Arabia, Tunisia and Yemen to the United Nations addressed to the President of the Security Council (S/18372)	
	Report of the Secretary-General (S/18480)	
		The situation between Iran and Iraq:
	Report of the mission dispatched by the Secretary-General to investigate allegations of the use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq (S/19823)	
	Report of the Secretary-General on the implementation of operative paragraph 2 of Security Council resolution 598 (1987) (S/20093)	
	Reports of the missions dispatched by the Secretary-General to investigate allegations of the use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq (S/20060 and Add.1, S/20063 and Add.1, S/20134)	
The question of South Africa		
		The question of South Africa:
	Letter dated 28 February 1985 from the Deputy Permanent Representative of Egypt to the United Nations addressed to the President of the Security Council (S/16991)	
	Letter dated 24 July 1985 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council (S/17351); Letter dated 25 July 1985 from the Permanent Representative of Mali to the United Nations addressed to the President of the Security Council (S/17345)	
		The question of South Africa:
	Letter dated 10 June 1986 from the Permanent Representative of Zaire to the United Nations addressed to the President of the Security Council (S/18146)	
	Letter dated 24 November 1986 from the Chairman of the Security Council Committee established by resolution 421 (1977) concerning the question of South Africa addressed to the President of the Security Council (18474)	
	Letter dated 10 February 1987 from the Permanent Representative of Egypt to the United Nations addressed to the President of the Security Council (S/18688)	
	Letter dated 2 March 1988 from the Chargé d'affaires a.i. of the Permanent Mission of Sierra Leone to the United Nations addressed to the President of the Security Council (S/19567); Letter dated 2 March 1988 from the Permanent Representative of Zambia to the President of the Security Council (S/19568)	
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<i>Short title</i>	<i>Official title</i>
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<i>Short title</i>	<i>Official title</i>
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Letter dated 26 March 1986 from the representative of Iraq	Letter dated 26 March 1986 from the Permanent Representative of Iraq to the United Nations addressed to the President of the Security Council (S/17946)
Letter dated 12 April 1986 from the representative of Malta	Letter dated 12 April 1986 from the Chargé d'affaires a.i. of the Permanent Mission of Malta to the United Nations addressed to the President of the Security Council (S/17982)

<i>Short title</i>	<i>Official title</i>
Letter dated 15 April 1986 from the representative of the Libyan Arab Jamahiriya	Letter dated 15 April 1986 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council (S/17991)
Letter dated 15 April 1986 from the representative of Burkina Faso	Letter dated 15 April 1986 from the Chargé d'affaires a.i. of the Permanent Mission of Burkina Faso to the United Nations addressed to the President of the Security Council (S/17992)
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Letter dated 19 April 1988 from the representative of Tunisia	Letter dated 19 April 1988 from the Permanent Representative of Tunisia to the United Nations addressed to the President of the Security Council (S/19798)
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Chapter I

PROVISIONAL RULES OF PROCEDURE OF THE SECURITY COUNCIL

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INTRODUCTORY NOTE

The present chapter contains material bearing upon the practice of the Security Council in relation to all the provisional rules of procedure with the exception of those rules which are dealt with in other chapters, as follows:

Rules 6-12, in chapter II, "Agenda"; rule 28, in chapter V, "Subsidiary organs of the Security Council"; rules 37-39, in chapter III, "Participation in the proceedings of the Security Council"; rule 40, in chapter IV, "Voting"; rules 58-60, in chapter VII, "Practice relative to recommendations to the General Assembly regarding membership in the United Nations"; and rule 61, in chapter VI, "Relations with other United Nations organs".

The major headings under which the material is entered in this chapter are the same as in previous *Supplements*. The arrangement of each part is based on the successive chapters of the provisional rules of procedure of the Security Council.

During the period under review, the Security Council has not adopted amendments to its provisional rules of procedure. However, there were two instances that might be viewed as observations on or calls for amendments to the Council's provisional rules of procedure. In the first instance, during the proceedings at the Council's commemorative meeting held in celebration of the fortieth anniversary of the United Nations,¹ the representative of Egypt referred to a "vast spectrum of mechanisms" that were at the disposal of the Council in tackling situations and conflicts that might threaten international peace and security, and stated that those mechanisms would be enriched and rendered more effective by updating and rationalizing the Council's rules of procedure. He also said that the rules of procedure, despite their adoption 40 years earlier, remained "provisional" and were not comprehensive or final, and that the time had come to update them and make them flexible enough to meet the requirements of international relations, taking into account the experience that had been acquired over the years.²

In the second instance, before the adoption of the agenda for the 2666th meeting, held on 24 February 1986, the representative of France referred to the end of the previous meeting, during which, he said, "some shocking words" had been used that had called into question the Security Council's authority and reputation, which was unacceptable.³ The representative of the United Kingdom of Great Britain and Northern Ireland associated his delegation with the remarks by the representative of France; and said that, when the Council met, they heard many "violent" speeches, some of which were strong but were within the bounds of propriety. He added that there were other statements, including the one to which the representative of France had referred, which, as far as the choice of words and the way in which the Council was treated were concerned, were beyond the bounds of propriety irrespective of what political view was being put forward. He then stated, without pretending that the Council was a court of law, that a court of law was protected by rules about contempt of court; that a parliament was protected by rules about contempt of parliament; and that the Council, he submitted, should build up a body of practice that protected it against "contempt of Council". He concluded by stressing that they should insist that whatever the political problems that were brought before the Council, which in the eyes of the world was a central body dealing with great international issues of peace and security, those problems should be dealt with in a mannerly, orderly and respectful way.⁴

The rest of the material in this chapter is concerned with questions that arose regarding the application of a certain rule, especially when there was a discussion regarding variations from the Council's usual practice. The case histories presented here do not constitute cumulative evidence of the practice of the Council, but are indicative of special problems that have arisen in the proceedings of the Council under its provisional rules of procedure.

¹The agenda for the meeting (2608th mtg., held on 26 September 1985) was "United Nations for a better world and the responsibility of the Security Council in maintaining international peace and security".

²S/PV.2608, Egypt, pp. 85 and 86.

³The agenda for the 2666th meeting was "The situation between Iran and Iraq". For the statement, see S/PV.2665, pp. 37 and 38.

⁴S/PV.2666, France, p. 2; United Kingdom of Great Britain and Northern Ireland, p. 6; United States of America, p. 6. For the statement by the United States at the previous meeting, see S/PV.2665, United States of America, p. 41. See also chapter XII, under Article 24 of the Charter.

Part I

MEETINGS (RULES 1-5)

NOTE

The material assembled in the present section reflects the provisions of Article 28 of the Charter and indicates special instances of the interpretation or application of rules 1-5. During the period under review, there were cases

falling under rule 4 (cases 1, 2 and 3); there were no special instances of the application of rules 1-3 and 5.

** A. CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 1-5

B. SPECIAL CASES CONCERNING THE APPLICATION OF RULES 1-5

Rule 4

CASE 1

On 29 August 1985, after informal consultations, the President issued a statement on behalf of the members of the Security Council.⁵ The contents of the statement intimated that the members of the Council had agreed to hold a commemorative meeting of the Council at the level of Foreign Ministers to celebrate the fortieth anniversary of the United Nations and that the agenda for the meeting, which should be held on 26 September 1985, would be "United Nations for a better world and the responsibility of the Security Council in maintaining international peace and security". Furthermore, it had been agreed, taking into account practical considerations, that the meeting would be open for statements by the members of the Council.

CASE 2

At the 2608th meeting of the Security Council, which was a commemorative meeting held on 26 September 1985 at the level of Foreign Ministers to celebrate the fortieth anniversary of the United Nations, there were both explicit and implicit references to Article 28, paragraph 2, of the Charter. The representative of India, speaking on the subject of enhancing the special responsibility of the Security Council and its role on behalf of the international community in the collective maintenance of peace and security, thereby bringing it closer to the position that had been prescribed for it in the Charter, stressed the importance of holding regular periodic meetings of the Council under Article 28, paragraph 2, of the Charter. He further expressed the hope that their meeting at the level of Ministers would be followed by regular contacts at a high political level.⁶

⁵S/17424, OR, 40th yr., *Resolutions and Decisions of the Security Council*, 1985.

⁶S/PV.2608, p. 67.

At the same meeting, the representative of Trinidad and Tobago stated that the Council should convene high-level meetings more frequently, as had been envisaged in the Charter, and that the meetings should review the efforts to facilitate the resolution of current or potential disputes and to analyse the prevailing international environment. He also said that convening high-level meetings more frequently would serve to encourage exchanges of views and help to overcome "the misconceptions and distrust" that had so often led to stalemate and conflict.⁷

Finally, the representative of Egypt, while highlighting what he called the "vast spectrum of mechanisms" available to the Council in tackling situations and conflicts that might threaten international peace and security, noted the possibility in the rules of procedure of holding periodic meetings of the Council to review the international situation and to monitor grave incidents within the framework of what had come to be known as "preventive diplomacy".⁸

CASE 3

At the 2787th meeting, on 28 January 1988, in connection with the situation in the occupied Arab Territories, the representative of the Union of Soviet Socialist Republics reiterated his Government's proposal that the members of the Security Council proceed to consultations to consider the relevant questions and that the initiative for those consultations could belong to the permanent members of the Council. He stated that, while the consultations could give added thrust to efforts to find a way out of the Middle East impasse, the conclusions and recommendations emerging from those consultations could be considered at a formal meeting of the Council, which, in view of the importance of the question for the maintenance of international security, should be held at the level of Foreign Ministers.⁹ The same proposal had previously been made in a letter dated 20 January 1988 from the representative of the USSR addressed to the Secretary-General.¹⁰

⁷Ibid., p. 34.

⁸Ibid., p. 86.

⁹S/PV.2787, p. 18.

¹⁰S/19442, OR, 43rd yr., *Suppl. for Jan.-March 1988*.

Part II

REPRESENTATION AND CREDENTIALS (RULES 13-17)

NOTE

Since 1948, the reports of the Secretary-General on the credentials of the representatives of members of the Security Council have been circulated to the delegations of all members of the Council and, in the absence of a request that they be considered by the Council, have been considered approved without objection. In practice, however, the credentials under rule 13 have been submitted and reported on by the Secretary-General only at times when changes in the representation of members of the Council have been made and when, at the beginning of each year, the representatives of the newly elected non-permanent members of the Council have been designated. That practice was followed during the period under review.

In one instance, during the period under review, a Member State that was participating in the discussion under rule 37 of the provisional rules of procedure challenged the legitimacy and representation of the Government of another Member State, also participating in the discussion under rule 37 (case 4). The President reaffirmed the international recognition of the Government in question. Subsequently, following a letter of protest at the position he had taken, the President sought and obtained a legal opinion on the credentials of the representative of the Government concerned from the Office of Legal Affairs of the Secretariat.

**A. CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 13-17

B. SPECIAL CASES CONCERNING THE APPLICATION OF RULES 13-17

CASE 4

At the 2567th meeting, on 30 January 1985, in connection with the letter dated 28 January 1985 from the representative of Chad, the representative of the Libyan Arab Jamahiriya referred to a letter dated 28 January 1985¹¹ in which, he said, his Government's position had been made clear. He stated that there was a legitimate Government of National Unity under Goukouni Oueddei and that the purpose of convening the meeting of the Security Council by the rebel regime of Hissein Habre in N'Djamena was, *inter alia*, to belittle the military importance and power of the legitimate Government and to give legitimacy to the rebel regime. He added that, in the effort to end the civil war in Chad, the Lagos Agreement had been signed by the 11 Chadian parties and that the Agreement had led to the formation of the Government that had been recognized by the Organization of African Unity. He maintained that the head of an army, Hissein Habre, who had sent a representative to address the Council, represented only one of 11 factions that had signed the Lagos Accord on National Reconciliation and that, therefore, the international community could not be deceived into giving legitimacy to a Government of only one faction, which had come to power through rebellion and force of arms, with the support of mercenary and foreign forces.¹²

The President (France) reminded the representative of the Libyan Arab Jamahiriya that the complaint that was being considered by the Security Council came from the internationally recognized Government of Chad and that its legitimacy could not be challenged in the Council. The President further stated that it had been at the request of the same Government that the President of the Council, speaking on behalf of its members, had made the statement of 6 April 1983,¹³ in which she had declared the recommendations of the Council regarding the settlement of the dispute between Chad and the Libyan Arab Jamahiriya.¹⁴

Subsequently, in a letter dated 1 February 1985 addressed to the President of the Council,¹⁵ the representative of the Libyan Arab Jamahiriya referred to the verbatim record of the 2567th meeting and categorically "denied" the remarks that had been made by the President, which Libya

had considered as representing the viewpoint of France alone, thus exceeding the role and the powers of the Presidency of the Council.

In a letter dated 5 February 1985 addressed to the President of the Council,¹⁶ the representative of France acknowledged the letter from the Libyan Arab Jamahiriya in which there was a reference to the position he had taken at the 2567th meeting as President of the Council, and attached the note he had received from the Office of Legal Affairs of the Secretariat containing the latter's legal opinion on the question. In the note annexed to the letter from France, it was stated that, on 12 October 1984, the Credentials Committee of the current, thirty-ninth session of the General Assembly had submitted its first report to the Assembly, and that the report had included the credentials of the delegation of Chad, which had been signed by Hissein Habre, President of the Republic of Chad, Chief of State, and had named as head of delegation Mr. Gouara-Lassou, Minister for Foreign Affairs and Cooperation. Moreover, the report of the Credentials Committee revealed that no member of the Committee had raised any question whatsoever regarding the credentials of Chad and that the Committee had adopted without a vote a resolution accepting all the credentials that were therefore in it, including those of Chad. When, on 17 October 1984, the General Assembly, at its 32nd plenary meeting, had taken up the first report of the Credentials Committee, a number of delegations—including that of the Libyan Arab Jamahiriya—had placed on record reservations concerning certain credentials that had been approved in the report of the Committee, but none of those delegations had entered any reservation whatsoever concerning the credentials of the delegation of Chad or the legitimacy of the Government that had issued the credentials. The note then concluded that, at its thirty-ninth session, the General Assembly had accepted, without any dissent, credentials for Chad that had been signed by President Hissein Habre and that the Assembly had therefore recognized the right of the Government concerned currently to represent Chad in the United Nations. The note from the Office of Legal Affairs finally drew attention, in the light of the letter dated 1 February 1985 from the representative of the Libyan Arab Jamahiriya, to the provisions of General Assembly resolution 396 (V) of 14 December 1950, regarding "Recognition by the United Nations of the representation of a Member State".

¹¹S/16912, OR, 40th yr., Suppl. for Jan.-March 1985.

¹²S/PV.2567, pp. 22-27 and 31 (second intervention).

¹³S/15688, see *Repertoire, Suppl. 1981-1984*, chap. VIII, part II.

¹⁴S/PV.2567, p. 29.

¹⁵S/16922, OR, 40th yr., Suppl. for Jan.-March 1985.

¹⁶S/16942, *ibid.*

Part III

PRESIDENCY (RULES 18-20)

NOTE

Part III of the present chapter is confined to the proceedings of the Security Council relating directly to the Office of the President. Material relevant to the exercise by the President of his functions in connection with the agenda is

dealt with in chapter II. The exercise by the President of his functions in the conduct of a meeting is reflected in the material included in part V of this chapter.

During the period under review, there was one case falling within the purview of rule 19, which deals with the

conduct of the Presidency (case 5). There were no special instances of the application of rules 18 and 20.

The Council continued to use informal consultations as a procedure for reaching decisions. In some instances, the President presented the results of such consultations to the Council in the form of a statement of consensus¹⁷ or as a draft resolution, which the Council then adopted without further debate.¹⁸ In other instances, the President announced the agreement or consensus in a note or letter circulated as a Council document. In one of those instances the letter from the President conveying the "provisional agreement" of the members of the Council to a set of proposals by the Secretary-General, in connection with the situation relating to Afghanistan, included the proviso that

that particular exchange of letters "not be regarded as a precedent for the future".¹⁹

****A. CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 18-20**

B. SPECIAL CASES CONCERNING THE APPLICATION OF RULES 18-20

Rule 19

CASE 5

Subsequent to the 2567th meeting, on 30 January 1985, in the course of which the President (France) had responded to the challenge by reaffirming the international legitimacy of the Government of the Republic of Chad (case 4),¹³ the representative of the Libyan Arab Jamahiriya addressed a letter dated 1 February 1985¹⁵ to the President (India) refuting the remarks by the Council's President at the 2567th meeting, which his Government considered as representing the viewpoint of France alone. He further noted in the letter that it was the second occasion on which the President of the Council had exceeded his or her power and had used the Presidency to express the point of view of his/her own country. He then referred, in that connection, to the statement by the President of the Council at the 2430th meeting, on 6 April 1983¹³ and said that his Government believed that such behaviour might have adverse consequences for the work of the Council and for its credibility as a neutral organ that merely transmitted the decisions of the members.

¹⁷For the texts of such statements, see S/17004, S/17036, S/17050, S/17130, S/17151, S/17206, S/17215, S/17408, S/17413, S/17424, S/17486, S/17501, S/17554, S/17575, S/17635, S/17653 and S/17702, OR, 40th yr., *Resolutions and Decisions of the Security Council, 1985*; S/17745, S/17932, S/18111, S/18138, S/18157, S/18320, S/18439, S/18487, S/18492 and S/18538 *ibid.*, 41st yr., *Resolutions and Decisions of the Security Council, 1986*; S/18610, S/18641, S/18691, S/18756, S/18808, S/18863, S/18885, S/19068, S/19301 and S/19382, *ibid.*, 42nd yr., *Resolutions and Decisions of the Security Council, 1987*; S/19626, S/19912, S/19959, S/20096, S/20156, S/20208, S/20306 and S/20330 *ibid.*, 43rd yr., *Resolutions and Decisions of the Security Council, 1988*.

¹⁸For the texts of such draft resolutions, see S/17100, adopted without change as resolution 561 (1985); S/17202, adopted without change as resolution 563 (1985); S/17232, adopted without change as resolution 564 (1985); S/17266, adopted without change as resolution 565 (1985); S/17567, adopted without change as resolution 575 (1985); S/17642, adopted without change as resolution 576 (1985); S/17680, adopted without change as resolution 578 (1985); S/17859, adopted without change as resolution 582 (1986); S/18019, adopted without change as resolution 583 (1986); S/18109, adopted without change as resolution 584 (1986); S/18151, adopted without change as resolution 585 (1986); S/18226, adopted without change as resolution 586 (1986); S/18383, adopted without change as resolution 588 (1986); S/18481, adopted without change as resolution 590 (1986); S/18474 (letter dated 24 November 1986 containing the recommendation in the form of a draft resolution from the Chairman of the Security Council Committee established by resolution 421 (1977)), adopted without change as resolution 591 (1986); S/18515, adopted without change as resolution 593 (1986); S/18597, adopted without change as resolution 594 (1987); S/18881, adopted without change as resolution 596 (1987); S/18909, adopted without change as resolution 597 (1987); S/18983, adopted without change as resolution 598 (1987); S/19008, adopted without change as resolution 599 (1987); S/19296, adopted without change as resolution 603 (1987); S/19338, adopted without change as resolution 604 (1987); S/19461, adopted without change as resolution 609 (1988); S/19911,

adopted without change as resolution 613 (1988); S/19936, adopted without change as resolution 614 (1988); S/20038, adopted without change as resolution 616 (1988); S/20069, adopted without change as resolution 617 (1988); S/20097, adopted without change as resolution 619 (1988); S/20193, adopted without change as resolution 621 (1988); S/20250, adopted without change as resolution 622 (1988); S/20300, adopted without change as resolution 624 (1988); S/20324, adopted without change as resolution 625 (1988); and S/20339, adopted without change as resolution 626 (1988).

¹⁹For the text of the letter, see S/19836, OR, 43rd yr., *Resolutions and Decisions of the Security Council, 1988*; for the texts of the other notes or letters, see S/17148, *ibid.*, 40th yr., *Resolutions and Decisions of the Security Council, 1985*; S/17506, *ibid.*; S/17635, *ibid.*; S/16913, *ibid.*, S/18033, *ibid.*, 41st yr., *Resolutions and Decisions of the Security Council, 1986*; S/18136, *ibid.*; S/19809, *ibid.*, 43rd yr., *Resolutions and Decisions of the Security Council, 1988*; S/19973, *ibid.*; S/20105, *ibid.*; S/20112, *ibid.*; S/20155, *ibid.*; and S/20352, *ibid.*

Part IV

SECRETARIAT (RULES 21-26)

NOTE

Part IV relates to rules 21-26 of the provisional rules of procedure, which delineate the specific functions and powers of the Secretary-General, under Article 98 of the Charter, in connection with the meetings of the Security Council.

During the period under review, the Secretary-General was requested or authorized:

(a) To submit reports on the implementation of the decisions on the question of South Africa and to monitor developments related to South Africa's threats of acts of aggression against neighbouring States;²⁰

²⁰Resolutions 560 (1985) of 12 March 1985, 569 (1985) of 26 July 1985, 581 (1986) of 13 February 1986 and 591 (1986) of 28 November 1986.

(b) To continue consultations with the Government of Lebanon, and other parties directly concerned, in connection with the mandate of the United Nations Interim Force in Lebanon (UNIFIL), and to submit a report thereon;²¹

(c) To make the necessary arrangements for a deployment of UNIFIL to the southern border of Lebanon, to adopt urgently measures for the reinforcement of the security of its personnel and to submit reports thereon;²²

(d) To keep the Council apprised of the development of the situation in Central America, in connection with the letter dated 6 May 1985 from the representative of Nicaragua, and the implementation of resolution 562 (1985);²³

(e) To submit, in connection with the situation in the Middle East and the mandate of the United Nations Disengagement Observer Force (UNDOF), a report on the developments in the situation and the measures taken to implement resolution 338 (1973);²⁴

(f) To submit a report, in connection with the situation in the occupied Arab territories, on the implementation of resolution 592 (1986) and to examine the situation in the territories by all means available to him and to report thereon;²⁵

(g) To continue his mission of good offices, in connection with the situation in Cyprus, to keep the Council informed of the progress made and to submit a report on the implementation of the resolution of the Council;²⁶

(h) To arrange, in connection with the situation in Namibia, a ceasefire between South Africa and the South West Africa People's Organization in order to undertake the administrative and other practical steps necessary for the emplacement of the United Nations Transition Assistance Group and to report on the progress in the implementation of Council resolutions;²⁷

(i) To monitor, in connection with the complaint of Angola against South Africa, developments in the situation, including the withdrawal of the South African military forces from the territory of Angola, and to report on the implementation of Council resolutions;²⁸

(j) To enter into consultation with the Government of Botswana and the relevant United Nations agencies on measures to assist that Government in ensuring the safety, protection and welfare of the refugees in Botswana and to report thereon;²⁹

(k) To submit a report, in connection with the letter dated 1 October 1985 from Tunisia, on the implementation of resolution 573 (1985);³⁰

(l) To establish, in consultation with the Government of Lesotho, an appropriate presence comprising one or two civilians in Maseru, for the purpose of keeping him informed of any development affecting the territorial integrity of Lesotho and to monitor, through appropriate means, the implementation of resolution 580 (1985) and the prevailing situation and to submit a report as necessary;³¹

(m) To continue or to intensify his ongoing efforts, in connection with the situation between Iran and Iraq, to assist the two parties to give effect to United Nations observers to verify, confirm and supervise the ceasefire and withdrawal; to make the necessary arrangements in consultation with the parties; to explore in consultation with Iran and Iraq the question of entrusting an impartial body with inquiring into responsibility for the conflict; to examine measures to enhance the security and stability of the region; to take the necessary steps to set up a United Nations Iran-Iraq Military Observer Group; to carry out prompt investigations in response to allegations brought to his attention by any Member State concerning the possible use of chemical and bacteriological (biological) or toxic weapons that may constitute a violation of the 1925 Geneva Protocol or other relevant or customary international law, in order to ascertain the facts of the matter; and to submit reports on all these;³²

(n) To report urgently, in connection with the letter dated 19 April 1988 from the representative of Tunisia, any new elements available to him and relating to the aggression;³³

(o) To appoint a special representative for Western Sahara and to submit a report as soon as possible on the holding of a referendum for self-determination of the people of Western Sahara and on ways and means to ensure the organization and supervision of such a referendum by the United Nations in cooperation with the Organization of African Unity;³⁴

(p) To keep the Council informed of further developments, in connection with the situation relating to Afghanistan, in accordance with the Geneva agreements and the arrangements for the temporary dispatch to Afghanistan

²¹Resolutions 561 (1985) of 17 April 1985, 575 (1985) of 17 October 1985, 583 (1986) of 18 April 1986, 586 (1986) of 18 July 1986, 594 (1987) of 15 January 1987, 599 (1987) of 31 July 1987, 609 (1988) of 29 July 1988 and 617 (1988) of 29 July 1988.

²²Resolution 587 (1986) of 23 September 1986 and presidential statements of 5 September and 31 October 1986, respectively, S/18320 and S/18439, *OR, 41st yr., Resolutions and Decisions of the Security Council, 1986*.

²³Resolution 562 (1985) of 10 May 1985.

²⁴Resolutions 563 (1985) of 17 April 1985, 576 (1985) of 21 November 1985, 584 (1986) of 29 May 1986, 590 (1986) of 26 November 1986, 596 (1987) of 29 May 1987, 603 (1987) of 25 November 1987, 613 (1988) of 31 May 1988 and 624 (1988) of 30 November 1988.

²⁵Resolutions 592 (1986) of 8 December 1986 and 605 (1987) of 22 December 1987.

²⁶Resolutions 565 (1985) of 14 June 1985, 578 (1985) of 12 December 1985, 585 (1986) of 13 June 1986, 593 (1986) of 11 December 1986, 597 (1987) of 12 June 1987, 604 (1987) of 14 December 1987, 614 (1988) of 15 June 1988 and 625 (1988) of 15 December 1988, and presidential statement of 20 September 1985, S/17486, *OR, 43rd yr., Resolutions and Decisions of the Security Council, 1988*.

²⁷Resolutions 566 (1985) of 19 June 1985 and 601 (1987) of 30 October 1987 and presidential statement of 29 September 1988, S/20208, *OR, 43rd yr., Resolutions and Decisions of the Security Council, 1988*.

²⁸Resolutions 567 (1985) of 20 June 1985, 577 (1985) of 6 December 1985, 602 (1987) of 25 November 1987, and 606 (1987) of 23 December 1987.

²⁹Resolutions 568 (1985) of 21 June 1985 and 572 (1985) of 30 September 1985.

³⁰Resolution 573 (1985) of 4 October 1985.

³¹Resolution 580 (1985) of 30 December 1985.

³²Resolutions 582 (1986) of 24 February 1986, 588 (1986) of 8 October 1986, 598 (1987) of 20 July 1987, 619 (1988) of 9 August 1988 and 620 (1988) of 26 August 1988 and presidential statements of 21 March and 22 December 1986, respectively, S/17932 and S/18538, *OR, 41st yr., Resolutions and Decisions of the Security Council, 1986*; presidential statements of 16 January, 14 May and 24 December 1987, respectively, S/18610, S/18863 and S/19382; *ibid., 42nd yr., Resolutions and Decisions of the Security Council, 1987*; and presidential statements of 16 March and 18 August 1988, respectively, S/19626 and S/20096, *ibid., 43rd yr., Resolutions and Decisions of the Security Council, 1988*.

³³Resolution 611 (1988) of 25 April 1988.

³⁴Resolution 621 (1988) of 20 September 1988.

and Pakistan of military officers from existing United Nations operations to assist in the mission of good offices;³⁵

(q) To take the necessary steps, in connection with the letters, both dated 17 December 1988, from the representatives of Angola and Cuba, for the establishment of a United Nations Angola verification mission, to report im-

mediately after the signature of the agreements referred to in paragraph 4 of resolution 626 (1988) and to inform the Council of further developments.³⁶

There were no special instances, during the period under review, of the application of rules 21-26.

³⁵Resolution 622 (1988) of 31 October 1988.

³⁶Resolution 626 (1988) of 20 December 1988.

Part V

CONDUCT OF BUSINESS (RULES 27-36)

NOTE

Part V sets out the cases bearing on rules 27-36. Material relating to rule 28 can be found in chapter V, which deals with the subsidiary organs of the Security Council. Material relating to rules 37-39 is covered in chapter III, which deals with participation in the proceedings of the Security Council. During the period under review, there were no special instances of the application of rules 29, 34, 35 and 36.

As in previous volumes of the *Repertoire*, the cases assembled here are indicative of the special problems that arose in the application of the rules on the conduct of business, rather than the routine practice of the Council. They relate to such matters as:

(a) Rule 27, on the order of intervention in the debate (case 6);

(b) Rule 30, on the extent to which the President rules on a point of order (cases 7 and 8). Those instances in which representatives, having asked to be recognized on a point of order, made statements in which no rule was required have not been included in the present study;

(c) Rule 32, on the order of precedence of principal motions and draft resolutions, including requests for separate voting on parts of a motion or of a draft resolution (cases 9-13);

(d) Rule 33, on the suspension and adjournment of meetings (cases 14-17).

** A. CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 27-36

B. SPECIAL CASES CONCERNING THE APPLICATION OF RULES 27-36

Rule 27

CASE 6

At the 2655th meeting, on 6 February 1986, in connection with the letter dated 4 February 1986 from the representative of the Syrian Arab Republic, the President, after thanking the representative of the United Kingdom for his statement after the vote on the draft resolution,³⁷ appealed

³⁷S/17796 (draft resolution submitted by the Congo, Ghana, Madagascar, Trinidad and Tobago and the United Arab Emirates, subsequently revised, voted upon and not adopted), *OR, 41st yr., Suppl. for Jan.-March, 1986*

urgently, in view of the lateness of the hour, in particular to the representatives of Israel, the Libyan Arab Jamahiriya and the Syrian Arab Republic—who were participating in the Security Council's discussion under rule 37 of the provisional rules of procedure—not to insist on their desire to speak. The President then stated that he had just been informed that the Union of Soviet Socialist Republics, a member of the Council, wished to speak in the exercise of the right of reply and that, naturally, if he called on the representative of the Soviet Union, he should be obliged to call on all the others who had requested to speak. But, the President added, since the Soviet Union was a member of the Council, he thought that the appeal he had made to the non-members of the Council remained valid. The President then called on the representative of the Soviet Union to make a statement in the exercise of the right of reply.

The representative of the Soviet Union noted, at the outset of his statement, that it seemed to him that "everybody" and not just members of the Security Council had the right to exercise the right of reply, and that the President's decision might be disputed. The representative of the Soviet Union said that, in any event, he was using his right of reply and then he continued with his statement. Following the statement by the representative of the Soviet Union, the President renewed his "urgent appeal" that he had made to the representatives of Israel, the Libyan Arab Jamahiriya and the Syrian Arab Republic not to insist on the request to speak. There was no objection.³⁸

Rule 30

CASE 7

At the 2655th meeting, on 6 February 1986, in connection with the letter dated 4 February 1986 from the representative of the Syrian Arab Republic, the representative of the United Arab Emirates requested as a point of order that the Security Council proceed to the vote on the draft resolution³⁷ and postpone further statements "in reply" until after the vote. The President stated that the Council would then proceed to the vote. There was no objection.³⁹

CASE 8

At the 2774th meeting, on 16 December 1987, in connection with the situation in the occupied Arab territories,

³⁸S/PV.2655, pp. 122-128.

³⁹*ibid.*, p. 108.

the President stated that the representative of India, who was participating in the discussion under rule 37 of the Security Council's provisional rules of procedure, wished to speak in exercise of the right of reply and invited him to take a place at the Council table. The representative of the United Kingdom of Great Britain and Northern Ireland then raised a point of order and said that he understood that in fact there were no rights of reply in the Security Council, and that representatives who were not members of the Council were invited simply to address the Council and make statements. He added that he thought it important that no wrong precedent be set, and that, while they welcomed statements, there was no right of reply.

The President differed with the statement that was made by the representative of the United Kingdom on a point of order, and said that they had, with the consent of the Council, invited the representative of India to make a statement. The President said that, according to established practice in the Council, the representative of India had the right to exercise his right of reply, and he called upon him to make a statement. There was no challenge.⁴⁰

Rule 32

CASE 9

At the 2580th meeting, on 10 May 1985, in connection with the letter dated 6 May 1985 from the representative of Nicaragua, the representative of India requested, under rule 38 of the Security Council's provisional rules of procedure,⁴¹ that the draft resolution submitted by Nicaragua,⁴² which was participating in the discussion under rule 37, be put to the vote. The representative of the United States of America requested a paragraph-by-paragraph vote on the draft resolution, stating that separate votes on each paragraph would demonstrate to the Council the existence of broad areas of agreement between the position of his Government and that of the Government of Nicaragua. There was no objection. Following a separate vote on each paragraph, during which the eighth preambular paragraph and operative paragraphs 1 and 2 were not adopted, the remaining parts of the draft resolution were voted on as a whole and adopted unanimously as resolution 562 (1985).⁴³

CASE 10

When the 2607th meeting resumed (case 16), the President said that they were back at the point at which, before the suspension of the meeting, he had stated that, if there was no objection, they would proceed to the vote on the six-Power draft resolution as orally revised.⁴⁴ The representative of the United States of America said that the only paragraph with which they had any difficulty was operative paragraph 5 of the draft resolution, as orally revised,

and requested whether under rule 32 they could have a separate vote on paragraph 5 and then proceed with a vote on the rest of the draft resolution. There was no objection.⁴⁵

CASE 11

At the 2617th meeting, on 7 October 1985, in connection with the complaint by Angola against South Africa, the President requested, in his capacity as representative of the United States of America, that a separate vote be taken on operative paragraph 6 of the six-Power draft resolution before the Council.⁴⁶ There was no objection. Following the adoption of operative paragraph 6 by a vote of 14 in favour to none against and 1 abstention, the draft resolution as a whole, including operative paragraph 6, was voted upon and adopted unanimously as resolution 574 (1985).⁴⁷

CASE 12

At the 2631st meeting, on 6 December 1985, in connection with the complaint by Angola against South Africa, when the President put, without objection, the six-Power draft resolution⁴⁸ to the vote, the representative of the United States of America requested a separate vote on operative paragraph 6 of the draft resolution. He also stated that, as in previous similar situations, he believed that their request, if acceded to, would facilitate the broadest possible support for the draft resolution. There was no objection and operative paragraph 6 was separately voted on and adopted by 14 to none, with 1 abstention. The draft resolution as a whole, including operative paragraph 6, was voted upon and adopted unanimously as resolution 577 (1985).⁴⁹

CASE 13

At the 2686th meeting, on 23 May 1986, in connection with the situation in southern Africa, the representative of Trinidad and Tobago introduced, on behalf of the sponsors, a series of oral revisions to the five-Power draft resolution,⁵⁰ and requested that the draft resolution, as orally revised, be put to the vote.

The representative of the United Kingdom of Great Britain and Northern Ireland welcomed the oral amendments, which, he said, were helpful and, in the light of which, he asked for a separate vote on the twelfth preambular paragraph and on operative paragraph 6. In response to that request, the representative of Trinidad and Tobago said that, in accordance with rule 32, he would like the Security Council to proceed to a vote on the five-Power draft resolution, as orally revised, as a whole. The President quoted

⁴⁰S/PV.2607, pp. 51 and 52.

⁴¹S/17531 (draft resolution submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago), subsequently voted upon and adopted as resolution 574 (1985), following a separate vote on operative paragraph 6.

⁴²S/PV.2617, pp. 48 and 49.

⁴³S/17667 (draft resolution submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago), subsequently voted upon and adopted as resolution 577 (1985), following a separate vote on operative paragraph 6.

⁴⁴S/PV.2631, pp. 31 and 32.

⁴⁵S/18087 (draft resolution submitted by the Congo, Ghana, Madagascar, Trinidad and Tobago and the United Arab Emirates), subsequently orally revised, voted upon and not adopted, *OR, 41st yr., Suppl. for April-June, 1986*.

⁴⁰S/PV.2774, pp. 77 and 78.

⁴¹For the application of rule 38, see chap. III, "Participation in the proceedings of the Security Council".

⁴²S/17172, subsequently voted upon and adopted as resolution 562 (1985), following a separate vote on each paragraph; see also chap. IV, "Voting".

⁴³S/PV.2580, pp. 116-128; see also note 42.

⁴⁴S/17481 (draft resolution submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago), orally revised and subsequently voted upon and adopted as resolution 571 (1985), following a separate vote on operative paragraph 5.

the relevant part of rule 32 of the Council's provisional rules of procedure, which states:

"Parts of a motion or of a draft resolution shall be voted on separately at the request of any representative, unless the original mover objects."

Following his quotation of the pertinent part of rule 32, the President stated that, since the sponsors of the draft resolution had objected to the proposal for separate votes on parts of the draft resolution, the Council would consider the draft resolution as a whole. The representative of the United Kingdom requested a clarification, stating that he had not actually heard the representative of Trinidad and Tobago objecting to the proposal and that it had not been clear that he had been objecting. The representative of Trinidad and Tobago stated that, while what he had previously said ought to have met the case, he would remove all question of doubt by restating to the Council that he had been authorized by the original movers of the draft resolution, as orally revised, to inform the Council that they objected to the proposal and that the Council should proceed to vote on the draft resolution as a whole. The Council proceeded to the vote on the draft resolution, as orally revised, as a whole.⁵¹

Rule 33

CASE 14

At the 2572nd meeting, on 11 March 1985, in connection with the situation in the Middle East, the representative of the United Kingdom of Great Britain and Northern Ireland raised a point of order and wondered what the intentions of the President were and how they should proceed further in the debate. He noticed they had a long list of speakers and said that he did not even know whether the list he had was a comprehensive list or whether there might yet be more and that, given the lateness of the hour and conflicting engagements some of them had, he personally preferred to close the deliberations for that evening rather soon.

The President recalled what had been agreed at the 2570th meeting, on 7 March 1985, and said that, since there had been no formal request for suspension of the meeting, he had intended to exhaust the list of speakers and proceed to a vote on the draft resolution.⁵² The representative of the United Kingdom reiterated his preference that the Security Council continue its discussion the following morning since they still had a lengthy list of speakers to which a number of explanations of vote would certainly be added if they proceeded to the vote that night. The President asked if the representative of the United Kingdom would call for the application of rule 33 to adjourn the meeting and, when the latter acceded to the request, the President read out the entire provisions of rule 33 of the provisional rules of the Council's procedure. The President then asked if there was any objection to the proposal by the representative of the United Kingdom. There was none, and the meeting was adjourned until 10.30 a.m. the following day.⁵³

⁵¹S/PV.2686, pp. 126 and 127; see also chap. IV, "Voting".

⁵²S/17000 (draft resolution submitted by Lebanon, subsequently voted upon at the 2573rd mtg., on 12 March 1985, and not adopted), *OR, 40th yr., Suppl. for Jan.-March, 1985*.

⁵³S/PV.2572, pp. 104-107.

CASE 15

At the 2600th meeting, on 25 July 1985, during the Security Council's consideration of the question of South Africa, the representative of France requested that the meeting be suspended for some 45 minutes to allow certain consultations with a view to voting on the draft resolution,⁵⁴ when the meeting resumed. The representative of Burkina Faso, speaking on behalf of the members of the Security Council belonging to the Movement of Non-Aligned Countries, also requested, under rule 33, paragraph 1, of the provisional rules of procedure, that the meeting be suspended to enable consultations on the draft resolution. The meeting was suspended at 7.45 p.m.

When the meeting resumed at 12.05 a.m., the representative of France proposed that the draft resolution be put to the vote. The representative of Burkina Faso, speaking on behalf of the members of the Council belonging to the Movement of Non-Aligned Countries, requested that the vote be postponed to allow some members of the Council to seek instructions from their Governments. The President proposed to adjourn the meeting, bearing in mind the statements by the representative of France—a sponsor of the draft resolution before the Council—and by the representative of Burkina Faso, as well as the fact that a few speakers remained to be heard. The President stated that the next meeting of the Council would be held later on that day, at 11.00 a.m., and asked interested parties to meet before then to continue with the consultations. There was no objection.⁵⁵

CASE 16

At the 2607th meeting, on 20 September 1985, in connection with the complaint by Angola against South Africa, the President declared that the Security Council was ready to proceed to the vote on the six-Power draft resolution,⁵⁴ and then announced that he had been informed by the sponsors of the draft resolution of revisions to two paragraphs, one of which was of a textual nature. When the President said that they would then proceed to the vote on the draft resolution, as orally revised, the representative of the United States of America requested, under rule 33, a "short recess" to discuss the matter further before putting the revised draft resolution to a vote (see case 10).

The representative of the Union of Soviet Socialist Republics asked if that was possible under the rules of procedure since they had already started the process of voting. To that, the President responded, while he was open to expert opinion, that his personal understanding was that once the voting procedure had started, it should not be interrupted. The President further said that, perhaps under the circumstances, the request of the representative of the United States of America might be granted. To a further question by the representative of the Ukrainian Soviet Socialist Republic as to how long he intended the recess to be, the President suggested that it would be of some 10 minutes. Following that exchange, the representative of India requested all members of the Council to stay in the chamber or nearby so that they could reconvene in 10 min-

⁵⁴S/17354 (draft resolution submitted by Denmark and France), subsequently revised and adopted at the 2602nd mtg., on 26 July 1985, as resolution 569 (1985).

⁵⁵S/PV.2600, pp. 91-101.

utes. The representative of the Soviet Union then stated that he presumed it was understood that the current decision would not constitute a precedent or introduce any changes in the rules of procedure of the Council. The President concurred with that understanding and the meeting was suspended for 10 minutes.⁵⁶

CASE 17

At the 2776th meeting, on 18 December 1987, in connection with the situation in the occupied Arab territories, the President stated that intensive consultations had taken place that day between the sponsors of the five-Power draft resolution⁵⁷ and several members of the Security Council

in order to produce a text that would command the broadest support within the Council. The President added that he had been informed that the consultations on the matter had not been completed and that, in that connection, he had been requested to suspend the meeting for one hour. There was no objection.

When the meeting resumed, the President said that he had been informed that further consultations were required among the sponsors of the draft resolution and members of the Council and that the Council should, therefore, defer action on the draft resolution until the afternoon of the following Monday, 21 December. There was no objection and the meeting was adjourned.⁵⁸

⁵⁶S/PV.2607, pp. 46-51.

⁵⁷S/19352 (draft resolution submitted by Argentina, the Congo, Ghana, the United Arab Emirates and Zambia), subsequently revised and adopted at the 2777th mtg., on 22 December 1987, as resolution 605 (1987).

⁵⁸S/PV.2776, pp. 40 and 41.

Part VI

VOTING (RULE 40)

NOTE

Rule 40 of the provisional rules of procedure contains no detailed provisions concerning the mechanics of the vote or the majorities by which the various decisions of the Council should be taken. It simply provides that voting in the Council shall conform to the relevant Articles of the Charter and of the Statute of the International Court of Justice. Material concerning the majorities by which the decisions of the Council should be taken will be found in chapter IV, "Voting". Material concerning certain aspects of the mechanics of voting has already been presented elsewhere in this chapter.

During the period under review, members of the Council on certain occasions referred to a rule that does not appear

in the provisional rules of procedure of the Council but in the Rules of Procedure of the General Assembly, under which the voting process may not be interrupted once it is in progress except for reasons relating to the actual conduct of the voting (see case 16).⁵⁹

On certain other occasions, members of the Council, as in the past, were recorded as not participating in the vote on resolutions declared to have been adopted. During the period covered by the present supplement, there were no special instances relating to the application of rule 40.

⁵⁹Other occasions on which members of the Council referred to a rule that does not appear in the provisional rules of procedure of the Council but in the rules of the General Assembly, relate to statements in the exercise of the "right of reply" (see cases 6-8).

*Part VII

**LANGUAGES (RULES 41-47)

**NOTE

**A. CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 41-47

**B. SPECIAL CASES CONCERNING THE APPLICATION OF RULES 41-47

Part VIII

PUBLICITY OF MEETINGS, RECORDS (RULES 48-57)

NOTE

In accordance with rule 49, the verbatim records of each meeting are made available in the working languages to the representatives on the Security Council, as well as to the

representatives of any other States that participated in the meeting. A note is incorporated in mimeographed copies of the record showing the time and date of distribution. Corrections are requested in writing, in quadruplicate, within three working days, to be submitted in the same

language as the text to which they refer. These corrections are included, in the absence of any objection, in the *Official Record* of the meeting, which is printed and distributed as soon as possible after the time limit for correction. During the period under review, the Council held six private meetings.⁶⁰ At the close of each meeting, the Council issued a communiqué through the Secretary-General, in accordance with rule 55 of the provisional rules of procedure.

There were no special instances of the application of rules 48-57 during the period covered by the present *Supplement*. However, there were rare occasions during the Council's deliberations on which implicit references were made to rule 48 of the provisional rules of procedure. At the 2608th meeting,⁶¹ which was a commemorative meeting held on 26 September 1985 at the level of Foreign Ministers, in celebration of the fortieth anniversary of the Organization, there were a few instances that might be viewed as some discussion or interpretation of the purposes and advantages of rule 48. On the one hand, the representative of France declared the meeting "unprecedented" and said that the 1970 meeting⁶² of the Council at the ministerial level had had no impact on international public opinion, because it had taken place in private. He stated that the current meeting was a public one because they had wanted it to be so and that, while "quiet diplomacy" might have its virtues, it was nevertheless not the natural role of the Council, which had been designed to take public positions. In their view, he said, that was even more necessary 40 years after the entry into force of the Charter and at a time when the speed and impact of audiovisual communications entailed that there should be

a close link between international public opinion and the persons and organs responsible for diplomatic actions. He asserted that, far from growing stronger, the link had actually weakened and that currently there was a gulf between the Council and world public opinion.⁶³

On the other hand, the representative of Australia said that, since they had joined the Council as a non-permanent member, they had tried to help improve the Council's capacity for "quiet diplomacy" through such means as, for instance, the reduction of the number of participants in Council deliberations, the holding of periodic meetings to review the state of international security and taking timely action to prevent the Council from waiting until crises had actually arrived before calling on the Secretary-General to try to settle them. He stated that Australia also agreed with the Secretary-General's approach that the Council should make a concerted effort to deal with one or two of the major problems that were before it and that it should redouble its attempts to end the war between Iraq and Iran. To that end, he said, the Government of Australia had proposed that the Council have separate private meetings with each of the parties to the conflict. In order to help break the impasse, he added, the scope for progress towards a solution could be explored privately at such meetings. He then regretted, in the same context, that his Government's idea to hold the present meeting in private had not been favoured and was of the opinion that, had it been a private, informal session, they could have exchanged ideas freely and frankly on how to make the Council work more effectively.⁶⁴

At the same meeting, the President, speaking in his capacity as the representative of the United Kingdom of Great Britain and Northern Ireland, stated that, over the years, the Council had turned out to be probably an agent more of persuasion than of coercion; that their functions, when performed at their best, had tended to move away from open public meetings to "discussions in confidence";⁶⁵ and that in such and in other ways they had achieved some notable successes. He further stated that not every problem was best considered by being publicly debated; that not every debate was best terminated by a resolution; and that the idea of private, formal meetings might reduce the scope for "propaganda" and increase the Council's ability to play a constructive role.⁶⁶

⁶⁰The six meetings were the following:

2566th	29 January 1985	Consideration of the draft report of the Security Council to the General Assembly;
2627th	15 November 1985	Consideration of the draft report of the Security Council to the General Assembly;
2714th	10 October 1986	Recommendation regarding the appointment of the Secretary-General of the United Nations;
2720th	12 November 1986	Consideration of the draft report of the Security Council to the General Assembly;
2768th	25 November 1987	Consideration of the draft report of the Security Council to the General Assembly;
2829th	8 November 1988	Consideration of the draft report of the Security Council to the General Assembly.

⁶¹The agenda for the meeting was: "United Nations for a better world and the responsibility of the Security Council in maintaining international peace and security".

⁶²1555th meeting, on 21 October 1970 (first periodic meeting), see *Repertoire of the Practice of the Security Council, Supplement 1969-1971*.

⁶³S/PV.2608, p. 71.

⁶⁴Ibid., pp. 112 and 113.

⁶⁵The reference to "discussions in confidence" might well be a reference to the Council's "informal consultations of the whole", and not necessarily to a "private meeting" as stipulated under rule 48 of the provisional rules of procedure. The Council's "consultations of the whole" is an arrangement of convenience for negotiating or drafting purposes established in practice outside the framework of the provisional rules of procedure of the Security Council.

**Part IX

** APPENDIX TO THE PROVISIONAL RULES OF PROCEDURE

Chapter II

AGENDA

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INTRODUCTORY NOTE

The present chapter relates to material concerning rules 6 to 11 of the provisional rules of procedure of the Security Council.

As in the previous volumes of the *Repertoire*, the material in the present chapter is presented directly under the rule of procedure to which it relates. The chapter is divided into four parts: part I, Consideration of the adoption or amendment of rules 6-12; part II, The provisional agenda (rules 6-8); part III, Adoption of the agenda (rule 9); and part IV, The agenda: Matters of which the Security Council is seized (rules 10 and 11).

No material has been entered under part I since the Council did not have occasion to consider any change in rules 6 to 12. Nor was any material found for treatment under part II dealing with the circulation of communications by the Secretary-General and the preparation and communication of the provisional agenda.

Part III contains material on the procedure and practice of the Security Council in connection with the adoption of the agenda. No material has been found for treatment under section A dealing with the procedure of the Council in voting on the adoption of the agenda. In section B no material has been entered under subheading 1 dealing with consideration of the requirements for the inclusion of an item in the agenda. Subheading 2 includes one case history concerning the effect of the inclusion of an item on the agenda.

No material was found for inclusion in section C dealing with other questions that were discussed in connection with the adoption of the agenda. Part IV relates to the list of matters of which the Council is seized. No entry is presented under section A relating to rule 10. The tabulation in section B (rule 11) supplements the tabulation in the previous volume of the *Repertoire* and indicates the changes that have since occurred in the list of matters of which the Council is seized.

** Part I

CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 6-12

Part II

THE PROVISIONAL AGENDA

NOTE

The questions raised in this section concern the application of the provisional rules of procedure to the preparation, approval and circulation of the provisional agenda and the circulation by the Secretary-General of communications concerning matters for consideration by the Council.

Under the provisions of rule 6, the Secretary-General is obliged to bring to the attention of members of the Council all communications from States, organs of the United Nations or the Secretary-General concerning all matters for the consideration of the Council. During the period under review, however, there were no instances in which the question of circulation of communications arose. Commu-

nications from regional arrangements or agencies received pursuant to Article 54 of the Charter are also circulated in the S/ series of documents.

Rule 7 entrusts the drawing up of the provisional agenda for each meeting to the Secretary-General subject to the approval of the President of the Council. The Secretary-General's discretion with respect to the inclusion of new items is restricted to those items that have been brought to the attention of the Council under rule 6. In addition to the express provisions of rule 7, the Secretary-General also has to take into account whether a specific request to include the item has been made. During the period under review there was no instance involving the manner of preparing the provisional agenda.

Part III

ADOPTION OF THE AGENDA (RULE 9)

NOTE

Under rule 9, the first item on the provisional agenda for each meeting of the Security Council is the adoption of the agenda. Unless an objection has been raised, the Council usually adopts the provisional agenda without vote, either with or without amendments.

During the period under review, the Council included 24 new issues in its agenda, which in some cases dealt with specific incidents or aspects of more general questions. Not all requests from Member States for the consideration of issues led to formal meetings of the Council.

No material was found for inclusion in section A concerning the procedure of the Council in voting on the adoption of the agenda.

Section B refers to case histories of the discussion in the Council when objection has been raised to the adoption of the agenda in connection with the substance of the item on the provisional agenda. The case histories are not concerned with the grounds of objection, which are, however, briefly indicated. No material was found for treatment under subheading 1 concerning discussion in the Council of the requirements for the inclusion of an item in the agenda. Subheading 2 deals with the effects of such inclusion (case 1).

Section C refers to instances when the Council discussed other questions of procedure arising on adoption of the agenda such as the order of discussion of items, the scope of items in relation to the scope of the discussion, the phrasing of agenda items and the participation of non-members of the Council before the adoption of the agenda. No material was found for inclusion in the section during the period under review.

During that period, participation in the discussion of the adoption of the agenda was limited to members of the Council.

****A. PROCEDURE OF VOTING ON THE ADOPTION OF THE AGENDA**

****1.** Votes taken concerning individual items on the provisional agenda

****2.** Votes taken on proposals to determine or change the order of items

****3.** Votes taken on the adoption of the agenda as a whole

B. CONSIDERATION OF:

****1.** Requirements for the inclusion of an item in the agenda

2. Effect of the inclusion of an item in the agenda

CASE 1

At the 2791st meeting, on 16 February 1988, the provisional agenda read as follows:¹

1. Adoption of the agenda.

2. Letter dated 10 February 1988 from the Permanent Observer of the Republic of Korea to the United Nations addressed to the President of the Security Council (S/19488).

Letter dated 10 February 1988 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council (S/19489).

The representative of the Union of Soviet Socialist Republics stated that his delegation did not consider it useful to include on the agenda of the Security Council the question of the destruction of the South Korean aircraft. The document submitted by South Korea could not serve as a point of reference for the Council's debate. In his view the inclusion of that item on the agenda could have negative consequences for the already quite tense situation in the Korean peninsula. He wanted the position of his delegation to be reflected in the records of the Security Council.

The President (United States) said that the statement by the representative of the Union of Soviet Socialist Republics would be included in the official records of the Council. In the absence of other speakers (or any objections) the agenda was adopted.

****C. OTHER DISCUSSION ON THE ADOPTION OF THE AGENDA**

****1.** Order of discussion of the items on the agenda

****2.** Scope of items and sub-items on the agenda in relation to the scope of the discussion

****3.** Phrasing of items on the agenda

¹S/Agenda/2791.

Part IV

THE AGENDA: MATTERS OF WHICH THE SECURITY COUNCIL IS SEIZED (RULES 10 AND 11)

NOTE

Rule 10 of the provisional rules of procedure was designed to enable the Security Council to continue, at its next meeting, the consideration of an item of unfinished business without subjecting that item to renewed debate in connection with the adoption of the agenda. In practice, however, the provisional agenda has not contained all items of unfinished business.

In the previous volumes of the *Repertoire*, it was noted that items on the agenda of the Council have remained on the Secretary-General's summary statement of matters of which the Council is seized when the tenor of the Council's discussion or its specific decisions have revealed a continuing concern with the matter.

During the period under review, additional evidence supporting such retention was provided when the President of

the Council announced, upon conclusion of the debate, that the Council remained seized of a question.

The tables appearing in section B.1 supplement the tables in the previous volume of the *Repertoire* and indicate the changes that have since occurred in the list of matters of which the Council is seized.

****A. RULE 10**

B. RULE 11

1. Retention and deletion of items from the Secretary-General's summary statements on matters of which the Security Council is seized

This table supplements those appearing in previous volumes of the *Repertoire*. Part (a) indicates items added to the list of matters of which the Council was seized during

the period 1985-1988 and part (b) indicates items appearing on previous lists concerning which new information was included in the summary statements during that period.

The deletion of items, dealt with in part (c), takes place following a request addressed to the Secretary-General by the Member States parties to the issue in question. Such a request is brought to the attention of the members of the Council by the Secretary-General in an informal communication seeking their consent to the deletion of the item. In the absence of objections on the part of the members of

the Council, the Secretary-General then deletes the item in question from the annual list of matters of which the Council is seized. Items may also be deleted with the consent of the Council, on the initiative of the President or individual members of the Council or by a decision at the close of a debate. During the period covered by the present Supplement, two items were deleted from the list. Part (d) indicates statements of the President that appeared on the summary statement or in the Security Council reports, but were not adopted as an agenda item during the period 1985-1988.

(a) ITEMS ADDED TO THE LIST OF MATTERS OF WHICH THE SECURITY COUNCIL WAS SEIZED DURING THE PERIOD 1985-1988

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as at 31 December 1988</i>	<i>Final entry in summary statement as at 31 December 1988</i>
Letter dated 28 January 1985 from the Chargé d'affaires a.i. of the Permanent Mission of Chad to the United Nations addressed to the President of the Security Council	2567th meeting, 30 January 1985	S/16880/Add.4, 13 February 1985	Adopted agenda and heard statements	
Letter dated 6 May 1985 from the Permanent Representative of Nicaragua to the United Nations addressed to the President of the Security Council	2577th meeting, 8 May 1985	S/16880/Add.18, 20 May 1985	Adopted resolution 562 (1985), 2580th meeting, 10 May 1985	
Letter dated 17 June 1985 from the Permanent Representative of Botswana to the United Nations addressed to the President of the Security Council	2598th meeting, 21 June 1985	S/16880/Add.24, 9 June 1985	Adopted resolution 568 (1985), 2599th meeting, 21 June 1985	
United Nations for a better world and the responsibility of the Security Council in maintaining international peace and security	2608th meeting, 26 September 1985	S/16880/Add.38, 16 October 1985	President made a statement (S/17501), 2608th meeting, 26 September 1985	S/16880/Add.38, 16 October 1985
Letter dated 26 September 1985 from the Permanent Representative of Botswana to the United Nations addressed to the President of the Security Council	2609th meeting, 30 September 1985	S/16880/Add.39, 6 November 1985	Adopted resolution 572 (1985), 2609th meeting, 30 September 1985	
Letter dated 1 October 1985 from the Permanent Representative of Tunisia to the United Nations addressed to the President of the Security Council	2610th meeting, 2 October 1985	S/16880/Add.39, 6 November 1985	Adopted resolution 573 (1985), 2615th meeting, 4 October 1985	
Letter dated 6 December 1985 from the Chargé d'affaires a.i. of the Permanent Mission of Nicaragua to the United Nations addressed to the President of the Security Council	2633rd meeting, 10 December 1985	S/16880/Add.49, 19 December 1985	Adopted agenda and heard statements	
Letter dated 16 December 1985 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council (hostage-taking and abduction)	2637th meeting, 18 December 1985	S/16880/Add.50, 31 December 1985	Adopted resolution 579 (1985), 2637th meeting, 18 December 1985	

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as at 31 December 1988</i>	<i>Final entry in summary statement as at 31 December 1988</i>
Letter dated 4 February 1986 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council	2651st meeting, 4 February 1986	S/17725/Add.5, 18 February 1986	Failed to adopt draft resolution S/17796/Rev.1, 2655th meeting, 6 February 1986	
The situation in southern Africa	2652nd meeting, 5 February 1986	S/17725/Add.5, 18 February 1986	Adopted agenda and heard statements	
Letter dated 25 March 1986 from the Permanent Representative of Malta to the United Nations addressed to the President of the Security Council	2668th meeting, 26 March 1986	S/17725/Add.12, 15 April 1986	Adopted agenda and heard statements Draft resolution (S/17954), 2671st meeting, 31 March 1986 - not voted	
Letter dated 25 March 1986 from the Permanent Representative of the Union of Soviet Socialist Republics to the United Nations addressed to the President of the Security Council				
Letter dated 26 March 1986 from the Permanent Representative of Iraq to the United Nations addressed to the President of the Security Council				
Letter dated 12 April 1986 from the Chargé d'affaires a.i. of the Permanent Mission of Malta to the United Nations addressed to the President of the Security Council	2672nd meeting, 12 April 1986	S/17725/Add.14, 23 April 1986	Adopted agenda and heard statements Draft resolution (S/17984), 2673rd meeting, 14 April 1986	
Letters dated 15 April 1986 from the Chargés d'affaires a.i. of the Permanent Missions of the Libyan Arab Jamahiriya, Burkina Faso and the Syrian Arab Republic, and from the Permanent Representative of Oman to the United Nations addressed to the President of the Security Council	2674th meeting, 15 April 1986	S/17725/Add.15, 30 April 1986	Failed to adopt draft resolution S/18016/Rev.1, 2682nd meeting, 21 April 1986	
Letter dated 27 June 1986 from the Permanent Representative of Nicaragua to the United Nations addressed to the President of the Security Council	2694th meeting, 1 July 1986	S/17725/Add.26, 16 July 1986	Adopted agenda and heard statements	
Letter dated 22 July 1986 from the Permanent Representative of Nicaragua to the United Nations addressed to the President of the Security Council	2700th meeting, 29 July 1986	S/17725/Add.30, 11 August 1986	Failed to adopt draft resolution S/18250, 2703rd meeting, 31 July 1986	
Letter dated 17 October 1986 from the Permanent Representative of Nicaragua to the United Nations addressed to the President of the Security Council	2715th meeting, 21 October 1985	S/17725/Add.42, 31 October 1986	Adopted agenda and heard statements	
Letter dated 13 November 1986 from the Permanent Representative of Chad to the United Nations addressed to the President of the Security Council	2721st meeting, 18 November 1986	S/17725/Add.46, 26 November 1986	Adopted agenda and heard statements	

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as at 31 December 1988</i>	<i>Final entry in summary statement as at 31 December 1988</i>
Letter dated 9 December 1986 from the Permanent Representative of Nicaragua to the United Nations addressed to the President of the Security Council	2728th meeting, 10 December 1986	S/17725/Add.49, 23 December 1986	Failed to adopt draft resolution S/18428, 2718th meeting, 28 October 1986	
Letter dated 10 February 1988 from the Permanent Observer of the Republic of Korea to the United Nations addressed to the President of the Security Council	2791th meeting, 16 February 1988	S/19420/Add.7, 25 February 1988	Adopted agenda and heard statements	
Letter dated 10 February 1988 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council				
Letter dated 11 March 1988 from the Permanent Representative of Argentina to the United Nations addressed to the President of the Security Council	2800th meeting, 17 March 1988	S/19420/Add.11, 25 March 1988	Adopted agenda and heard statements	
Letter dated 17 March 1988 from the Chargé d'affaires a.i. of the Permanent Mission of Nicaragua to the United Nations addressed to the President of the Security Council	2802nd meeting, 18 March 1988	S/19420/Add.11, 25 March 1988	Adopted agenda and heard statements	
Letter dated 19 April 1988 from the Permanent Representative of Tunisia to the United Nations addressed to the President of the Security Council	2807th meeting, 21 April 1988	S/19420/Add.16, 28 April 1988	Adopted resolution 611 (1988), 2810th meeting, 25 April 1988	
Letter dated 5 July 1988 from the Acting Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council	2818th meeting, 14 July 1988	S/19420/Add.28, 22 July 1988	Adopted resolution 616 (1988), 2821st meeting, 20 July 1988	S/19420/Add.29, 28 July 1988
The situation relating to Afghanistan	2828th meeting, 31 October 1988	S/19420/Add.44, 8 November 1988	Adopted resolution 622 (1988), 2828th meeting, 31 October 1988	
Letter dated 17 December 1988 from the Permanent Representative of Angola to the United Nations addressed to the Secretary-General	2834th meeting, 20 December 1988	S/19420/Add.51, 29 December 1988	Adopted resolution 626 (1988), 2834th meeting, 20 December 1988	
Letter dated 17 December 1988 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General				
Date of elections to fill a vacancy in the International Court of Justice (S/17433)	2604th meeting, 12 September 1985	S/16880/Add.36, 1 October 1985	Adopted resolution 570 (1985), 12 September 1985	S/16880/Add.36, 7 October 1985
Date of elections to fill a vacancy in the International Court of Justice - 1987	2739th meeting, 27 March 1987	S/18570/Add.12, 3 April 1987	Adopted resolution 595 (1987), 27 March 1987	18570/Add.12, 3 April 1987
Election of a member of the International Court of Justice	2632nd meeting, 9 December 1985	S/16880/Add.49, 1 October 1985	Recommended one candidate to fill the vacancy, 2632nd meeting, 9 December 1985	S/16880/Add.49, 1 October 1985

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as at 31 December 1988</i>	<i>Final entry in summary statement as at 31 December 1988</i>
Election of a member of the International Court of Justice - 1987	2752nd meeting, 14 September and 15 October 1987	S/18570/Add.37, 30 September 1987	Recommended one candidate to fill the vacancy, 2752nd meeting, 14 September 1987	S/18570/Add.37, 30 September 1987
Election of five members of the International Court of Justice	2760th and 2762nd meetings, 11 November 1987	S/18570/Add.45, 10 December 1987	Recommended 5 candidates to fill the vacancies, 2760th and 2762nd meetings, 11 November 1987	S/18570/Add.45, 10 December 1987
Recommendation regarding the appointment of the Secretary-General of the United Nations	2774th meeting, 10 October 1986 (private)	S/17725/Add.40, 20 October 1986	Secretary-General issued a communiqué, 2779th meeting, 10 October 1986	
Consideration of the draft report of the Security Council to the General Assembly 16 June 1983-15 June 1984	2566th meeting, 29 January 1985 (private)	S/16880/Add.4, 13 February 1985	Adopted draft report	S/16880/Add.4, 13 February 1985
16 June 1984-15 June 1985	2627th meeting, 15 November 1985 (private)	S/16880/Add.45, 26 November 1985	Adopted draft report	S/16880/Add.45, 26 November 1985
16 June 1985-15 June 1986	2720th meeting, 12 November 1986 (private)	S/17725/Add.45, 19 November 1985	Adopted draft report	S/17725/Add.45, 19 November 1985
16 June 1986-15 June 1987	2768th meeting, 25 November 1987 (private)	S/18570/Add.47, 14 December 1987	Adopted draft report	S/18570/Add.47, 14 December 1987
16 June 1987-15 June 1988	2829th meeting, 8 November 1988 (private)	S/19420/Add.45, 14 November 1988	Adopted draft report	S/19420/Add.45, 14 November 1988
Letter dated 21 August 1987 from the Acting President and Minister for External Affairs of the Republic of Nauru addressed to the Secretary-General (S/19137) (concerning Nauru's application to become a party to the Statute of the International Court of Justice)	2753rd meeting, 15 October 1987	S/18570/Add.41, 23 October 1987	Decided to refer the application to the Security Council's Committee of Experts for study. Requested the Committee to meet the next day, 16 October 1987. Requested the Committee to prepare its report.	S/18570/Add.42, 3 November 1987
Report of the Chairman of the Committee of Experts concerning the conditions on which the Republic of Nauru may become a party to the Statute of the International Court of Justice	2754th meeting, 19 October 1987	S/18570/Add.42, 3 November 1987	Adopted resolution 600 (1987), 2754th meeting, 19 October 1987	S/18570/Add.42, 3 November 1987

(b) ITEMS THAT APPEARED IN PREVIOUS VOLUMES OF THE *REPertoire* ON WHICH NEW ACTION BY THE SECURITY COUNCIL WAS REPORTED IN SUMMARY STATEMENTS ISSUED DURING THE PERIOD 1985-1988

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as at 31 December 1988</i>	<i>Final entry in summary statement as at 31 December 1988</i>
The situation in the Middle East	1341st meeting, 24 May 1976	S/7913, 29 May 1976	Failed to adopt draft resolution S/20322, 2832nd meeting, 14 December 1988	
The situation between Iran and Iraq	2247th meeting, 26 September 1980	S/13737/Add.38, 3 October 1980	Adopted resolution 620 (1988), 2825th meeting, 26 August 1988	
The question of South Africa	1988th meeting, 21 March 1977	S/12269/Add.12, 31 March 1977	Adopted resolution 623 (1988), 2830th meeting, 23 November 1988	
The situation in Namibia	1387th meeting, 25 January 1968	S/8367, 30 January 1968	President made a statement (S/20208), 2827th meeting, 29 September 1988	

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as at 31 December 1988</i>	<i>Final entry in summary statement as at 31 December 1988</i>
The situation in Cyprus	1779th meeting, 16 July 1974	S/11185/Add.28, 24 July 1974	Adopted resolution 625 (1988), 2833rd meeting, 15 December 1988	
Complaint by Angola against South Africa	2077th meeting, 5 May 1978	S/12520/Add.17, 11 May 1978	Adopted resolution 606 (1987), 2778th meeting, 23 December 1987	
The Middle East problem including the Palestinian question	1870th meeting, 12 January 1976	S/11935/Add.2 22 January 1976	Adopted agenda and heard statements	
Complaint by Lesotho against South Africa	1981st meeting, 27 December 1976	S/11935/Add.51, 30 December 1976	Adopted resolution 580 (1985), 2639th meeting, 30 December 1985	
The situation in the occupied Arab territories	1916th meeting, 4 May 1976	S/11935/Add.18, 11 May 1976	President issued a statement (S/20156), 26 August 1988	
The situation concerning Western Sahara	1849th meeting, 20 October 1975	S/11593/Add.42, 29 September 1988	Adopted resolution 621 (1988), 2826th meeting, 20 September 1988	

(c) ITEMS THAT WERE DELETED FROM THE LIST OF MATTERS OF WHICH THE SECURITY COUNCIL WAS SEIZED DURING THE PERIOD 1985-1988

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as at 31 December 1988</i>	<i>Final entry in summary statement as at 31 December 1988</i>
Letter dated 20 February 1961 from the representative of Liberia addressed to the President of the Security Council (S/4738)	944th meeting, 10 March 1961	S/4765, 14 March 1961	Failed to adopt draft resolution (S/4769), 946th meeting, 15 March 1961	S/17725, 8 January 1986
Letter dated 12 December 1975 from the Permanent Representative of Iceland addressed to the President of the Security Council	1866th meeting, 16 December 1975	S/11593/Add.50, 23 December 1975	Adopted agenda and heard statements	S/18570, 8 January 1987

(d) STATEMENTS OF THE PRESIDENT THAT APPEARED ON THE SUMMARY STATEMENT OR IN THE SECURITY COUNCIL REPORTS, BUT WERE NOT ADOPTED AS AN AGENDA ITEM DURING THE PERIOD 1985-1988

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as at 31 December 1988</i>	<i>Final entry in summary statement as at 31 December 1988</i>
Statement by the President (release of <i>Achille Lauro</i> passengers)	2618th meeting, 9 October 1985 prior to the adoption of the agenda ^a	S/16880/Add.40, 5 November 1985	President made a statement (S/17554), 2618th meeting, 9 October 1985	S/16880/Add.40, 5 November 1985
Statement by the President (terrorist attacks at Rome and Vienna airports)	2639th meeting, 30 December 1985 upon the resumption of the meeting after a suspension for consultations ^b	S/17725, 8 January 1986	President read out a statement on behalf of the members of the Council (S/17702)	S/17725, 8 January 1985
Statement by the President of the Security Council on the occasion of the fortieth anniversary of the first meeting of the Security Council and the inauguration on 1 January 1986 of the International Year of Peace	2642nd meeting, 17 January 1986 prior to the adoption of the agenda ^c	S/17725/Add.2, 22 January 1986	President read out a statement on behalf of the members of the Council (S/17745)	S/17725/Add.2, 22 January 1986

^aThe agenda of the 2618th meeting was, "The Middle East problem including the Palestinian question".^bThe agenda of the 2639th meeting was, "Complaint by Lesotho against South Africa".^cThe agenda of the 2642nd meeting was, "The situation in the Middle East".

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as at 31 December 1988</i>	<i>Final entry in summary statement as at 31 December 1988</i>
Statement by the President of the Security Council (in connection with the incident of 20 June 1988) (S/19959)			24 June 1988 after consultations President issued a statement on behalf of the members of the Council (S/19959)	

****2. Proceedings of the Security Council regarding the retention and deletion of items from the agenda**

Chapter III

PARTICIPATION IN THE PROCEEDINGS OF THE SECURITY COUNCIL

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INTRODUCTORY NOTE

As indicated in previous supplements to the *Repertoire*, Articles 31 and 32 of the Charter and rules 37 and 39 of the provisional rules of procedure of the Security Council provide that invitations to participate in the Council's discussion may be extended to States that are not members of the Council in the following circumstances: (a) when a Member of the United Nations brings a dispute or a situation to the attention of the Council in accordance with Article 35, paragraph 1 (rule 37); (b) when a Member of the United Nations or a State that is not a member of the United Nations is a party to a dispute (Article 32); and (c) when the interests of a Member of the United Nations are specifically affected (Article 31 and rule 37). Moreover, members of the Secretariat or other persons may be invited to supply information or give other assistance (rule 39). Of these four categories of invitation, only the second involves an obligation of the Council. In extending invitations, however, the Council has continued to make no distinction between a complaint involving a dispute within the meaning of Article 32, a situation or a matter of another nature.

The classification of material relevant to participation in the proceedings of the Council is designed to illustrate the varieties of practice to which the Council has had recourse,

adhering when possible to a classification based on Articles 31 and 32 of the Charter and rules 37 and 39 of the provisional rules of procedure. The *Repertoire of the Practice of the Security Council, 1946-1951* explains that such a strict classification is impossible because the Council often decides to extend invitations to participate in its proceedings without pronouncing itself on the basis for such invitations.

The relevant material is set out in parts I and III of the present chapter. As there was no discussion during the period under review of the terms and provisions of Article 32, no entries have been made in part II.

Part I includes a note indicating that no discussion took place during the period under review of the basis on which an invitation might be deemed to rest, with the exception of the case set out in section D.3 below, relating to the case of invitations not expressly under Articles 31 and 32 or rule 39. Included in that part is a table showing invitations extended by the Council.

Part III includes a note indicating that limitations on the participation of invited representatives were minimal during the period under review.

Part I

BASIS OF INVITATIONS TO PARTICIPATE

NOTE

Part I includes all instances in which proposals to extend invitations to participate in the discussion were put forward in the Council. The types and varieties of practice to which the Council had recourse in connection with the extension of invitations are dealt with in three sections: section B, on invitations to representatives of United Nations organs or subsidiary organs; section C, on invitations to Members of the United Nations; and section D, on other invitations.

During the period under review, no special problems arose regarding requests by Member States to be invited to participate in the proceedings of the Council. Invitations to Member States submitting matters to the Council in accordance with Article 35, paragraph 1, as well as invitations under Article 31 to Members of the United Nations to participate in the discussion of a question when their interests were considered specially affected, were extended as a matter of course and without any discussion. Such requests for invitations are addressed to the President of the Council by letter and he informs the Council in the course of a meeting of the receipt of such letters, proposing that in the absence of objection the invitations be extended accordingly.

Invitations falling under the above two categories are recorded in tabular form in sections C.1(a) and C.2(a). These tabulations are arranged chronologically to provide infor-

mation on the following points: (a) the question; (b) the State(s) invited; (c) the basis of the invitation; and (d) the decision of the Council.

Section D.1 contains a tabulation of invitations extended expressly under Article 32; section D.2 contains a tabulation of invitations under rule 39 of the provisional rules of procedure that were extended expressly under that rule and without any discussion; and section D.3 contains a tabulation of invitations not expressly under Article 32 or rule 39. Section D.4 relates to invitations denied.

**A. IN THE CASE OF PERSONS INVITED IN AN INDIVIDUAL CAPACITY

B. IN THE CASE OF REPRESENTATIVES OF UNITED NATIONS ORGANS OR SUBSIDIARY ORGANS

For the period under review, all invitations to representatives of United Nations organs or subsidiary organs were extended as a matter of course and without any discussion. The letters of request were read into the record of the meeting by the President of the Council and were not issued as S/ documents. These cases have been recorded below in tabular form and are arranged chronologically to provide information on (a) the question; (b) United Nations organ(s) or subsidiary organ(s) invited; (c) the request for invitation; and (d) the decision of the Council.

<i>Question^a</i>	<i>United Nations organ or subsidiary organ invited</i>	<i>Request for invitation</i>	<i>Decision of the Council—invitation extended or renewed^b</i>
The question of South Africa	Acting Chairman of the Special Committee against Apartheid	Letter from the Acting Chairman of the Special Committee against Apartheid	2571st meeting (2574th meeting)
	Chairman of the Special Committee against Apartheid	Letter from the Chairman of the Special Committee against Apartheid	2600th meeting (2601st and 2602nd meetings)
	Acting Chairman of the Special Committee against Apartheid	Letter from the Acting Chairman of the Special Committee against Apartheid	2690th meeting
	Chairman of the Special Committee against Apartheid	Letter from the Chairman of the Special Committee against Apartheid	2732nd meeting (2733rd-2738th meetings)
	Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	Letter to the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	2732nd meeting (2733rd-2738th meetings)
	Delegation of the United Nations Council for Namibia	Letter from the President of the United Nations Council for Namibia	2733rd meeting (2733rd-2738th meetings)
	Chairman of the Special Committee against Apartheid	Letter from the Chairman of the Special Committee against Apartheid	2793rd meeting (2794th-2797th meetings)
	Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	Letter from the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	2794th meeting (2795th-2797th meetings)
	Delegation of the United Nations Council for Namibia	Letter from the President of the United Nations Council for Namibia	2795th meeting (2796th and 2797th meetings)
	The situation in Namibia	Delegation of the United Nations Council for Namibia	Letter from the President of the United Nations Council for Namibia
Chairman of the Special Committee against Apartheid		Letter from the Chairman of the Special Committee against Apartheid	2583rd meeting (2584th-2590th and 2592nd meetings)
Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples		Letter from the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	2588th meeting (2589th-2590th and 2592nd meetings)
Delegation of the United Nations Council for Namibia		Letter from the Chairman of the United Nations Council for Namibia	2624th meeting (2625th-2626th, 2628th and 2629th meetings)
Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples		Letter from the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	2624th meeting (2625th-2626th, 2628th and 2629th meetings)
Chairman of the Special Committee against Apartheid		Letter from the Chairman of the Special Committee against Apartheid	2626th meeting (2628th and 2629th meetings)
Delegation of the United Nations Council for Namibia		Letter from the President of the United Nations Council for Namibia	2740th meeting (2741st-2747th meetings)

<i>Question^a</i>	<i>United Nations organ or subsidiary organ invited</i>	<i>Request for invitation</i>	<i>Decision of the Council—invitation extended or renewed^b</i>
The situation in Namibia	Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	Letter from the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	2740th meeting (2741st-2747th meetings)
	Chairman of the Special Committee against Apartheid	Letter from the Chairman of the Special Committee against Apartheid	2740th meeting (2741st-2747th meetings)
	Chairman of the Special Committee against Apartheid	Letter from the Chairman of the Special Committee against Apartheid	2742nd meeting (2743rd-2747th meetings)
	Delegation of the United Nations Council for Namibia	Letter from the President of the United Nations Council for Namibia	2755th meeting (2756th-2759th meetings)
	Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	Letter from the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	2756th meeting (2757th-2759th meetings)
Letter dated 17 June 1985 from the Permanent Representative of Botswana	Acting Chairman of the Special Committee against Apartheid	Letter from the Acting Chairman of the Special Committee against Apartheid	2757th meeting (2758th and 2759th meetings)
	Acting Chairman of the Special Committee against Apartheid	Letter from the Acting Chairman of the Special Committee against Apartheid	2598th meeting (2599th meeting)
The situation in the occupied Arab territories	Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People	Letter from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People	2605th meeting
	Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People	Letter from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People	2644th meeting (2645th-2650th meetings)
	Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People	Letter from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People	2770th meeting (2772nd and 2777th meetings)
	Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People	Letter from the Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People	2805th meeting (2806th meeting)
Complaint by Angola against South Africa	Chairman of the Special Committee against Apartheid	Letter from the Chairman of the Special Committee against Apartheid	2606th meeting (2607th meeting)
	Acting Chairman of the Special Committee against Apartheid	Letter from the Acting Chairman of the Special Committee against Apartheid	2764th meeting (2765th-2767th meetings)
The situation in southern Africa	Delegation of the United Nations Council for Namibia	Letter from the President of the United Nations Council for Namibia	2652nd meeting (2654th and 2656th-2662nd meetings)
	Chairman of the Special Committee against Apartheid	Letter from the Chairman of the Special Committee against Apartheid	2684th meeting (2685th and 2686th meetings)
Letter dated 11 March 1988 from the Permanent Representative of Afghanistan	Acting Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	Letter from the Acting Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	2800th meeting (2801st meeting)

^aQuestions entered in the table are arranged under agenda items. Items are listed chronologically according to the sequence of the first meeting held on each item. Any reconsideration of an item or discussion of a sub-item under the general heading at subsequent

meetings does not reappear as a new agenda item, but has been grouped under the item that first appeared.

^bThe meetings at which the invitations were renewed are indicated by parentheses.

C. IN THE CASE OF MEMBERS OF THE UNITED NATIONS

1. Invitations when a Member brought to the attention of the Security Council

(a) A MATTER IN ACCORDANCE WITH ARTICLE 35, PARAGRAPH 1, OF THE CHARTER

<i>Question^a</i>	<i>Invitation</i>	<i>Basis of the invitation</i>	<i>Decision of the Council—invitation extended or renewed^b</i>	
Letter dated 28 January 1985 from the Chargé d'affaires a.i. of the Permanent Mission of Chad	Chad	OR, 40th yr., Suppl. Jan.-March 1985, S/16911	2567th meeting	
The situation in the Middle East	Lebanon	Ibid., S/16983	2568th meeting (2570th, 2572nd and 2573rd meetings)	
	Lebanon	Ibid., Suppl. Oct.-Dec. 1985, S/17507	2623rd meeting	
	Lebanon	Ibid., 41st yr. Suppl. Jan.-March 1986, S/17717	2640th meeting (2641st and 2642nd meetings)	
	Lebanon	Ibid., 43rd yr., Suppl. Jan.-March 1988, S/19415	2782nd meeting (2783rd and 2784th meetings)	
	Lebanon	Ibid., Suppl. April-June 1988, S/19861	2811th meeting (2813th and 2814th meetings)	
	Lebanon	Ibid., Suppl. Oct.-Dec. 1988, S/20318	2832nd meeting	
The situation between Iran and Iraq	Iraq	OR, 40th yr., Suppl. Jan.-March 1985, S/16980	2569th meeting	
	Iraq	Ibid., 41st yr., Suppl. Jan.-March 1986, S/17821	2663rd meeting (2664th-2666th meetings)	
	Iraq, Jordan, Kuwait, Morocco, Saudi Arabia, Tunisia	Ibid., Suppl. Oct. -Dec. 1986, S/18372	2709th meeting (2710th-2713th meetings)	
	Yemen	Ibid.	2712th and 2713th meetings	
The situation in the occupied Arab territories	Qatar	OR, 40th yr. Suppl. July-Sept. 1985, S/17456	2604th meeting (2605th meeting)	
	Morocco, United Arab Emirates	Ibid., 41st yr., Suppl. Jan.-March 1986, S/17740 and S/17741	2643rd meeting (2644th-2650th meetings)	
	Zimbabwe	Ibid., Suppl. Oct.-Dec. 1986, S/18501	2724th meeting (2725th-2727th meetings)	
	Democratic Yemen	Ibid., 42nd yr., Suppl. Oct.-Dec. 1987, S/19333	2770th meeting (2772nd-2777th meetings)	
	Jordan	Ibid., 43rd yr., Suppl. Jan.-March 1988, S/19402	2780th meeting	
	Tunisia	Ibid., Suppl. Jan.-March 1988, S/19700	2804th meeting (2805th and 2806th meetings)	
	The question of South Africa	Egypt	OR, 40th yr., Suppl. Jan.-March 1985, S/16991	2571st meeting
		Mali	Ibid., Suppl. July-Sept. 1985, S/17356	2600th meeting (2601st and 2602nd meetings)
Zaire		Ibid., Suppl. April-June 1986, S/18146	2690th meeting	
Egypt		Ibid., 42nd yr., Suppl. Jan.-March 1987, S/18688,	2732nd meeting (2733rd-2738th meetings)	
Sierra Leone		Ibid., Suppl. Jan.-March 1988, S/19567 and S/19568	2793rd meeting (2794-2797th meetings)	
The situation in Namibia	Mauritius	Ibid., Suppl. Oct.-Nov. 1985, S/17618 and S/17619	2624th meeting (2625th, 2626th, 2628th and 2629th meetings)	
	Zimbabwe	Ibid., Suppl. April-June 1987, S/18765 and S/18769	2740th meeting (2741st-2747th meetings)	
	Madagascar	Ibid., Suppl. Oct.-Dec. 1987, S/19230	2755th meeting (2756th-2759th meetings)	
Complaint by Angola against South Africa	Angola	OR, 40th yr., Suppl. April-June 1985, S/17267	2596th meeting (2597th meeting)	
	Angola	Ibid., Suppl. July-Sept. 1985, S/17474	2606th meeting (2607th meeting)	

<i>Question^a</i>	<i>Invitation</i>	<i>Basis of the invitation</i>	<i>Decision of the Council—invitation extended or renewed^b</i>
Complaint by Angola against South Africa (continued)	Angola	<i>Ibid., Suppl. Oct.-Dec. 1985, S/17510</i>	2612th meeting (2614th, 2616th and 2617th meetings)
	Angola	<i>Ibid., 41st yr., Suppl. April-June 1986, S/18148</i>	2691st meeting (2692nd and 2693rd meetings)
	Angola, Zimbabwe	<i>Ibid., 42nd yr., Suppl. Oct.-Dec. 1987, S/19278 and S/19286</i>	2763rd meeting (2764th-2767th meetings)
Letter dated 6 May 1985 from the Permanent Representative of Nicaragua	Nicaragua	<i>OR, 40th yr., Suppl. April-June 1985, S/17156</i>	2577th meeting (2578th-2580th meetings)
Letter dated 17 June 1985 from the Permanent Representative of Botswana	Botswana	<i>Ibid., S/17279</i>	2598th meeting (2599th meeting)
Letter dated 26 September 1985 from the Permanent Representative of Botswana	Botswana	<i>Ibid., Suppl. July-Sept. 1985, S/17497</i>	2609th meeting
Letter dated 1 October 1985 from the Permanent Representative of Tunisia	Tunisia	<i>Ibid., Suppl. Oct.-Dec. 1985, S/17509</i>	2610th meeting (2611th, 2613th and 2615th meetings)
Letter dated 6 December 1985 from the Chargé d'affaires a.i. of the Permanent Mission of Nicaragua	Nicaragua	<i>Ibid., S/17671</i>	2633rd meeting (2634th and 2636th meetings)
Complaint by Lesotho against South Africa	Lesotho	<i>Ibid., S/17692</i>	2638th meeting (2639th meeting)
Letter dated 4 February 1986 from the Permanent Representative of the Syrian Arab Republic	Syrian Arab Republic	<i>Ibid., 41st yr., Suppl. Jan.-March 1986, S/17787</i>	2651st meeting (2653rd and 2665th meetings)
The situation in Southern Africa	Sudan	<i>Ibid., 41st yr., Suppl. Jan.-March 1986, S/17770</i>	2652nd meeting (2654th, 2656th-2662nd meetings)
	Senegal	<i>Ibid., Suppl. April-June 1986, S/18072</i>	2684th meeting (2685th-2686th meetings)
Letter dated 25 March 1986 from the Permanent Representative of Malta	Malta	<i>Ibid., S/17940 and S/17946</i>	2668th meeting (2669th-2671st meetings)
Letter dated 26 March 1986 from the Permanent Representative of Iraq			
Letter dated 25 March 1986 from the Permanent Representative of the Union of Soviet Socialist Republics			
Letter dated 12 April 1986 from the Chargé d'affaires a.i. of the Permanent Mission of Malta	Malta	<i>Ibid., Suppl. April-June 1986, S/17982</i>	2672nd meeting (2773rd meeting)

<i>Question^a</i>	<i>Invitation</i>	<i>Basis of the invitation</i>	<i>Decision of the Council—invitation extended or renewed^b</i>
Letter dated 15 April 1986 from the Chargé d'affaires of the Permanent Mission of the Libyan Arab Jamahiriya	Libyan Arab Jamahiriya, Burkina Faso, Syrian Arab Republic, Oman	Ibid., S/17991-S/17994	2674th meeting (2675th-2680th and 2682nd-2683rd meetings)
Letter dated 15 April 1986 from the Chargé d'affaires of the Permanent Mission of Burkina Faso			
Letter dated 15 April 1986 from the Chargé d'affaires of the Permanent Mission of the Syrian Arab Republic			
Letter dated 15 April 1986 from the Permanent Representative of Oman			
Letter dated 27 June 1986 from the Permanent Representative of Nicaragua	Nicaragua	Ibid., 43rd yr., <i>Suppl. July-Sept. 1988</i> , S/18187	2694th meeting (2695th-2698th meetings)
Letter dated 22 July 1986 from the Permanent Representative of Nicaragua	Nicaragua	Ibid., S/18230	2700th meeting (2701st-2704th meetings)
Letter dated 17 October 1986 from the Permanent Representative of Nicaragua	Nicaragua	Ibid., 41st yr., <i>Suppl. Oct.-Dec. 1986</i> , S/18415	2715th meeting (2716th-2718th meetings)
Letter dated 13 November 1986 from the Permanent Representative of Chad	Chad	Ibid., S/18456	2721st meeting
Letter dated 9 December 1986 from the Permanent Representative of Nicaragua	Nicaragua	Ibid., S/18513	2728th meeting
Letter dated 17 March 1988 from the Chargé d'affaires a.i. of the Permanent Mission of Nicaragua	Nicaragua	Ibid., S/19638	2802nd meeting (2803rd meeting)
Letter dated 19 April 1988 from the Permanent Representative of Tunisia	Tunisia	Ibid., <i>Suppl. April-June 1988</i> , S/19798	2807th meeting (2808th-2810th meetings)
Letter dated 5 July 1988 from the Acting Permanent Representative of the Islamic Republic of Iran	Islamic Republic of Iran	Ibid., <i>Suppl. July-Sept. 1988</i> , S/19981	2818th meeting (2819th-2821st meetings)

^aQuestions entered in the table are arranged under agenda items. Items are listed chronologically according to the sequence of the first meeting held on each item. Any reconsideration of an item or discussion of a sub-item under the general heading at subsequent meetings does not reappear as a new agenda item, but has been grouped under the item that first appeared. Questions in respect of

which invitations were extended to other Members because their interests were considered to be specially affected are listed in a table entitled "Invitations when the interests of a Member were considered specially affected" (see C.2 below).

^bThe meetings at which the invitations were renewed are indicated by parentheses.

**** (b) IN THE CASE OF MEMBER STATES IN THEIR CAPACITY AS REPRESENTATIVES OF INTERNATIONAL ORGANIZATIONS OTHER THAN THE UNITED NATIONS**

**** (c) A MATTER NOT BEING EITHER A DISPUTE OR A SITUATION**

2. Invitations when the interest of a Member were considered specially affected

(a) TO PARTICIPATE WITHOUT A VOTE IN THE DISCUSSIONS

During the period under review, requests from Member States for invitations were maintained by the President during meetings of the Council and not issued as documents.

<i>Question^a</i>	<i>State invited</i>	<i>Decision of the Council—invitation extended or renewed^b</i>
Letter dated 28 January 1985 from the Chargé d'affaires a.i. of the Permanent Mission of Chad	Libyan Arab Jamahiriya	2567th meeting "
The situation in the Middle East	Israel	2568th meeting (2570th, 2572nd and 2573rd meetings)
	Qatar	"
	Syrian Arab Republic	"
	Algeria	2570th meeting (2572nd and 2573rd meetings)
	Bangladesh	"
	Cuba	"
	Democratic Yemen	"
	German Democratic Republic	"
	Islamic Republic of Iran	"
	Jordan	"
	United Arab Emirates	"
	Viet Nam	"
	Yugoslavia	"
	Cyprus	2572nd meeting (2573rd meeting)
	Czechoslovakia	"
	Indonesia	"
	Nicaragua	"
	Pakistan	"
	Poland	"
	Saudi Arabia	"
	Senegal	"
	Sudan	"
	Nigeria	2573rd meeting
	Israel	2575th meeting
	Lebanon	"
	Lebanon	2582nd meeting
	Malta	"
Syrian Arab Republic	"	
Israel	2623rd meeting	
Lebanon	"	
Israel	2640th meeting (2641st and 2642nd meetings)	
Libyan Arab Jamahiriya	"	
Syrian Arab Republic	"	
Qatar	2641st meeting (2642nd meeting)	
Saudi Arabia	"	
Morocco	2642nd meeting	
Lebanon	2681st meeting	
Israel	2699th meeting	
Lebanon	"	

<i>Question^a</i>	<i>State invited</i>	<i>Decision of the Council—invitation extended or renewed^b</i>
The situation in the Middle East (continued)	Lebanon	2705th meeting
	Israel	2706th meeting (2707th meeting)
	Lebanon	2707th meeting
	Syrian Arab Republic	"
	Ireland	2731st meeting
	Israel	"
	Lebanon	"
	Israel	2751st meeting
	Lebanon	"
	Israel	2782nd meeting (2783rd and 2784th meetings)
	Jordan	"
	Syrian Arab Republic	"
	Kuwait	2783rd meeting (2784th meeting)
	Morocco	"
	Saudi Arabia	"
	Mauritania	2784th meeting
	Israel	2811th meeting (2813th and 2814th meetings)
	Jordan	"
	Kuwait	"
	Libyan Arab Jamahiriya	"
	Saudi Arabia	"
	Syrian Arab Republic	"
	Tunisia	"
	Bahrain	2813th meeting (2814th meeting)
	Qatar	"
	Somalia	"
	The situation between Iran and Iraq	Israel
Jordan		2569th meeting
Saudi Arabia		"
Yemen		"
Bahrain		2663rd meeting (2664th-2666th meetings)
Jordan		"
Kuwait		2663rd meeting (2664th-2666th meetings)
Oman		"
Saudi Arabia		"
Tunisia		"
Yemen		"
Egypt		2665th meeting
Libyan Arab Jamahiriya		"
Morocco		"
Egypt		2709th meeting (2710th-2713th meetings)
Oman		"
Rwanda		"
Senegal		"
Tunisia		"
Zambia		"
Argentina	2710th meeting (2711th-2713th meetings)	
Bangladesh	"	

<i>Question^a</i>	<i>State invited</i>	<i>Decision of the Council—invitation extended or renewed^b</i>
The situation between Iran and Iraq (continued)	German Democratic Republic	"
	Yugoslavia	"
	Afghanistan	2711th meeting (2712th and 2713th meetings)
	Chad	"
	Cuba	"
	Mexico	"
	Guyana	2712th meeting (2713th meeting)
	Mauritania	"
	Nicaragua	"
	Peru	"
	Yemen	"
	Uruguay	2713th meeting
	Iraq	2750th meeting
	Democratic Yemen	2571st meeting (2574th meeting)
	Guinea	"
	South Africa	"
	Syrian Arab Republic	"
The question of South Africa	United Republic of Tanzania	"
	Viet Nam	"
	Cuba	2600th meeting (2601st and 2602nd meetings)
	Kenya	"
	South Africa	"
	Central African Republic	2601st meeting (2602nd meeting)
	Ethiopia	"
	German Democratic Republic	"
	Senegal	"
	Syrian Arab Republic	"
	Zaire	"
	Yugoslavia	2602nd meeting
	Guyana	2690th meeting
	India	"
	Romania	"
	Angola	2732nd meeting (2733rd-2738th meetings)
	Nicaragua	"
	Pakistan	"
	Senegal	"
	South Africa	"
	Sudan	"
	Yugoslavia	"
	Algeria	2733rd meeting (2734th-2738th meetings)
	German Democratic Republic	"
	India	"
	Kenya	"
	Morocco	"
	Ukrainian SSR	"
	United Republic of Tanzania	"

<i>Question^a</i>	<i>State invited</i>	<i>Decision of the Council—invitation extended or renewed^b</i>	
The question of South Africa <i>(continued)</i>	Zimbabwe	"	
	Guyana	2734th meeting (2735th and 2738th meetings)	
	Uganda	"	
	Czechoslovakia	2735th meeting (2736th-2738th meetings)	
	Kuwait	"	
	Sweden	"	
	Togo	"	
	Cuba	2736th meeting (2737th-2738th meetings)	
	Ethiopia	"	
	Libyan Arab Jamahiriya	"	
	Mongolia	"	
	Guyana	2793rd meeting (2794th-2797th meetings)	
	South Africa	"	
	Bulgaria	2794th meeting (2795th-2797th meetings)	
	Tunisia	"	
	Botswana	2795th meeting (2796th-2797th meetings)	
	Czechoslovakia	"	
	India	"	
	Kuwait	"	
	Zimbabwe	"	
	Malaysia	2796th meeting (2797th meeting)	
	Nigeria	"	
	Pakistan	"	
	Somalia	"	
	The situation in Namibia	Algeria	2583rd meeting (2584th-2590th, 2592nd, 2594th and 2595th meetings)
		Angola	"
		Bangladesh	"
Bhutan		2583rd meeting (2584th-2590th, 2592nd-2595th meetings)	
Cameroon		"	
Canada		"	
Cuba		"	
Democratic Yemen		"	
Ethiopia		"	
German Democratic Republic		"	
Federal Republic of Germany		"	
Ghana		"	
Guyana		"	
Indonesia		"	
Jamaica		"	
Kuwait		"	
Liberia		"	
Mexico		"	
Morocco		"	
Nicaragua		"	
Nigeria		"	
Pakistan		"	
Panama		"	

<i>Question^a</i>	<i>State invited</i>	<i>Decision of the Council—invitation extended or renewed^b</i>
The situation in Namibia (continued)	South Africa	"
	Sudan	"
	Turkey	"
	Uganda	"
	United Republic of Tanzania	"
	Yugoslavia	"
	Zambia	"
	Afghanistan	2584th meeting (2585th-2590th, 2592nd-2595th meetings)
	Kenya	"
	Libyan Arab Jamahiriya	"
	Malaysia	"
	Poland	"
	Sri Lanka	"
	Syrian Arab Republic	"
	Botswana	2585th meeting (2586th-2590th, 2592nd-2595th meetings)
	Brazil	"
	Bulgaria	"
	Lao People's Democratic Republic	"
	Mongolia	"
	Cyprus	2586th meeting (2587th-2590th, 2592nd-2595th meetings)
	Mozambique	"
	Seychelles	"
	Viet Nam	"
	Czechoslovakia	2587th meeting (2588th-2590th, 2592nd, 2594th and 2595th meetings)
	Haiti	"
	Japan	"
	United Arab Emirates	"
	Zimbabwe	"
	Argentina	2589th meeting (2590th, 2592nd-2595th meetings)
	Bolivia	"
	Congo	"
	Hungary	"
	Barbados	2590th meeting (2592nd-2595th meetings)
	Lesotho	"
Malta	2592nd meeting (2593rd-2595th meetings)	
Islamic Republic of Iran	2594th meeting (2595th meeting)	
Guatemala	2595th meeting	
Cameroon	2624th meeting (2625th, 2626th, 2628th and 2629th meetings)	
Canada	"	
German Democratic Republic	"	
Mauritius	"	
Senegal	"	
South Africa	"	
Syrian Arab Republic	"	
Zambia	"	

<i>Question^a</i> The situation in Namibia (continued)	<i>State invited</i>	<i>Decision of the Council—invitation extended or renewed^b</i>
	Cuba	2625th meeting (2626th, 2628th and 2629th meetings)
	Federal Republic of Germany	"
	Libyan Arab Jamahiriya	"
	Tunisia	"
	Ghana	2626th meeting (2628th and 2629th meetings)
	Czechoslovakia	2628th meeting (2629th meeting)
	Islamic Republic of Iran	"
	Afghanistan	2740th meeting (2741st- 2747th meetings)
	Algeria	"
	Angola	"
	Barbados	"
	Canada	"
	Egypt	"
	German Democratic Republic	"
	India	"
	Kuwait	"
	Mexico	"
	Nicaragua	"
	Pakistan	"
	Peru	"
	Qatar	"
	Senegal	"
	South Africa	"
	Togo	"
	Turkey	"
	Ukrainian SSR	"
	Yugoslavia	"
	Burkina Faso	2741st meeting (2742nd- 2747th meetings)
	Cuba	"
	Jamaica	2741st meeting (2742nd- 2747th meetings)
	Morocco	"
	Mozambique	"
	Bangladesh	2742nd meeting (2743rd- 2747th meetings)
	Gabon	"
	Nigeria	"
	Sri Lanka	"
	Sudan	"
	Tunisia	"
	Viet Nam	"
	Guyana	2743rd meeting (2744th- 2747th meetings)
	Byelorussian SSR	2744th meeting (2745th- 2747th meetings)
	Ethiopia	"
	Libyan Arab Jamahiriya	"
	Mongolia	"
	Syrian Arab Republic	"
	Czechoslovakia	2746th meeting (2747th meeting)
	Uganda	"
	Algeria	2755th meeting (2756th- 2759th meetings)
	Cameroon	"

<i>Question^a</i>	<i>State invited</i>	<i>Decision of the Council—invitation extended or renewed^b</i>
The situation in Namibia (continued)	Egypt	"
	German Democratic Republic	"
	India	"
	Kenya	"
	Nicaragua	"
	Panama	"
	Peru	"
	Senegal	"
	South Africa	"
	Turkey	"
	Yugoslavia	"
	Angola	2756th meeting (2757th, 2758th and 2759th meetings)
	Bangladesh	"
	Canada	"
	Cuba	"
	Kuwait	"
	Libyan Arab Jamahiriya	"
	Pakistan	"
	Tunisia	"
	Ukrainian SSR	"
Zimbabwe	"	
Botswana	2757th meeting (2758th and 2759th meetings)	
Burkina Faso	"	
Ethiopia	"	
Jamaica	"	
Mozambique	"	
Nigeria	"	
United Republic of Tanzania	"	
Cyprus	2758th meeting (2759th meeting)	
Guyana	"	
Letter dated 6 May 1985 from the Permanent Representative of Nicaragua .	Algeria	2577th meeting (2578th-2580th meetings)
	Brazil	"
	Ecuador	"
	Ethiopia	"
	Mexico	"
	United Republic of Tanzania	"
	Yugoslavia	"
	Bolivia	2578th meeting (2579th and 2580th meetings)
	Colombia	"
	Cuba	"
	Cyprus	"
	Dominican Republic	"
	Guatemala	"
	Islamic Republic of Iran	"
	Mongolia	"
	Poland	"
	Zimbabwe	"

<i>Question^a</i>	<i>State invited</i>	<i>Decision of the Council—invitation extended or renewed^b</i>
Letter dated 6 May 1985 from the Permanent Rep- resentative of Nicaragua (continued)	Argentina	2579th meeting (2580th meeting)
	German Democratic Republic	"
	Guyana	"
	Lao People's Democratic Republic	"
	Viet Nam	"
	Costa Rica	2580th meeting
	Honduras	"
	Spain	"
	Syrian Arab Republic	"
	Cyprus	2591st meeting
	Greece	"
	Turkey	"
	Austria	2635th meeting
	Cyprus	"
The situation in Cyprus	Greece	"
	Turkey	"
	Austria	2635th meeting
	Cyprus	"
	Greece	"
	Turkey	"
	Cyprus	2688th meeting (2689th meeting)
	Greece	"
	Turkey	"
	Cyprus	2729th meeting
	Greece	"
	Turkey	"
	Cyprus	2749th meeting
	Greece	"
	Turkey	"
	Cyprus	2771st meeting
	Greece	"
	Turkey	"
	Cyprus	2816th meeting
	Greece	"
Turkey	"	
Cyprus	2833rd meeting	
Greece	"	
Turkey	"	
Complaint by Angola against South Africa	Argentina	2596th meeting (2597th meeting)
	Bahamas	"
	Cuba	"
	German Democratic Republic	"
	Liberia	"
	Pakistan	"
	Sao Tome and Principe	"
	South Africa	"
	Sudan	"
	United Republic of Tanzania	"
	Yugoslavia	"
	Congo	2597th meeting
	Argentina	2606th meeting (2607th meeting)
	Brazil	"
	Cyprus	"

<i>Question^a</i>	<i>State invited</i>	<i>Decision of the Council—invitation extended or renewed^b</i>
Complaint by Angola against South Africa <i>(continued)</i>	Guyana	"
	Senegal	"
	South Africa	"
	Sri Lanka	"
	Zambia	"
	Cuba	2607th meeting
	Greece	"
	Qatar	"
	Cameroon	2612th meeting (2614th, 2616th and 2617th meetings)
	Cuba	"
	Islamic Republic of Iran	"
	Kuwait	"
	Nigeria	"
	Senegal	"
	South Africa	"
	Yugoslavia	"
	Zimbabwe	"
	Afghanistan	2614th meeting (2616th meeting)
	Algeria	"
	Botswana	"
	Ethiopia	"
	Mozambique	"
	Nicaragua	"
	United Arab Emirates	"
	United Republic of Tanzania	"
	Viet Nam	"
	Zambia	"
	Ghana	2616th meeting (2617th meeting)
	Morocco	"
	Tunisia	"
	Angola	2631st meeting
	Burundi	"
	South Africa	"
	Cuba	2691st meeting (2692nd and 2693rd meetings)
	South Africa	"
	Syrian Arab Republic	2691st meeting (2692nd and 2693rd meetings)
	Zaire	"
	Zambia	"
	German Democratic Republic	2692nd meeting (2693rd meeting)
	Nicaragua	"
	Ukrainian SSR	"
Viet Nam	"	
Czechoslovakia	2693rd meeting	
India	"	
Mongolia	"	
Algeria	2763rd meeting (2764th- 2767th meetings)	
India	"	
Malawi	"	
Mozambique	"	
South Africa	"	
Yugoslavia	"	

<i>Question^a</i>	<i>State invited</i>	<i>Decision of the Council—invitation extended or renewed^b</i>
Complaint by Angola against South Africa <i>(continued)</i>	Brazil	2764th meeting (2765th and 2767th meetings)
	Cuba	"
	German Democratic Republic	"
	Libyan Arab Jamahiriya	"
	Botswana	2765th meeting (2766th and 2767th meetings)
	Byelorussian SSR	"
	Cape Verde	"
	Czechoslovakia	"
	Egypt	"
	Ethiopia	"
	Mauritania	"
	Nicaragua	"
	Portugal	"
	Tunisia	"
	United Republic of Tanzania	"
	Viet Nam	"
	Colombia	2766th meeting (2767th meeting)
	Nigeria	"
	Sao Tome and Principe	"
	Syrian Arab Republic	"
Letter dated 17 June 1985 from the Permanent Rep- resentative of Botswana	Angola	2778th meeting
	Botswana	2598th meeting (2599th meeting)
	German Democratic Republic	"
	Lesotho	"
	Liberia	"
	Seychelles	"
	South Africa	"
	Sudan	"
	Benin	2599th meeting
	Swaziland	"
	United Republic of Tanzania	"
	The situation in the occupied Arab territories	Israel
Jordan		"
Islamic Republic of Iran		2605th meeting
Syrian Arab Republic		"
Israel		2643rd meeting (2644th- 2649th meetings)
Jordan		"
Pakistan		"
Saudi Arabia		"
Syrian Arab Republic		"
Egypt		2644th meeting (2645th- 2650th meetings)
Libyan Arab Jamahiriya		"
Qatar		"
Bangladesh		2645th meeting (2646-2650th meetings)
Turkey		"

<i>Question^a</i>	<i>State invited</i>	<i>Decision of the Council—invitation extended or renewed^b</i>
The situation in the occupied Arab territories (continued)	Afghanistan	2646th meeting (2647th-2650th meetings)
	Algeria	"
	Brunei Darussalam	2646th meeting (2647th-2650th meetings)
	Guinea	"
	Indonesia	"
	Islamic Republic of Iran	"
	Mauritania	"
	Tunisia	"
	Yemen	"
	India	2647th meeting (2648th-2650th meetings)
	Malaysia	"
	Sudan	"
	Cuba	2648th meeting (2649th meetings)
	Iraq	"
	Nicaragua	"
	Yugoslavia	2649th meeting (2650th meeting)
	Egypt	2724th meeting (2725th-2727th meetings)
	Israel	"
	Jordan	"
	Kuwait	"
	Morocco	"
	Syrian Arab Republic	2725th meeting (2726th-2727th meeting)
	Israel	2770th meeting (2772nd-2777th meetings)
	Egypt	2772nd meeting (2773rd-2777th meetings)
	Jordan	"
	Kuwait	"
	Qatar	"
	Saudi Arabia	"
	Syrian Arab Republic	"
	Bahrain	2773rd meeting (2774th-2777th meetings)
	Cuba	"
	Islamic Republic of Iran	"
	Iraq	"
	Pakistan	"
	Algeria	2774th meeting (2775th-2777th meetings)
	Democratic Yemen	"
	India	"
	Libyan Arab Jamahiriya	"
	Tunisia	"
	Yemen	"
	Yugoslavia	"
	Afghanistan	2775th meeting (2776th and 2777th meetings)
Czechoslovakia	"	
German Democratic Republic	"	
Morocco	"	
Ukrainian SSR	"	
Viet Nam	"	
Zimbabwe	"	
Nicaragua	2776th meeting (2777th meeting)	

<i>Question^a</i>	<i>State invited</i>	<i>Decision of the Council—invitation extended or renewed^b</i>
The situation in the occupied Arab territories (continued)	Israel	2780th meeting
	Israel	2781st meeting
	Lebanon	2781st meeting
	Czechoslovakia	2785th meeting (2786th, 2687th and 2689th meetings)
	Egypt	"
	Jordan	"
	Kuwait	"
	Syrian Arab Republic	"
	Morocco	2786th meeting (2787th, 2789th and 2790th meetings)
	Israel	2787th meeting (2789th and 2790th meetings)
	Libyan Arab Jamahiriya	"
	Malaysia	"
	Qatar	"
	Sudan	"
	India	2789th meeting (2790th meeting)
	Indonesia	"
	Zimbabwe	"
	India	2804th meeting (2805th and 2806th meetings)
	Israel	"
	Jordan	"
	Kuwait	"
	Libyan Arab Jamahiriya	"
	Saudi Arabia	"
	Syrian Arab Republic	"
	Pakistan	2805th meeting (2806th meeting)
	Bangladesh	2806th meeting
	Letter dated 1 October 1985 from the Permanent Representative of Tunisia	Algeria
Israel		"
Jordan		"
Kuwait		"
Libyan Arab Jamahiriya		"
Turkey		"
Afghanistan		2611th meeting (2613th and 2615th meetings)
Cuba		"
Greece		"
Lesotho		"
Mauritania		"
Morocco		"
Pakistan		"
Senegal		"
Syrian Arab Republic		"
Yemen		"
Bangladesh		2613th meeting (2615th meeting)
German Democratic Republic		"
Indonesia		"
Islamic Republic of Iran		"
Malta		"
Nicaragua		"
Nigeria		"

<i>Question^a</i>	<i>State invited</i>	<i>Decision of the Council—invitation extended or renewed^b</i>
Letter dated 1 October 1985 from the Permanent Representative of Tunisia (continued)	Saudi Arabia	"
	Yugoslavia	"
The Middle East problem including the Palestinian question	Viet Nam	2615th meeting
	Israel	2619th meeting (2620th-2622nd meetings)
	Kuwait	"
	Syrian Arab Republic	"
	Algeria	2620th meeting (2621st and 2622nd meetings)
	Czechoslovakia	"
	Morocco	"
	Pakistan	"
	Yugoslavia	"
	Afghanistan	2621st meeting (2622nd meeting)
	Bangladesh	"
	Democratic Yemen	"
	German Democratic Republic	"
	Indonesia	"
Cuba	2622nd meeting	
Jordan	"	
Letter dated 6 December 1985 from the Chargé d'affaires a.i. of the Permanent Mission of Nicaragua	Islamic Republic of Iran	2633rd meeting (2634th and 2636th meetings)
	Mexico	"
	Syrian Arab Republic	"
	Viet Nam	"
	Costa Rica	2634th meeting (2636th meeting)
	Cuba	"
	Honduras	"
	Libyan Arab Jamahiriya	"
	Zimbabwe	2636th meeting
	Burundi	2638th meeting (2639th meeting)
Complaint by Lesotho against South Africa	Senegal	"
	South Africa	"
Letter dated 4 February 1986 from the Permanent Representative of the Syrian Arab Republic	Israel	2651st meeting (2653rd and 2655th meetings)
	Jordan	2653rd meeting (2655th meeting)
	Libyan Arab Jamahiriya	"
	Morocco	"
	Algeria	2655th meeting
	German Democratic Republic	"
	India	"
	Islamic Republic of Iran	"
	Iraq	"
	Yugoslavia	"

<i>Question^a</i>	<i>State invited</i>	<i>Decision of the Council—invitation extended or renewed^b</i>
The situation in southern Africa	Togo	2652nd meeting
	Ethiopia	2652nd meeting (2654th, 2656th-2662st meetings)
	Mozambique	"
	Senegal	"
	South Africa	"
	United Republic of Tanzania	"
	Zambia	"
	Angola	"
	Botswana	"
	India	"
	Libyan Arab Jamahiriya	"
	Nicaragua	"
	Zimbabwe	2654th meeting (2656th-2662nd meetings)
	Algeria	2656th meeting (2657th-2662nd meetings)
	Egypt	"
	German Democratic Republic	"
	Yugoslavia	"
	Guyana	2657th meeting (2658th-2662nd meetings)
	Islamic Republic of Iran	"
	Afghanistan	2658th meeting (2659th-2662nd meetings)
	Cuba	2658th meeting (2659th-2662nd meetings)
	Panama	"
	Syrian Arab Republic	"
	Nigeria	2659th meeting (2660th-2662nd meetings)
	Hungary	2660th meeting (2661st-2662nd meetings)
	Lesotho	"
	Pakistan	"
	Ukrainian SSR	"
	Tunisia	2661st meeting (2662nd meeting)
	Cuba	2684th meeting (2685th and 2686th meetings)
	India	"
	South Africa	"
	United Republic of Tanzania	"
Zambia	"	
Argentina	2685th meeting (2686th meeting)	
Botswana	"	
Czechoslovakia	"	
German Democratic Republic	"	
Libyan Arab Jamahiriya	"	
Islamic Republic of Iran	2686th meeting	
Syrian Arab Republic	"	
Zimbabwe	"	

<i>Question^a</i>	<i>State invited</i>	<i>Decision of the Council—invitation extended or renewed^b</i>
Letter dated 25 March 1986 from the Permanent Representative of Malta	Czechoslovakia	2668th meeting (2669th-2671st meetings)
Letter dated 25 March 1986 from the Permanent Representative of the Union of Soviet Socialist Republics		
Letter dated 26 March 1986 from the Permanent Representative of Iraq		
	Hungary	"
	Kuwait	"
	Libyan Arab Jamahiriya	"
	Malta	"
	Poland	"
	Ukrainian SSR	"
	Viet Nam	"
	Byelorussian SSR	2669th meeting (2670th and 2671st meetings)
	Cuba	"
	Democratic Yemen	"
	German Democratic Republic	"
	India	"
	Mongolia	"
	Syrian Arab Republic	"
	Yugoslavia	"
	Algeria	2670th meeting (2671st meeting)
	Ethiopia	"
	Islamic Republic of Iran	"
	Lao People's Democratic Republic	"
	Afghanistan	2671st meeting
	Mozambique	"
	Nicaragua	"
Letter dated 12 April 1986 from the Chargé d'affaires a.i. of the Permanent Mission of Malta	Libyan Arab Jamahiriya	2672nd meeting (2673rd meeting)
	Ukrainian SSR	2673rd meeting
	Syrian Arab Republic	"
Letter dated 15 April 1986 from the Chargé d'affaires of the Permanent Mission of the Libyan Arab Jamahiriya	Algeria	2674th meeting (2675th-2680th and 2682nd-2683rd meetings)
Letter dated 15 April 1986 from the Chargé d'affaires of the Permanent Mission of Burkina Faso		
Letter dated 15 April 1986 from the Chargé d'affaires of the Permanent Mission of the Syrian Arab Republic		
Letter dated 15 April 1986 from the Permanent Representative of Oman		
	Burkina Faso	"

<i>Question^a</i>	<i>State invited</i>	<i>Decision of the Council—invitation extended or renewed^b</i>
Letter dated 15 April 1986 from the Chargé d'affaires of the Permanent Mission of the Libyan Arab Jamahiriya	Cuba	"
Letter dated 15 April 1986 from the Chargé d'affaires of the Permanent Mission of Burkina Faso		
Letter dated 15 April 1986 from the Chargé d'affaires of the Permanent Mission of the Syrian Arab Republic		
Letter dated 15 April 1986 from the Permanent Representative of Oman		
<i>(continued)</i>		
	Democratic Yemen	"
	German Democratic Republic	"
	Mongolia	"
	Poland	"
	Ukrainian SSR	"
	Byelorussian SSR	2675th meeting (2676-2680th and 2682nd-2683rd meetings)
	India	"
	Qatar	"
	Yugoslavia	"
	Czechoslovakia	2676th meeting (2677th-2680th and 2682nd-2683rd meetings)
	Hungary	"
	Pakistan	"
	Saudi Arabia	"
	Viet Nam	"
	Afghanistan	2677th meeting (2678th-2680th and 2682nd-2683rd meetings)
	Benin	"
	Islamic Republic of Iran	"
	Lao People's Democratic Republic	"
	Nicaragua	2678th meeting (2679th, 2680th and 2682nd-2683rd meetings)
	Sudan	"
	Bangladesh	2679th meeting (2680th and 2682nd-2683rd meetings)
	Malta	2682nd meeting
	Uganda	"
Letter dated 27 June 1986 from the Permanent Representative of Nicaragua	India	2694th meeting (2695th-2698th meetings)
	Nicaragua	"
	Afghanistan	2695th meeting (2696th and 2698th meetings)
	Democratic Yemen	"

<i>Question^a</i>	<i>State invited</i>	<i>Decision of the Council—invitation extended or renewed^b</i>
Letter dated 27 June 1986 from the Permanent Representative of Nicaragua (continued)	German Democratic Republic	2695th meeting (2696th and 2698th meetings)
	Lao People's Democratic Republic	"
	Spain	"
	Syrian Arab Republic	"
	Viet Nam	"
	Angola	2696th meeting (2697th-2698th meetings)
	Cuba	"
	Czechoslovakia	"
	El Salvador	"
	Mongolia	"
	Ukrainian SSR	"
	Algeria	2697th meeting (2698th meeting)
	Guyana	"
	Islamic Republic of Iran	"
	Libyan Arab Jamahiriya	"
	Yugoslavia	"
Letter dated 22 July 1986 from the Permanent Representative of Nicaragua	Cuba	2700th meeting (2701st-2704th meetings)
	Democratic Yemen	"
	El Salvador	"
	India	"
	Ukrainian SSR	"
	Czechoslovakia	2701st meeting (2702nd-2704th meetings)
	Syrian Arab Republic	"
	Viet Nam	"
	Lao People's Democratic Republic	2702nd meeting (2703rd meeting)
	Poland	"
	Afghanistan	2703rd meeting (2704th meeting)
	Honduras	"
	Libyan Arab Jamahiriya	"
	United Republic of Tanzania	"
	Zimbabwe	"
	Letter dated 17 October 1986 from the Permanent Representative of Nicaragua	Islamic Republic of Iran
Argentina		2716th meeting (2717th and 2718th meetings)
Cuba		"
India		"
Iraq		"
Mexico		"
Peru		"
Yugoslavia		"
Algeria		2717th meeting (2718th meeting)
Democratic Yemen		"
Guatemala		"
Honduras		"

<i>Question^a</i>	<i>State invited</i>	<i>Decision of the Council—invitation extended or renewed^b</i>
Letter dated 17 October 1986 from the Permanent Representative of Nicaragua <i>(continued)</i>	Spain	2717th meeting (2718th meeting)
	Syrian Arab Republic	"
Letter dated 13 November 1986 from the Permanent Representative of Chad	Islamic Republic of Iran	2718th meeting
	Chad	2721st meeting
	Egypt	"
	Libyan Arab Jamahiriya	"
Letter dated 9 December 1986 from the Permanent Representative of Nicaragua	Zaire	"
	Honduras	2728th meeting
Letter dated 11 March 1988 from the Permanent Representative of Argentina	Bolivia	2800th meeting (2801st meeting)
	Colombia	"
	Costa Rica	"
	Ecuador	"
	Guyana	"
	Mexico	"
	Nicaragua	"
	Panama	"
	Peru	"
	Spain	"
	Uruguay	"
	Venezuela	"
	Guatemala	2801st meeting
	India	"
Letter dated 17 March 1988 from the Chargé d'affaires a.i. of the Permanent Mission of Nicaragua	Colombia	2802nd meeting (2803rd meeting)
	Costa Rica	"
	Honduras	"
	Peru	"
Letter dated 19 April 1988 from the Permanent Representative of Tunisia	Egypt	2807th meeting (2808th-2810th meetings)
	Gabon	"
	Jordan	2807th meeting (2808th-2810th meetings)
	Kuwait	"
	Lebanon	"
	Morocco	"
	Mozambique	"
	Pakistan	"
	Saudi Arabia	"
	Somalia	"
	Syrian Arab Republic	"
	Bangladesh	2808th meeting (2809th and 2810th meetings)

<i>Question^a</i>	<i>State invited</i>	<i>Decision of the Council—invitation extended or renewed^b</i>
Letter dated 19 April 1988 from the Permanent Representative of Tunisia (continued)	Cuba	2808th meeting (2809th and 2810th meetings)
	Mauritania	"
	Qatar	"
	Turkey	"
	Ukrainian SSR	"
	United Arab Emirates	"
	Yemen	"
	Bahrain	2809th meeting (2810th meeting)
	Greece	"
	Lao People's Democratic Republic	"
	Libyan Arab Jamahiriya	"
	Sudan	"
	Zimbabwe	"
	Congo	2810th meeting
	Djibouti	"
Letter dated 5 July 1988 from the Acting Permanent Representative of the Islamic Republic of Iran	India	2818th meeting (2819th-2821st meetings)
	Libyan Arab Jamahiriya	"
	Pakistan	"
	Syrian Arab Republic	"
	Cuba	2819th meeting (2820th and 2821st meetings)
	Gabon	"
	United Arab Emirates	"
	Nicaragua	2820th meeting (2821st meeting)
	Romania	"
		ZAIRY

^aQuestions entered in the table are arranged under agenda items. Items are listed chronologically according to the sequence of the first meeting held on each item. Any reconsideration of an item or discussion of a sub-item under the general heading at subsequent meetings does not reappear as a new agenda item, but has been grouped under the item that first appeared.

^bThe meetings at which the invitations were renewed are indicated by parentheses.

**(b) TO SUBMIT WRITTEN STATEMENTS

**3. Invitations denied

D. IN THE CASE OF OTHER INVITATIONS

1. Invitations expressly under Article 32

<i>Question</i>	<i>State invited</i>	<i>Basis of the invitation</i>	<i>Decision of the Council— invitation extended or renewed</i>
Letter dated 10 February 1988 from the Permanent Observer for the Republic of Korea Letter dated 10 February 1988 from the Permanent Representative of Japan	Republic of Korea	OR, 43rd yr., <i>Suppl.</i> for Jan.-March 1988, S/19488 and S/19489	2791st meeting (2792nd meeting)

2. Invitations expressly under rule 39 of the provisional rules of procedure

<i>Question^a</i>	<i>Person invited</i>	<i>Basis of the invitation</i>	<i>Decision of the Council— invitation extended or renewed^b</i>
The situation in the occupied Arab territories	C. Maksud	S/17461	2604th meeting (2605th meeting)
The Middle East problem including the Palestinian question	C. Maksud	S/17558	2620th meeting (2621st and 2622nd meetings)
	S. Pirzada	S/17560	2621st meeting (2622nd meeting)
The situation in the Middle East	S. Pirzada	S/17558	2623rd meeting
	"	S/17560	2621st (2623rd meeting)
	C. Maksud	S/18358	2707th meeting
	S. Mansouri	S/17750	2643rd (2644th-2649th meetings)
The situation in the occupied Arab territories	S. Pirzada	S/17758	2646th meeting (2647th-2649th meetings)
	C. Maksud	S/18505	2724th meeting (2725th meeting)
Letter dated 4 February 1986 from the Syrian Arab Republic	S. Mansouri	S/17791	2651st meeting
The situation in the occupied Arab territories	C. Maksud	S/19339	2772nd meeting (2773rd-2776th meetings)
	K. Ansay	S/19344	2773rd meeting (2774th-2776th meetings)
	C. Maksud	S/19453	2785th meeting
	S. Pirzada	S/19456	2785th meeting (2786th, 2687th and 2689th meetings)
	C. Klibi	S/19705	2804th meeting (2786th, 2687th and 2689th meetings)
	E. Ansay	S/19773	2806th meeting (2805th and 2806th meetings)
	C. Maksud	S/19776	2806th meeting
The situation in the Middle East	S. Mansouri	S/19432	2782nd meeting

<i>Question^a</i>	<i>Person invited</i>	<i>Basis of the invitation</i>	<i>Decision of the Council— invitation extended or renewed^b</i>
The situation in the Middle East (continued)	C. Maksoud	S/19867	2811th meeting (2783rd and 2784th meetings)
The situation between Iraq and Iran	C. Klibi	S/16994	2569th meeting
	"	S/17841	2663rd meeting (2664th and 2665th meetings)
	"	S/18375	2709th meeting (2710th-2713th meetings)
The question of South Africa	Neo Mnumzana	S/17793	2652nd meeting (2654th-2661st meetings)
	Lesaoana Makhanda	S/17794	2654th meeting (2655th-2661st meetings)
	Theo-Ben Gurirab	S/17815	2660th meeting (2661st meeting)
	Mfanafuthi J. Makatini	S/18695	2733rd (2736th meeting)
	L. Makhanda	S/18707	2736th meeting
	A. Ansay	"	"
	N. Mnumzana	S/19569	2793rd meeting
	L. Makhanda	"	"
	H. Angula	"	"
The situation in Namibia	Sam Nujoma	S/17244	2583rd meeting (2594th-2490th, 2492nd and 2494th- 2495th meetings)
	C. Maksoud	S/17255	2585th meeting (2586th-2590th, 2592nd and 2594th- 2595th meetings)
	Gora Ebrahim	S/17265	2589th meeting (2590th, 2592nd and 2594th- 2595th meetings)
	Andimba Toivo y Toivo	S/17624	2624th meeting (2625th-2626th and 2628th meetings)
	Theo-Ben Gurirab	S/18772	2740th meeting (2741st-2746th meetings)
	A. Ansay	S/18779	"
	Theo-Ben Gurirab	S/19233	2755th meeting (2756th-2758th meetings)
	Solly Simelane	S/19238	2756th meeting (2757th-2758th meetings)
The situation in Cyprus	Ozer Koray	-	2591st meeting
	Ozer Koray	-	2635th meeting
	Ozer Koray	-	2688th meeting
	Ozer Koray	-	2729th meeting
	Ozer Koray	-	2749th meeting
	Ozer Koray	-	2771st meeting
	Ozer Koray	-	2816th meeting
	Ozer Koray	-	2833rd meeting
Complaint by Angola against South Africa	Peter Mushilhange	S/17325	2614th meeting
	M.J. Makatini	S/17541	2616th meeting
	M.J. Makatini	S/19289	2763rd meeting
	Theo-Ben Gurirab	S/19293	2766th meeting (2764th-2766th meetings)

<i>Question^a</i>	<i>Person invited</i>	<i>Basis of the invitation</i>	<i>Decision of the Council— invitation extended or renewed^b</i>
Complaint by Lesotho against South Africa	Neo Mnumzana	S/17700	2638th meeting
Letter dated 10 October 1985 from the Permanent Representative of Tunisia	C. Maksoud	S/17513	2610th meeting
Letter dated 1 October 1985 from the Permanent Representative of Tunisia	Adnan Omran	S/17515	2611th meeting
Letter dated 25 March 1986 from the Permanent Representative of Malta	S. Pirzada	S/17524	2613th meeting
Letter dated 25 March 1986 from the Permanent Representative of the Union of Soviet Socialist Republics	C. Maksoud	S/17948	2670th meeting
Letter dated 26 March 1986 from the Permanent Representative of Iraq			
Letter dated 15 April 1986 from the Chargé d'affaires of the Permanent Mission of the Libyan Arab Jamahiriya	C. Maksoud	S/17997	2675th meeting (2676th-2680th and 2682nd meetings)
Letter dated 15 April 1986 from the Chargé d'affaires of Burkina Faso			
Letter dated 15 April 1986 from the Chargé d'affaires of the Permanent Mission of the Syrian Arab Republic			
Letter dated 15 April 1986 from the Permanent Representative of Oman			
Letter dated 19 April 1988 from the Permanent Representative of Tunisia	C. Maksoud	S/19815	2807th meeting (2808th-2810th meetings)

^aQuestions entered in the table are arranged under agenda items. Items are listed chronologically according to the sequence of the first meeting held on each item. Any reconsideration of an item or discussion of a sub-item under the general heading at subsequent meetings does not reappear as a new agenda item, but has been grouped under the item that first appeared.

^bThe meetings at which the invitations were renewed are indicated by parentheses.

3. Invitations not expressly under Article 32 or rule 39

***(a)* RESTRICTED IN RELATION TO THE AGENDA ITEM

(b) UNRESTRICTED IN RELATION TO THE AGENDA ITEM

During the period under review, the Palestine Liberation Organization (PLO) was invited to participate in most of the discussions of items relating to the Middle East, in accordance with the initial decision at the 1859th meeting, on 4 December 1975.¹

The occasions and votes are recorded in the following tabulations:

VOTES REGARDING THE INVITATION OF THE PALESTINE LIBERATION ORGANIZATION

Question	Meeting	Vote		
		In favour	Against	Abstaining
The situation in the Middle East	2572nd	10	1	4
	2582nd	10	1	4
	2604th	10	1	4
	2619th	10	1	4
	2770th	10	1	4
	2783rd	10	1	4
	2813th	10	1	4
The situation in the occupied Arab territories	2643rd	10	1	4
	2724th	10	1	4
	2780th	10	1	4
	2781st	10	1	4
	2785th	10	1	4
	2804th	10	1	4
The situation between Iran and Iraq	2664th	10	1	4
	2709th	10	1	4
Letter dated 1 October 1985 from the Permanent Representative of Tunisia	2610th	10	1	4
Letter dated 15 April 1986 from the Chargé d'affaires of the Libyan Arab Jamahiriya	2680th	10	1	4
Letter dated 15 April 1986 from the Chargé d'affaires of Burkina Faso				
Letter dated 15 April 1986 from the Chargé d'affaires of the Syrian Arab Republic				
Letter dated 15 April 1988 from the Permanent Representative of Oman				
Letter dated 19 April 1986 from the Permanent Representative of Tunisia	2807th	10	1	4

¹See *Repertoire of the Practice of the Security Council, Supplement 1975-1980*, chap. III, part I, D.3(b).

INVITATIONS NOT EXPRESSLY UNDER ARTICLE 32 OR RULE 39,
RESTRICTED IN RELATION TO THE AGENDA ITEM

<i>Question^a</i>	<i>Invitation</i>	<i>Basis of the invitation</i>	<i>Decision of the Council— invitation extended or renewed^b</i>
The situation in the Middle East	PLO	S/17011	2572nd meeting (2573rd and 2575th meetings)
	PLO	S/17234	2582nd meeting
	PLO	S/17460	2604th meeting (2605th meeting)
	PLO	S/19433	2783rd meeting (2784th meeting)
	PLO	S/19870	2813th meeting
The Middle East problem including the Palestinian question	PLO	S/17552	2619th meeting (2620th-2623rd meetings)
The situation in the occupied Arab territories	PLO	S/17748	2643rd meeting (2664th-2649th meetings)
	PLO	S/18504	2724th meeting (2725th meeting)
	PLO	S/19404	2780th meeting
	PLO	S/19430	2781st meeting
	PLO	S/19445	2785th meeting (2787th and 2789th meetings)
	PLO	S/19706	2804th meeting (2805th and 2806th meetings)
	PLO	S/17787	2655th meeting
Letter dated 4 February 1986 from the Permanent Representative of Syria	PLO	S/17512	2610th meeting (2611th, 2613th and 2615th meetings)
Letter dated 1 October 1985 from the Permanent Representative of Tunisia	PLO	S/17847	2664th meeting (2665th meeting)
The situation between Iran and Iraq	PLO	S/18411	2709th meeting (2710th-2713th meetings)
	PLO	S/18018	2680th meeting (2681st and 2682nd meetings)
Letter dated 15 April 1986 from the Chargé d'affaires of the Permanent Mission of the Libyan Arab Jamahiriya Letter dated 15 April 1986 from the Chargé d'affaires of the Permanent Mission of Burkina Faso Letter dated 15 April 1986 from the Chargé d'affaires of the Permanent Mission of the Syrian Arab Republic Letter dated 15 April 1986 from the Permanent Representative of Oman	PLO	S/19814	2807th meeting (2808th-2810th meetings)
Letter dated 19 April 1988 from the Permanent Representative of Tunisia	PLO	S/19814	2807th meeting (2808th-2810th meetings)

^aQuestions entered in the table are arranged under agenda items. Items are listed chronologically according to the sequence of the first meeting held on each item. Any reconsideration of an item or discussion of a sub-item under the general heading at subsequent meetings does not reappear as a new agenda item, but has been grouped under the item that first appeared.

^bThe meetings at which the invitations were renewed are indicated by parentheses.

4. Invitations denied

During the period under review, there were no cases where an invitation was expressly denied. There were, however, three instances where invitations requested under rule 39 were not pressed to a decision by the Security Council owing to objections, especially from the potential supporters of such invitations. In his letter dated 12 November 1985 (S/17627), the representative of South Africa enclosed a statement by the "Transitional Government" of Namibia in which that Government requested that an invitation be sent to representatives of the six political parties of the Multi-Party Conference of Namibia to participate in the debate of the Council on the question of Namibia. This was further confirmed by him at the 2624th meeting of the Council. Similar requests were made at the 2742nd to 2746th and 2755th to 2759th meetings for the group or a representative of the group. During those meetings, the

representatives of the United Kingdom of Great Britain and Northern Ireland, the United States of America and the Federal Republic of Germany argued that, although they supported, in principle, that any person who could provide information to the Council should be enabled to do so under rule 39, they could not support the request. Arguments put forward included: (a) persons acting as representatives of the so-called Transitional Government of Namibia should not be allowed to address the Council since that Government had been declared null and void by the Council (resolution 566 (1978)); and (b) rule 39 applies only to individuals and not to representatives of a Government or of a group of parties.²

²See 2634th, 2626th, 2629th, 2746th and 2759th meetings. See also footnote 5 of *Supplement 1981-1984 of the Repertoire of the Practice of the Security Council*, page 50.

**Part II

CONSIDERATION OF THE TERMS AND PROVISIONS OF ARTICLE 32 OF THE CHARTER

Part III

PROCEDURES RELATING TO PARTICIPATION OF INVITED REPRESENTATIVES

NOTE

Part III is concerned with procedures relating to the participation of invited representatives after an invitation was extended and comprises material on participation by Members and non-members of the United Nations.

No question arose during the period under review concerning either the stage at which invited States might be heard (sect. A), or the duration of participation of invited representatives (sect. B). The practice was generally maintained whereby the President, when consideration of a question was extended over several meetings, renewed the

invitation at each consecutive meeting immediately after the adoption of the agenda.

During the period under review, there were no cases involving limitations of a procedural nature affecting invited representatives throughout the process of participation in the proceedings of the Council (sect. C).

No question arose during the period under review concerning limitations connected with aspects of the business of the Council in which it was deemed inappropriate that invited representatives should participate (sect. D).

Chapter IV

VOTING

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INTRODUCTORY NOTE

The present chapter contains material from the *Official Records* relating to the practice of the Security Council under Article 27 of the Charter. The arrangement of the material in the chapter basically follows that of the corresponding chapter in earlier volumes of the *Repertoire*; part IV has been retained in view of the continuing trend in the Council to adopt its decisions by consensus or without a vote.

Part I presents evidence relating to the distinction between procedural and non-procedural matters. During the period under review, there was no material requiring treatment in part II, relating to the practice of the Council in voting upon whether a matter was procedural within the meaning of Article 27, paragraph 2, of the Charter. Part III is concerned with the abstention, non-participation or absence of a Council member in relation to the requirements of Article 27, paragraph 3. Part IV deals with decisions adopted by consensus or without a vote.

Some of the material in this chapter represents parts of draft resolutions that were extracted and subjected to a separate vote. Such votes are listed here in so far as they provide evidence relating to Article 27 of the Charter. As this separate vote is taken under the auspices of rule 32 in the provisional rules of procedure, more detailed information concerning this material will be found in chapter I, part V.

Material relating to voting in connection with the election of judges under Article 10 of the Statute of the International Court of Justice is included in chapter VI, part I, section E. Chapter VII, part I, contains material on the voting procedure employed by the Council in connection with applications for admission to membership in the United Nations.

As noted in the preceding volumes of the *Repertoire*, most votes in the Council do not indicate whether the Council considers the matter voted upon as procedural or

non-procedural: this uncertainty exists when a proposal is adopted by a unanimous vote, when all permanent members vote in favour of the proposal or when the proposal fails to obtain the necessary nine votes in its favour.

Part I, section A,¹ comprises instances wherein the vote indicated the procedural character of the decision: the proposal obtained nine or more votes and was adopted despite the negative vote of one or more permanent members.

Part I, section B,² lists instances where the vote revealed the non-procedural nature of the decision: the proposal obtained nine or more votes in favour, but was rejected owing to the negative vote of one or more permanent members.

In part III, section A, there were no cases in which members abstained in accordance with the proviso of Article 27, paragraph 3.

Part III, section B,³ lists those occasions on which permanent members abstained voluntarily or did not participate in the vote. Had they voted against the proposal, no affirmative decision could have been taken.

Part IV, section A, lists cases in which the Council adopted resolutions by consensus.

Part IV, section B, concerns resolutions adopted without a vote. There were no decisions adopted without a vote during the period under review.

Part IV, section C, lists cases in which the Council's decisions were announced or issued after being agreed upon by members of the Council during consultations, including those decisions when some members dissociated themselves from matters under consideration.⁴

¹See the table in part I, sect. A, below.

²See the table in part I, sect. B, below.

³See the table in part III, sect. B, below.

⁴See the various tables in part IV below.

Part I

PROCEDURAL AND NON-PROCEDURAL MATTERS

A. CASES IN WHICH THE VOTE INDICATED THE PROCEDURAL CHARACTER OF THE MATTER

****1. Inclusion of items in the agenda**

****2. Order of items on the agenda**

****3. Deferment of consideration of items on the agenda**

****4. Removal of an item from the list of matters of which the Security Council is seized**

****5. Rulings of the President of the Security Council**

****6. Suspension of a meeting**

****7. Adjournment of a meeting**

8. Invitations to participate in the proceedings

<i>Agenda item</i>	<i>Organization invited</i>	<i>Meeting and date</i>	<i>Vote</i>	<i>Permanent members casting a negative vote</i>
Situation in the Middle East	Palestine Liberation Organization (PLO)	2572, 11 March 1985	10-1-4	1
	PLO	2582, 31 May 1985	10-1-4	1
	PLO	2783, 18 January 1988	10-1-4	1
	PLO	2813, 9 May 1988	10-1-4	1
Situation in the occupied Arab territories	PLO	2604, 12 September 1985	10-1-4	1
	PLO	2643, 21 January 1986	10-1-4	1
	PLO	2724, 5 December 1986	10-1-4	1
	PLO	2770, 11 December 1987	10-1-4	1
	PLO	2780, 5 January 1988	10-1-4	1
	PLO	2781, 14 January 1988	10-1-4	1
	PLO	2785, 27 January 1988	10-1-4	1
	PLO	2804, 30 March 1988	10-1-4	1
	PLO	2610, 2 October 1985	10-1-4	1
Letter dated 1 October 1985 from the Permanent Representative of Tunisia to the United Nations				
Middle East problem including the Palestinian question	PLO	2619, 10 October 1985	10-1-4	1
Letter dated 4 February 1986 from the Permanent Representative of the Syrian Arab Republic to the United Nations	PLO	2655, 6 February 1986	10-1-4	1
Situation between Iran and Iraq	PLO	2664, 19 February 1986	10-1-4	1
	PLO	2709, 3 October 1986	10-1-4	1
Letters dated 15 April 1986 from the Chargés d'affaires a.i. of the Permanent Missions of the Libyan Arab Jamahiriya, Burkina Faso and the Syrian Arab Republic to the United Nations and from the Permanent Representative of Oman to the United Nations	PLO	2680, 18 April 1986	10-1-4	1
Letter dated 19 April 1988 from the Permanent Representative of Tunisia to the United Nations	PLO	2807, 21 April 1988	10-1-4	1

**9. Conduct of business

**10. Convocation of an emergency special session of the General Assembly

B. CASES IN WHICH THE VOTE INDICATED THE NON-PROCEDURAL CHARACTER OF THE MATTER

1. In connection with matters considered by the Security Council under its responsibility for the maintenance of international peace and security

<i>Agenda item</i>	<i>Meeting and date</i>	<i>Decisions (draft resolutions, etc.)</i>	<i>Submitted by</i>	<i>Vote</i>	<i>Permanent members casting negative vote</i>
Situation in the Middle East	2573, 12 March 1985	S/17000	1-Power	11-1-3	1
	2642, 17 January 1986	S/17730/Rev.2	1-Power	11-1-3	1
	2784, 18 January 1986	S/19434	6-Power	13-1-1	1
	2814, 10 May 1988	S/19868	6-Power	14-1-0	1

<i>Agenda item</i>	<i>Meeting and date</i>	<i>Decisions (draft resolutions, etc.)</i>	<i>Submitted by</i>	<i>Vote</i>	<i>Permanent members casting negative vote</i>
Letter dated 6 May 1985 from the Permanent Representative of Nicaragua to the United Nations	2832, 14 December 1988	S/20322	6-Power	14-1-0	1
	2580, 10 May 1985	S/17172 (eighth preambular para.)	1-Power	13-1-1	1
	2580, 10 May 1985	S/17172 (operative para. 1)	1-Power	11-1-3	1
Question of South Africa	2580, 10 May 1985	S/17172 (operative para. 2)	1-Power	13-1-1	1
	2602, 26 July 1985	Amendment S/17363 to draft resolution S/17354/Rev.1	6-Power	12-2-1	2
	2738, 20 February 1987	S/18705	5-Power	10-3-2	2
Situation in the occupied Arab territories	2797, 8 March 1988	S/19585	6-Power	10-2-3	2
	2605, 13 September 1985	S/17459	6-Power	10-1-4	1
	2650, 30 January 1986	S/17769/Rev.1	5-Power	13-1-1	1
Situation in Namibia	2790, 1 February 1988	S/19466	6-Power	14-1-0	1
	2806, 15 April 1988	S/19780	6-Power	14-1-0	1
	2629, 15 November 1985	S/17633	6-Power	12-2-1	2
Letter dated 4 February 1986 from the Permanent Representative of the Syrian Arab Republic to the United Nations	2747, 9 April 1987	S/18785	5-Power	9-3-3	2
	2655, 6 February 1986	S/17796/Rev.1	5-Power	10-1-4	1
Letters dated 15 April 1986 from the Chargés d'affaires a.i. of the Permanent Missions of the Libyan Arab Jamahiriya, Burkina Faso and the Syrian Arab Republic, and from the Permanent Representative of Oman to the United Nations	2682, 21 April 1986	S/18016/Rev.1	5-Power	9-5-1	3
Situation in southern Africa	2686, 23 May 1986	S/18087/Rev.1, as orally revised	5-Power	12-2-1	2
Complaint by Angola against South Africa	2693, 18 June 1986	S/18163	5-Power	12-2-1	2
Letter dated 22 July 1986 from the Permanent Representative of Nicaragua to the United Nations	2704, 31 July 1986	S/18250	5-Power	11-1-3	1
Letter dated 17 October 1986 from the Permanent Representative of Nicaragua to the United Nations	2718, 28 October 1986	S/18428	5-Power	11-1-3	1

****2. In connection with other matters considered by the Security Council**

Part II

****PROCEEDINGS OF THE SECURITY COUNCIL REGARDING VOTING UPON THE QUESTION WHETHER THE MATTER WAS PROCEDURAL WITHIN THE MEANING OF ARTICLE 27, PARAGRAPH 2, OF THE CHARTER**

Part III

**ABSTENTION, NON-PARTICIPATION OR ABSENCE IN RELATION TO ARTICLE 27,
PARAGRAPH 3, OF THE CHARTER**

A. OBLIGATORY ABSTENTION

****1. Cases in which members abstained in accordance with the proviso of Article 27, paragraph 3**

2. Consideration of abstention in accordance with the proviso of Article 27, paragraph 3

CASE 1

At the 2580th meeting, on 10 May 1985, in connection with the letter dated 6 May 1985 from the Permanent Representative of Nicaragua, a draft resolution⁵ was voted on paragraph by paragraph at the request of a permanent

member. The representative of Nicaragua pointed out that one of the paragraphs put to a separate vote (operative paragraph 5) read:

Calls on States to refrain from carrying out, supporting or promoting political, economic or military actions of any kind against any State in the region which might impede the peace objectives of the Contadora Group.

The representative of Nicaragua then stated that he wondered if the economic, military and financial blockade, along with the acts of aggression "constantly perpetrated by the United States against my country", were not in contradiction with operative paragraph 5, concerning which the United States had voted in favour.⁶

⁵S/17172, adopted as resolution 562 (1985).

⁶S/PV.2580, pp. 132-135; for details, see also chap. I, part V, sect. B.

**B. VOLUNTARY ABSTENTION, NON-PARTICIPATION OR ABSENCE
IN RELATION TO ARTICLE 27, PARAGRAPH 3**

1. Certain cases in which permanent members abstained or did not participate otherwise than in accordance with the proviso of Article 27, paragraph 3

The sixth column of the table below ("Voluntary abstention") lists certain cases in which permanent members abstained otherwise than in accordance with the proviso of Article 27, paragraph 3.

There were no cases of non-participation or of votes taken in the absence of permanent members for the period under review.

For the details of voting, see the relevant sections of chapter VIII, part II.

<i>Agenda item</i>	<i>Meeting and date</i>	<i>Decision, resolution, amendment, etc.</i>	<i>Submitted by</i>	<i>Vote</i>	<i>Voluntary abstention</i>	<i>Non-participation</i>
Situation in the Middle East	2575, 17 April 1985	S/17100 (res. 561 (1985))	—	13-0-2	1	—
	2623, 17 October 1985	S/17567 (res. 575 (1985))	—	13-0-2	1	—
	2708, 23 September 1986	S/18356 (res. 587 (1986))	1-Power	14-0-1	1	—
Situation in southern Africa	2662, 13 February 1986	S/17817/Rev.1 (res. 581 (1986))	5-Power	13-0-2	2	—
Situation in the occupied Arab territories	2727, 8 December 1986	S/18506/Rev.1, as orally revised (res. 592 (1986))	5-Power	14-0-1	1	—
	2777, 22 December 1987	S/19352/Rev.1 (res. 605 (1987))	5-Power	14-0-1	1	—
	2781, 14 January 1988	S/19429 (res. 608 (1988))	6-Power	14-0-1	1	—
Letter dated 6 May 1985 from the representative of Nicaragua to the United Nations	2580, 10 May 1985	S/17172 (sixth preambular para.)	1-Power	14-0-1	1	—
	2580, 10 May 1985	S/17172 (operative para. 3)	1-Power	14-0-1	1	—
	2580, 10 May 1985	S/17172 (operative para. 6)	1-Power	13-0-2	2	—

<i>Agenda item</i>	<i>Meeting and date</i>	<i>Decision, resolution, amendment, etc.</i>	<i>Submitted by</i>	<i>Vote</i>	<i>Voluntary abstention</i>	<i>Non-participation</i>
Situation in Namibia	2595, 19 June 1985	S/17284/Rev.2 (res. 566 (1985))	6-Power	13-0-2	2	—
	2759, 30 October 1987	S/19242 (res. 601 (1987))	5-Power	14-0-1	1	—
Question of South Africa	2602, 26 July 1985	S/17354/Rev.1 (res. 569 (1985))	2-Power	13-0-2	2	—
	2830, 23 November 1988	S/20290 (res. 623 (1988))	2-Power	13-0-2	2	—
Complaint by Angola against South Africa*	2607, 20 September 1985	S/17481 (operative para. 5, as orally revised)	6-Power	14-0-1	1	—
Complaint by Angola against South Africa*	2617, 7 October 1985	S/17531 (operative para. 6)	6-Power	14-0-1	1	—
Complaint by Angola against South Africa*	2631, 6 December 1985	S/17667 (operative para. 6)	6-Power	14-0-1	1	—
Letter dated 1 October 1985 from the Permanent Representative of Tunisia to the United Nations	2615, 4 October 1985	S/17535 (res. 573 (1985))	6-Power	14-0-1	1	—
Letter dated 19 April 1988 from the Permanent Representative of Tunisia to the United Nations	2810, 25 April 1988	S/19819 (res. 611 (1988))	6-Power	14-0-1	1	—

*In these three cases a permanent member requested, then abstained from, a separate vote on the operative paragraphs specified in the table. However, after each of the operative paragraphs in question were adopted and included in the main body of the corresponding draft resolutions, the entire resolutions were unanimously adopted in all three cases. For further information concerning these separate votes, see chap. I, part V, under "Rule 32".

2. Consideration of the practice of voluntary abstention, non-participation or absence of permanent members in relation to Article 27, paragraph 3

CASE 2

At the 2595th meeting, on 19 June 1985, in connection with the situation in Namibia, the representative of the South West Africa People's Organization, who had been invited by the President to take a place at the Security Council table, remarked, with regard to abstentions by two permanent members in the adoption of resolution 566 (1985):⁷

When the going got serious and demanded prompt and decisive action, two of the Western permanent members skirted their responsibilities and instead abstained in the vote . . . Let it also be said that abstention means a polite no . . .

CASE 3

On 26 September 1985, at the commemorative meeting concerning the United Nations for a better world and the responsibility of the Security Council in maintaining peace and security, the representative of the Union of Soviet Socialist Republics stated:⁸

A better world cannot be built by taking into account the interests and views of one State only, however powerful and economically developed that State might be. Nor can it be built for a limited group of States. A better world means peace for all, which can be achieved only through the efforts of all. I wish to stress this here in the Security

Council, whose work is based on the principle of the unanimity of its permanent members.

These remarks were reinforced by the representative of Denmark, who stated that in order for the Security Council to enhance its authority and real influence on world events it was essential for the Council to speak with one voice. He said: "It is therefore a constant endeavour for Denmark to promote agreement in the Council", and added that unanimity was required for a clear and unequivocal signal to be sent from the Council to the parties to a conflict and to ensure that the Council's decisions were implemented.

CASE 4

At the 2810th meeting on 25 April 1988, in connection with the letter dated 19 April 1988 from the Permanent Representative of Tunisia to the United Nations, the representative of the United States of America stated:⁹

Despite the strong views the United States holds on political assassination and despite our strong support for Tunisia's national sovereignty and territorial integrity, the United States has decided to abstain in the vote on the draft resolution today because it disproportionately places all blame for this latest round in the rising spiral of violence in the Middle East on one event only, while failing to mention other actions that preceded it. It also includes language that is suggestive of chapter VII sanctions.

⁷S/PV.2595, p. 26.

⁸S/PV.2608, p. 19.

⁹S/PV.2810, p. 26.

Part IV

ADOPTION OF RESOLUTIONS AND DECISIONS BY CONSENSUS OR WITHOUT A VOTE

A. CASES IN WHICH THE SECURITY COUNCIL ADOPTED RESOLUTIONS BY CONSENSUS

<i>Agenda item</i>	<i>Meeting and date</i>	<i>Resolution number</i>
Question of South Africa	2723, 28 November 1986	591 (1986)

**B. CASES IN WHICH THE SECURITY COUNCIL ADOPTED RESOLUTIONS WITHOUT A VOTE

C. CASES IN WHICH SECURITY COUNCIL DECISIONS WERE ANNOUNCED IN PRESIDENTIAL STATEMENTS ISSUED AFTER BEING AGREED UPON BY THE MEMBERS OF THE SECURITY COUNCIL AT CONSULTATIONS

1. Statements agreed upon by all members of the Security Council

(a) STATEMENTS PLACED ON RECORD AT MEETINGS OF THE SECURITY COUNCIL

<i>Agenda item</i>	<i>Meeting and date</i>	<i>Document and or meeting number</i>
Situation between Iran and Iraq	2576, 25 April 1985	S/17130, incorporated in the record of the 2576th meeting
	2667, 21 March 1986	S/17932, incorporated in the record of the 2667th meeting
	2730, 22 December 1986	S/18538, incorporated in the record of the 2730th meeting
	2779, 24 December 1987	S/19382, incorporated in the record of the 2779th meeting
	2798, 16 March 1988	S/19626, incorporated in the record of the 2798th meeting
	2823, 8 August 1988	S/20096, incorporated in the record of the 2823rd meeting
Situation in the Middle East	2581, 21 May 1985	S/17206, incorporated in the record of the 2581st meeting
	2630, 21 November 1985	S/17653, incorporated in the record of the 2630th meeting
	2687, 29 May 1986	S/18111, incorporated in the record of the 2687th meeting
	2705, 5 September 1986	S/18320, incorporated in the record of the 2705th meeting
	2719, 31 October 1986	S/18439, incorporated in the record of the 2719th meeting
	2722, 26 November 1986	S/18487, incorporated in the record of the 2722nd meeting
	2769, 25 November 1987	S/19301, incorporated in the record of the 2769th meeting
	2815, 31 May 1988	S/19912, incorporated in the record of the 2815th meeting
Question of South Africa	2831, 30 November 1988	S/20300, incorporated in the record of the 2831st meeting
	2603, 21 August 1985	S/17413, incorporated in the record of the 2603rd meeting
	2623, 17 October 1985	S/17575, incorporated in the record of the 2623rd meeting
Situation in Cyprus	2690, 13 June 1986	S/18157, incorporated in the record of the 2690th meeting
	2607, 20 September 1985	S/17486, incorporated in the record of the 2607th meeting
United Nations for a better world and the responsibility of the Security Council in maintaining international peace and security	2833, 15 December 1988	S/20330, incorporated in the record of the 2833rd meeting
	2608, 26 September 1985	S/17501, incorporated in the record of the 2608th meeting

<i>Agenda item</i>	<i>Meeting and date</i>	<i>Document and/or meeting number</i>
Statement by the President of the Security Council (in connection with the <i>Achille Lauro</i> incident)	2618, 9 October 1985	S/17554, incorporated in the record of the 2618th meeting
Statement by the President of the Security Council (in connection with the incidents at the Rome and Vienna airports)	2639, 30 December 1985	S/17702, incorporated in the record of the 2639th meeting
Statement by the President of the Security Council (fortieth anniversary of the first meeting of the Security Council and the inauguration of the International Year of Peace)	2642, 17 January 1986	S/17745, incorporated in the record of the 2642nd meeting
Situation in Namibia	2827, 29 September 1988	S/20208, incorporated in the record of the 2827th meeting

(b) STATEMENTS ISSUED ONLY AS SECURITY COUNCIL DOCUMENTS

<i>Agenda item</i>	<i>Date</i>	<i>Document number</i>
Situation between Iran and Iraq	5 March 1985	S/17004
	15 March 1985	S/17036
	16 January 1987	S/18610
Question of South Africa	14 May 1987	S/18863
	22 March 1985	S/17050
	20 August 1985	S/17408
Situation in Namibia	16 April 1987	S/18808
	3 May 1985	S/17151
Situation in the Middle East	21 August 1987	S/19068
	24 May 1985	S/17215
United Nations for a better world and the responsibility of the Security Council in maintaining international peace and security	6 June 1986	S/18138
	2 December 1986	S/18492
	13 February 1987	S/18691
	19 March 1987	S/18756
United Nations for a better world and the responsibility of the Security Council in maintaining international peace and security	29 August 1985	S/17424
Statement by the President of the Security Council (in connection with hostage-taking and abduction)	28 January 1987	S/18641
Statement by the President of the Security Council (in connection with the incident of 20 June 1988)	24 June 1988	S/19959
Situation in the occupied Arab territories	26 August 1988	S/20156

****2. Statements agreed upon by the Security Council with some members dissociating themselves from the matter**

Chapter V

SUBSIDIARY ORGANS OF THE SECURITY COUNCIL

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INTRODUCTORY NOTE

The material included in the present chapter covers procedures of the Security Council relating to the establishment and control of its subsidiary organs deemed necessary for the performance of its functions under the Charter of the United Nations.

Part I includes five instances in which a subsidiary organ was formally proposed but not established (cases 8-12),¹ six instances in which the Council authorized the Secretary-General to set up a subsidiary organ (cases 1 and 3) and one instance in which the Council itself decided to establish a subsidiary organ (case 2). In cases where the Secretary-General set up subsidiary organs pursuant to Council

decisions, no implication is intended as to whether these bodies do or do not fall under Article 29.

There are no entries under part II as there were no instances during the period under review of consideration by the Council of procedures to be followed relative to the establishment of subsidiary organs.

Article 29 of the Charter

“The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.”

Rule 28 of the provisional rules of procedure

“The Security Council may appoint a commission or committee or a rapporteur for a specified question.”

¹The note to part I of the present chapter includes instances of informal proposals to set up subsidiary organs submitted to the Council.

Part I

OCCASIONS ON WHICH SUBSIDIARY ORGANS OF THE SECURITY COUNCIL WERE ESTABLISHED OR PROPOSED

NOTE

During the period under review, the Council (a) requested the Secretary-General to send a mission to visit Botswana for the purpose of assessing the damage caused by South Africa's aggression, proposing measures to strengthen Botswana's capacity to receive and provide assistance to South African refugees and determining the level of assistance required by Botswana, and to report to the Council;² (b) decided to send to Angola a commission of investigation, comprising three members of the Council, to evaluate the damage resulting from the invasion by South African forces and to report to the Council;³ (c) decided to set up, under its authority, a United Nations Iran-Iraq Military Observer Group (UNIIMOG) to verify, confirm and supervise the ceasefire and withdrawal of all forces to the internationally recognized boundaries;⁴ (d) authorized the Secretary-General to appoint a special representative for Western Sahara;⁵ (e) encouraged the Secretary-General to carry out promptly investigations in response to allegations concerning the possible use of chemical and bacteriological (biological) or toxic weapons that might constitute a violation of the Geneva Protocol of 1925⁶ or other relevant rules of customary international law, in order to ascertain the facts of the matter, and to

report the results;⁷ (f) confirmed its agreement to the temporary dispatch by the Secretary-General to Afghanistan and Pakistan of military officers from existing United Nations operations to assist in the mission of good offices;⁸ and (g) established under its authority a United Nations Angola Verification Mission (UNAVEM) for a period of 31 months.⁹

The following subsidiary organs, which had been established prior to 1985, continued to exist during the period under review: two standing committees, the Committee of Experts and the Committee on the Admission of New Members, and a number of ad hoc bodies: the United Nations Military Observer Group in India and Pakistan (UNMOGIP), the United Nations Troop Supervision Organization (UNTSO), the United Nations Disengagement Observer Force (UNDOF), the Special Representative of the Secretary-General in the Middle East, the United Nations Representative for India and Pakistan, the Special Representative for humanitarian problems under resolution 307 (1971), the United Nations Peacekeeping Force in Cyprus (UNFICYP), the Ad Hoc Sub-Committee on Namibia, the Committee of Experts established at the 1506th meeting concerning the question of associate membership, the Security Council Committee on Council Meetings Away from Headquarters, the Special Representative of the Secretary-General to East Timor, the Security Council

²Case 1, resolution 568 (1985).

³Case 2, resolution 571 (1985).

⁴Case 3, resolutions 598 (1987) and 619 (1988).

⁵Case 5, resolution 621 (1988).

⁶League of Nations. *Treaty Series*, vol. XCIV (1929), No. 2138.

⁷Case 4, resolution 620 (1988).

⁸Case 6, resolution 622 (1988).

⁹Case 7, resolution 626 (1988).

Committee Established under resolution 421 (1977) concerning the question of South Africa, the United Nations Interim Force in Lebanon (UNIFIL), the Special Representative of the Secretary-General for Namibia and the Security Council Committee established by resolution 446 (1979) concerning the situation in the occupied Arab territories. In addition, the Secretary-General continued to exercise his good offices in connection with the situation between Iran and Iraq, as well as with the situation relating to Afghanistan. With regard to the efforts of mediation pursued by the Secretary-General in connection with the situation between Iran and Iraq, the Secretary-General visited both Tehran and Baghdad between 7 and 9 April 1985 and submitted to the Council a report¹⁰ in which he stated that he had had further exchanges in the two capitals regarding his eight-point proposals, the underlying premise of which was that, as Secretary-General, his overriding constitutional responsibility under the Charter was to seek to end the conflict; and that, until that goal was achieved, he was also legally obliged under recognized international humanitarian rules to try to mitigate the effects of the conflict, in areas such as attacks on civilian population centres, use of chemical weapons (case 4), treatment of prisoners of war and safety of navigation and civil aviation. He added that both sides had agreed that for the time being the United Nations inspection teams would remain in Baghdad and Tehran¹¹ and expressed the view that, as a first step, it was essential that the Security Council extend an invitation to the two Governments to take part in a renewed examination of all aspects of the conflict. The Council considered the Secretary-General's report on his visit and the President, on behalf of the members of the Council, made a statement¹² expressing their appreciation and support to the Secretary-General and stating that the members of the Council were ready to issue at the appropriate moment an invitation to both parties to take part in a renewed examination of all aspects of the conflict. During the period covered by the present *Supplement*, there were also several allegations, by one or other of the parties to the conflict, of the use of chemical weapons in violation of the Geneva Protocol of 1925. Since the members of the Council had considered that it could not act on the basis of individual allegations, the Secretary-General dispatched missions of specialists seven times and submitted reports thereon to the Council. The Council's responses to those reports are described in case 4 below, until, ultimately, the Council adopted resolution 620 (1988), by which it, *inter alia*, encouraged the Secretary-General to carry out promptly investigations of allegations by any Member State and decided to consider effective measures, taking into account the investigations, should there be any future use of chemical weapons wherever and by whomever committed.

The Security Council Committee on the Admission of New Members, the Ad Hoc Subcommittee on Namibia, the Committee of Experts established at the 1506th meeting to study the question of associate membership and the Security Council Committee on Council Meetings Away from Headquarters did not meet during the period under review. There was also no activity on the part of the Special Rep-

resentative of the Secretary-General in the Middle East, the United Nations Representative for India and Pakistan, the Special Representative for humanitarian problems under resolution 307 (1971) and the Security Council Commission established by resolution 446 (1979) concerning the situation in the occupied Arab territories during the period under review.

The Security Council Committee of Experts was asked to study and report on the application of the Republic of Nauru¹³ to become a party to the Statute of the International Court of Justice.

During the period under review, the military observers of UNTSO continued to assist and cooperate with UNDOF and UNIFIL. The Chief of Staff and four other military observers of UNTSO were temporarily detached to serve as leader and military experts of the technical team sent by the Secretary-General to Iran and Iraq to work out, with the authorities of those two countries, the modalities for the dispatch of UNIIMOG to verify, confirm and supervise the ceasefire and withdrawal called for in resolution 598 (1987).¹⁴ Moreover, 50 military officers had been temporarily detached from UNTSO, UNDOF and UNIFIL to constitute the United Nations Good Offices Mission in Afghanistan and Pakistan (UNGOMAP).¹⁵

UNDOF continued to function throughout the period under review, during which time the Council extended its mandate eight times¹⁶ following consideration of the Secretary-General's regular progress reports.¹⁷

During the period under review, the Council extended the mandate of UNIFIL eight times¹⁸ and the Secretary-General submitted a number of regular and special reports.¹⁹ In a number of resolutions,²⁰ the Council also requested the Secretary-General to continue consultations with the Government of Lebanon and other concerned parties on the full implementation of the mandate of UNIFIL. On a few occasions in 1986 there were attacks against UNIFIL in which several members of the Irish and French contingents were killed and the Council responded with two statements and one resolution²¹ condemning the at-

¹³See S/PV.2753 and S/PV.2754.

¹⁴S/20093, OR, 43rd yr., *Suppl. for July-Sept. 1988*. See also case 3.

¹⁵S/20230, *ibid.*, *Suppl. for Oct.-Dec. 1988*. See also case 6.

¹⁶The mandate of the Force was extended by the Council in its resolutions 563 (1985), 576 (1985), 584 (1986), 590 (1986), 596 (1987), 603 (1987), 613 (1988) and 624 (1988).

¹⁷The following progress reports were submitted by the Secretary-General: S/17177, OR, 40th yr., *Suppl. for April-June 1985*; S/17628, *ibid.*, *Suppl. for Oct.-Dec. 1985*; S/18061, *ibid.*, 41st yr., *Suppl. for April-June 1986*; S/18453, *ibid.*, *Suppl. for Oct.-Dec. 1986*; S/18453, *ibid.*, *Suppl. for Oct.-Dec. 1986*; S/18868, *ibid.*, 42nd yr., *Suppl. for April-June 1987*; S/19263, *ibid.*, *Suppl. for Oct.-Dec. 1987*; S/19895, *ibid.*, 43rd yr., *Suppl. for April-June 1988*; and S/20276, *ibid.*, *Suppl. for Oct.-Dec. 1988*.

¹⁸The mandate of the Force was extended by the Council in its resolutions 561 (1985), 575 (1985), 583 (1986), 586 (1986), 594 (1987), 599 (1987), 609 (1988) and 617 (1988).

¹⁹The Secretary-General submitted the following reports: S/17093, OR, 40th yr., *Suppl. for April-June 1985*; S/17557, *ibid.*, *Suppl. for Oct.-Dec. 1985*; S/17965, *ibid.*, 41st yr., *Suppl. for April-June 1986*; S/18164 and Add.1, *ibid.*, *Suppl. for April-June 1986*; S/18348 (special), *ibid.*, *Suppl. for July-Sept. 1986*; S/18396 (special), *ibid.*, *Suppl. for Oct.-Dec. 1986*; S/18581 and Add. 1, *ibid.*, 42nd yr., *Suppl. for Jan.-March 1987*; S/18990, *ibid.*, *Suppl. for Jan.-March 1988*; S/19617 (special), *ibid.*, and S/20053, *ibid.*, *Suppl. for July-Sept. 1988*.

²⁰See footnote 18.

²¹S/18320, S/18439 (presidential statements), and resolution 587 (1986), OR, 41st yr., *Resolutions and Decisions of the Security Council, 1986*.

¹⁰S/17097, OR, 40th yr., *Suppl. for April-June 1985*.

¹¹See *Repertoire of the Practice of the Security Council, Supplement 1981-1984*, chap. V, case 4.

¹²S/17130, OR, 40th year, *Resolutions and Decisions of the Security Council, 1985* (also incorporated in the record of the 2576th mtg., held on 25 April 1985).

tacks against UNIFIL and noting the measures taken by the Secretary-General, following his dispatch to the area of a mission of inquiry,²² to enhance the security of the Force. On another occasion, the Secretary-General included in one of his reports on UNIFIL²³ information concerning the abduction of Lt.-Col. William Richard Higgins and the Council responded by adopting a resolution condemning the abduction and demanding his immediate release.²⁴

Between 1985 and 1988, the Council extended the mandate of UNFICYP eight times²⁵ and, at the Council's request, the Secretary-General continued with his mission of good offices and regularly reported both on his good offices and on the Force. On one occasion, it was acknowledged that, on 20 September 1985, the Secretary-General had given an oral report to the members of the Council, following which the President, on behalf of the members of the Council, made a statement²⁶ affirming that, in the course of the oral report, the Secretary-General had conveyed the assessment that his initiative had brought the position of the two sides closer together and his conviction that what had been achieved should lead to an early agreement on the framework for a just and lasting settlement of the Cyprus question in accordance with the principles of the Charter. The members expressed support for the mission of the Secretary-General under his mandate from the Council and called upon all parties to make a special effort in cooperation with the Secretary-General to reach an early agreement. On another occasion, the President of the Council made a statement on behalf of its members²⁷ expressing their support for the effort launched on 24 August 1988 by the Secretary-General in the context of his mission of good offices in Cyprus and welcoming the readiness of the two parties to seek a negotiated settlement of all aspects of the Cyprus problem by 1 June 1989.

The Security Council Committee established under resolution 421 (1977) concerning the question of South Africa held 20 meetings during the period under review. At its 2723rd meeting, on 28 November 1986, the Council resumed its consideration of the Committee's report²⁸ on securing full implementation of the arms embargo by adopting measures aimed at closing all loopholes in the arms embargo against South Africa, reinforcing the embargo and making it more effective, which the Council had last considered at its 2564th meeting, on 13 December 1984.²⁹ At its 2723rd meeting, on 28 November 1986, the Council had before it a letter from the Chairman of the Committee containing a draft resolution recommended by consensus by the Committee.³⁰ At the same meeting, the Council adopted the draft resolution by consensus as resolution 591 (1986), by which it, *inter alia*, requested of all States that

thenceforth the term "arms and related *matériel*" referred to in resolution 418 (1977) should include, in addition to all nuclear, strategic and conventional weapons, all military, paramilitary police vehicles and equipment, as well as weapons and ammunition, spare parts and supplies for the aforementioned and the sale or transfer thereof; requested all States to adopt measures to investigate violations, prevent future circumventions and strengthen their machinery for the implementation of the arms embargo; and requested the Secretary-General to report to the Council on the implementation of the resolution before 30 June 1987.³¹ By a letter dated 30 December 1987 addressed to the President of the Council,³² the Chairman of the Committee transmitted the text of a statement issued on the same date by the Chairman on behalf of the Committee, in which the Committee noted that quantities of arms and military equipment were still reaching South Africa directly or via clandestine routes and appealed to all States, in particular those with a manufacturing and export capacity for military equipment, to tighten their scrutiny and to increase their vigilance so as to ensure that none of it reached South Africa in violation of the mandatory arms embargo.

The Special Representative of the Secretary-General for Namibia continued with the pursuit of his mandate of promoting the Secretary-General's efforts to secure the implementation of resolution 435 (1978), embodying the United Nations plan for the independence of Namibia, including the establishment of a United Nations Transition Assistance Group (UNTAG). In its resolution 566 (1985), the Council, *inter alia*, mandated the Secretary-General to resume contact with South Africa with a view to obtaining its choice of the electoral system for the election, under United Nations supervision and control, for the Constituent Assembly, in accordance with the terms of resolution 435 (1978). The Council considered the reports of the Secretary-General³³ and adopted resolution 601 (1987), in which it, *inter alia*, affirmed that all outstanding issues had been resolved, authorized the Secretary-General to arrange a ceasefire between South Africa and the South West Africa People's Organization (SWAPO) in order to undertake the steps necessary for the emplacement of UNTAG, and urged all Member States to render all the necessary practical assistance to the Secretary-General and his staff in the implementation of the resolution. At the 2827th meeting, held on the tenth anniversary of the adoption of resolution 435 (1978), on 29 September 1988, the President of the Council made a statement, on behalf of its members,³⁴ in which the members noted recent developments in the efforts by a number of parties to find a peaceful solution to the conflict in south-western Africa that were reflected in the joint statement of 8 August 1988 by the Governments of Angola, Cuba, South Africa and the United States of America.³⁵ In particular,

²²S/18348, OR, 41st yr., Suppl. for July-Sept. 1986, and S/18396, *ibid.*, Suppl. for Oct.-Dec. 1986.

²³S/20053 (para. 23), OR, 43rd yr., Suppl. for July-Sept. 1988.

²⁴Resolution 618 (1988).

²⁵The mandate of UNFICYP was extended by the Council in its resolutions 565 (1985), 578 (1985), 585 (1986), 593 (1986), 597 (1987), 604 (1987), 614 (1988) and 625 (1988).

²⁶For the text of the statement, see S/17486, OR, 40th yr., *Resolutions and Decisions of the Security Council, 1985*.

²⁷For the text of the statement, see S/20330, OR, 43rd yr., *Resolutions and Decisions of the Security Council, 1988*. See also S/PV.2833.

²⁸S/18474, OR, 41st yr., Suppl. for Oct.-Dec. 1986.

²⁹See *Repertoire of the Practice of the Security Council, Supplement 1981-1984*, chap. V.

³⁰See footnote 28.

³¹S/18961 and Add. 1-5, OR, 42nd yr., Suppl. for April-June 1987.

³²S/19396, *ibid.*, Suppl. for Oct.-Dec. 1987. See also S/18288 (note dated 20 August 1986 transmitting the report of the Committee on the International Seminar on the Arms Embargo against South Africa, held in London from 28 to 30 May 1986), *ibid.*, 41st yr., Suppl. for July-Sept. 1986.

³³S/18767, OR, 42nd yr., Suppl. for Jan.-March 1987, and S/19234, *ibid.*, Suppl. for Oct.-Dec. 1987.

³⁴S/20208, OR, 43rd yr., *Resolutions and Decisions of the Security Council, 1988*.

³⁵S/20109, annex, *ibid.*, Suppl. for July-Sept. 1988. For related development, see case 7.

the members urged South Africa to comply forthwith with resolution 435 (1978) and to cooperate with the Secretary-General in its full and definitive implementation. To that end, they also urged all States to render all necessary assistance to the Secretary-General and his staff in the administrative and other practical steps necessary for the deployment of UNTAG.

On one occasion during the period under review, the Council formally requested the Secretary-General, under resolution 580 (1985), in connection with a complaint by Lesotho against South Africa, to establish, in consultation with the Government of Lesotho, an appropriate presence comprising one or two civilians in Maseru, for the purpose of keeping him informed of any development affecting the territorial integrity of Lesotho. The "appropriate presence" requested was not actually established, however.³⁶

On another occasion, in connection with a request by Angola, when, by resolution 602 (1987), the Council mandated the Secretary-General to monitor the withdrawal of the South African military forces from the territory of Angola and to report to it thereon, he fulfilled his mandate by dispatching a mission to Angola, following consultations with the Government of Angola. The mission, which comprised both military and civilian staff, visited Angola from 12 to 16 December 1987 and the Secretary-General submitted his report to the Council on 18 December 1987.³⁷

On a third occasion, in connection with the situation in the occupied Arab territories, the Council adopted resolution 605 (1987), in which it, *inter alia*, requested the Secretary-General to examine the situation in the occupied territories by all means available to him and to submit a report containing his recommendations on ways and means for ensuring the safety and protection of the Palestinian civilians under Israeli occupation. The Secretary-General responded by dispatching the Under-Secretary-General for Special Political Affairs to visit Israel and the occupied Palestinian territories from 8 to 17 January 1988 and submitted to the Council a report, dated 21 January 1988,³⁸ containing various ideas, all of which were dependent on the consent and cooperation of Israel, on ways and means to ensure the protection of the civilian population.

There were also a number of occasions during the period under review when the Council requested action on the part of the Secretary-General: (a) in its resolution 562 (1985), in connection with the letter dated 6 May 1985 from the Permanent Representative of Nicaragua to the United Nations addressed to the President of the Security Council, the Council requested the Secretary-General to keep it apprised of the development of the situation and the implementation of the resolution; (b) in resolution 572 (1985), in connection with the letter dated 26 September 1985 from the Permanent Representative of Botswana to the United Nations addressed to the President of the Security Council, it requested the Secretary-General to give the matter of assistance to Botswana his continued attention and to keep it informed; (c) in resolution 581 (1986), in connection with the situation in southern Africa, it requested the Secretary-General to monitor developments related to

South Africa's threats to escalate acts of aggression against independent States in southern Africa and to report to it as the situation demanded; (d) in resolution 611 (1988), in connection with the letter dated 19 April 1988 from the Permanent Representative of Tunisia to the United Nations addressed to the President of the Security Council, the Council requested the Secretary-General to report to it any new elements available to him relating to the act of aggression committed by Israel against the sovereignty and territorial integrity of Tunisia; and (e) in its resolution 621 (1988), in connection with the situation in Western Sahara, it requested the Secretary-General to report to it on the holding of a referendum for self-determination of the people of Western Sahara and on ways and means to ensure the organization and supervision of such a referendum by the United Nations in cooperation with the Organization of African Unity.

There were few instances when participants in the Council proceedings and States Members of the United Nations proposed the creation of subsidiary organs without submitting their suggestions in the form of draft resolutions.³⁹

³⁹(a) On the occasion of the commemorative meeting of the Security Council on the agenda item entitled "United Nations for a better world and the responsibility of the Security Council in maintaining international peace and security", the representative of Thailand suggested that, for the Council to be a forum where serious negotiations could lead to substantive results, it should minimize the time taken up by speeches by countries not directly involved in the dispute and devote more time to the parties to the dispute to negotiate between themselves under the auspices of the President of the Council or with the assistance of the Secretary-General, or of a "conciliation committee" of selected Council members that could be created under Article 29 of the Charter (S/PV.2608, p. 42).

(b) In connection with the complaint by Angola against South Africa, the representative of South Africa suggested that, if the Security Council wanted to establish what was happening in southern Angola, it should send a fact-finding mission to the area to find out who was fighting whom, who was directing the operations, what armaments were being used and what the people of Angola would like to have in their country (S/PV.2612 and S/PV.2691, pp. 12 and 26, respectively; and S/17662, letter dated 28 November 1985 from South Africa, *OR, 40th yr., Suppl. for Oct.-Dec. 1985*).

(c) In connection with the situation in the occupied Arab territories, the Coordinating Bureau of the Movement of Non-Aligned Countries issued a communiqué in which it, *inter alia*, urged the Security Council to dispatch a fact-finding mission to the occupied Palestinian territories to investigate the situation and to report to the Council (*OR, 42nd yr., Suppl. for Oct.-Dec. 1987, S/19360*, letter dated 15 December 1987 from Zimbabwe). Similar suggestions were also made by India (S/PV.2774, p. 66) and Zimbabwe (S/PV.2789, p. 8). The representative of the Union of Soviet Socialist Republics made similar suggestions in the context of the ideas contained in the report of the Secretary-General (S/19443) pursuant to resolution 605 (1987), in which the Secretary-General referred to the possibility of dispatching United Nations forces, or observers, or the establishment of a trusteeship system—which were all ideas declared to be dependent on the consent and cooperation of Israel (S/PV.2787, p. 13).

(d) In connection with the letter dated 17 March 1988 from the Chargé d'affaires a.i. of the Permanent Mission of Nicaragua to the United Nations addressed to the President of the Security Council, the States members of the Contadora Group and the Support Group submitted a letter transmitting a communiqué in which they, *inter alia*, urged the Secretary-General to dispatch an observer mission to Central America. The representative of Nicaragua also referred to the suggestion that a United Nations technical mission be sent to investigate on site the border incidents in the area of Bocay, Nicaragua (S/19661 and S/19663, *OR, 43rd yr., Suppl. for Jan.-March 1988*; see also S/PV.2803, Nicaragua, p. 26).

³⁶For developments subsequent to the adoption of resolution 580 (1985), see S/17719 and S/17756 (letters from Lesotho), *OR, 41st yr., Suppl. for Jan.-March 1986*, and S/17762 (letter from South Africa), *ibid.*

³⁷S/19359, *OR, 42nd yr., Suppl. for Oct.-Dec. 1987*.

³⁸S/19443, *ibid.*, 43rd yr., *Suppl. for Jan.-March 1988*.

A. INVOLVING, TO FACILITATE THEIR WORK, MEETINGS AT PLACES AWAY FROM THE SEAT OF THE ORGANIZATION

1. Subsidiary organs established

CASE 1

Mission of the Secretary-General under Security Council resolution 568 (1985)

During its consideration of the letter dated 17 June 1985 from the Permanent Representative of Botswana to the United Nations addressed to the President of the Security Council, the Council, at its 2599th meeting, on 21 June 1985, unanimously adopted a draft resolution submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago⁴⁰ as resolution 568 (1985), paragraph 8 of which reads:

The Security Council,

8. *Requests* the Secretary-General to send a mission to Botswana for the purpose of:

(a) *Assessing the damage* caused by South Africa's unprovoked and premeditated acts of aggression;

(b) *Proposing measures* to strengthen Botswana's capacity to receive and provide assistance to South African refugees;

(c) *Determining the consequent level of assistance* required by Botswana and to report thereon to the Security Council.

The Secretary-General sent a mission to Botswana from 27 July to 2 August 1985. On 11 September 1985, he transmitted the report of the mission, which contained an account of the consultations held with the Government of Botswana concerning the effects and damages of the military attack on Gaborone by South Africa on 14 June 1985 and an assessment of Botswana's need for assistance from the international community to strengthen its capacity to receive and provide sanctuary to South African refugees, as well as the level of assistance required by Botswana to cope with the situation resulting from the attack.

The Council considered the report submitted by the Secretary-General at its 2609th meeting, on 30 September 1985, and unanimously adopted a draft resolution submitted by Botswana, Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago⁴² as resolution 572 (1985), in which the Council, *inter alia*, expressed its appreciation to the Secretary-General for having arranged to send a mission to Botswana; endorsed the report of the mission to Botswana under resolution 568 (1988); demanded that South Africa pay full and adequate compensation to Botswana for the loss of life and damage to property resulting from its act of aggression; requested Member States, international organizations and financial institutions to assist Botswana in the fields identified in the report of the mission to Botswana; and requested the Secretary-General to give the matter of assistance to Botswana his continued attention and to keep the Council informed.

CASE 2

Security Council Commission of Investigation established in pursuance of resolution 571 (1985)

During its consideration of the complaint by Angola against South Africa, the Council, at its 2607th meeting, on 20 September 1985, unanimously adopted a draft resolution submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago⁴³ as resolution 571 (1985), paragraphs 7 and 8 of which read:

The Security Council,

7. *Decides* to appoint and send immediately to Angola a commission of investigation, comprising three members of the Security Council, in order to evaluate the damage resulting from the invasion by South African forces and to report to the Council not later than 15 November 1985;

8. *Urges* Member States, pending the report of the Commission of Investigation, to take prompt, appropriate and effective action to bring pressure to bear upon the Government of South Africa to comply with the provisions of the present resolution and of the Charter of the United Nations, to respect the sovereignty and territorial integrity of Angola, and to desist from all acts of aggression against neighbouring States.

In a note dated 30 September 1985,⁴⁴ the President of the Council stated that the members of the Council had agreed, following consultations, that the Commission of Investigation established in pursuance of paragraph 7 of resolution 571 (1985) would be composed of Australia, Egypt and Peru.

During its further consideration of a complaint by Angola against South Africa, the Council, at its 2617th meeting, on 7 October 1985, unanimously adopted a draft resolution, submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago,⁴⁵ as resolution 574 (1985), operative paragraph 7 of which reads:

The Security Council,

7. *Requests* the Security Council Commission of Investigation established in pursuance of resolution 571 (1985), consisting of Australia, Egypt and Peru, to report urgently on its evaluation of the damage resulting from South African aggression, including the latest bombings.

In a note dated 15 November 1985,⁴⁶ the President of the Council stated that the Commission of Investigation established pursuant to resolution 571 (1985) had requested an extension of the date of submission of its report until 22 November 1985, and that, after informal consultations on the matter, it had been found that no member of the Council had any objection to the request of the Commission.

The Security Council Commission of Investigation visited Angola from 13 to 23 October 1985 in the exercise of its mandate deriving from paragraph 7 of resolution 571 (1985) and from paragraph 7 of resolution 574 (1985), by

⁴³S/17481, adopted as orally revised and following a separate vote on operative paragraph 5 as resolution 571 (1985); for details, see chap. VIII, part II.

⁴⁴S/17506, *OR, 40th yr., Resolutions and Decisions of the Security Council, 1985.*

⁴⁵S/17531, adopted without change following a separate vote on operative paragraph 6, as resolution 574 (1985); for details, see chap. VIII, part II.

⁴⁶S/17635, *OR, 40th yr., Resolutions and Decisions of the Security Council, 1985.*

⁴⁰S/17291, adopted as orally revised as resolution 568 (1985).

⁴¹S/17453, *OR, 40th yr., Suppl. for July-Sept. 1985.*

⁴²S/17503, adopted without change as resolution 572 (1985).

which the Council had included "the latest bombings" in the Commission's mandate. The Commission also held a total of 12 meetings at Headquarters, 3 before and 9 after its visit to Angola. On 22 November 1985, the Commission submitted its report,⁴⁷ which contained accounts of the Commission's consultations with the authorities of Angola, its visits to a number of provinces, including the town of Cazombo, which had been the scene of military operations in September 1985, but not to Mavinga, where ongoing hostilities had precluded a visit. The report also contained estimates of the material damage to the country's infrastructure, including bridges, electricity and water supplies and airstrips in the regions affected; emphasized that the estimates did not fully reflect the extent of damage sustained by Angola as a result of South Africa's actions in September and October 1985, that they did not include compensation for loss of human life and injuries and that there was a pressing need for further assistance by the international community for rehabilitation and reconstruction.

The Security Council considered the report submitted by the Commission at its 2631st meeting, on 6 December 1985. At the same meeting, the Council unanimously adopted a draft resolution submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago⁴⁸ as resolution 577 (1985), in which it, *inter alia*, endorsed the Security Council Commission of Investigation and expressed its appreciation to the members of the Commission; demanded that South Africa pay full and adequate compensation to Angola for the damage to life and property resulting from the acts of aggression; requested Member States and international organizations urgently to extend material and other forms of assistance to Angola; and requested the Secretary-General to monitor developments and report to the Council as necessary, but no later than 30 June 1986, on the implementation of the resolution and, in particular, on the compensation to be paid by South Africa to Angola and on the assistance by the international community to Angola to facilitate the immediate reconstruction of its economic infrastructure.

On 30 June 1986, the Secretary-General submitted his report,⁴⁹ stating that he had drawn the attention of Member States and international organizations to Angola's need for assistance to facilitate the reconstruction of its economic infrastructure and annexing to the report the replies he had received. With respect to South Africa, the Secretary-General stated that, according to the reply he had received,⁵⁰ he had to report to the Council South Africa's rejection of resolution 577 (1985).⁵¹

CASE 3

United Nations Iran-Iraq Military Observer Group under Security Council resolutions 598 (1987) and 619 (1988)

During its consideration of the situation between Iran and Iraq at its 2750th meeting, on 20 July 1987, the Secu-

rity Council unanimously adopted a draft resolution,⁵² which had been prepared in the course of its prior consultations, as resolution 598 (1987). The tenth preambular paragraph and paragraphs 1 to 10 of the resolution read:

The Security Council,

Acting under Articles 39 and 40 of the Charter,

1. *Demands that, as a first step towards a negotiated settlement, the Islamic Republic of Iran and Iraq observe an immediate ceasefire, discontinue all military actions on land, at sea and in the air, and withdraw all forces to the internationally recognized boundaries without delay;*
2. *Requests the Secretary-General to dispatch a team of United Nations observers to verify, confirm and supervise the ceasefire and withdrawal and further requests the Secretary-General to make the necessary arrangements in consultation with the Parties and to submit a report thereon to the Security Council;*
3. *Urges that prisoners-of-war be released and repatriated without delay after the cessation of active hostilities in accordance with the Third Geneva Convention of 12 August 1949;*
4. *Calls upon Iran and Iraq to cooperate with the Secretary-General in implementing this resolution and in mediation efforts to achieve a comprehensive, just and honourable settlement, acceptable to both sides, of all outstanding issues, in accordance with the principles contained in the Charter of the United Nations;*
5. *Calls upon all other States to exercise the utmost restraint and to refrain from any act which may lead to further escalation and widening of the conflict, and thus to facilitate the implementation of the present resolution;*
6. *Requests the Secretary-General to explore, in consultation with Iran and Iraq, the question of entrusting an impartial body with inquiring into responsibility for the conflict and to report to the Council as soon as possible;*
7. *Recognizes the magnitude of the damage inflicted during the conflict and the need for reconstruction efforts, with appropriate international assistance, once the conflict is ended and, in this regard, requests the Secretary-General to assign a team of experts to study the question of reconstruction and to report to the Council;*
8. *Further requests the Secretary-General to examine, in consultation with Iran and Iraq and with other States of the region, measures to enhance the security and stability of the region;*
9. *Requests the Secretary-General to keep the Council informed on the implementation of this resolution;*
10. *Decides to meet again as necessary to consider further steps to ensure compliance with this resolution.*

The Secretary-General submitted to the Council a report dated 7 August 1988 on the implementation of paragraph 2 of resolution 598 (1987).⁵³ He recommended that, as soon as a date had been set for the ceasefire, the Council take an early decision to establish a team of observers to be known as the United Nations Iran-Iraq Military Observer Group (UNIIMOG), which would carry out the functions described in paragraph 2 of the resolution and otherwise assist the parties, as might be mutually agreed.⁵⁴ For UNIIMOG to be effective, the Secretary-General stressed that the following four conditions must be met:

⁵²S/18983, adopted without change as resolution 598 (1987).

⁵³S/20093, *OR, 43rd yr., Suppl. for July-Sept. 1987.*

⁵⁴For the efforts of the Secretary-General in the exercise of his mandate and the Council's concern over "the slow pace and the lack of real progress" thus far in the implementation of resolution 598 (1987), see S/19382 (statement by the President of the Council at the 2779th mtg. on 24 December 1987), *OR, 42nd yr., Resolutions and Decisions of the Security Council, 1987*; and S/19626 (statement by the President at the 2798th mtg., on 16 March 1988), *OR, 43rd yr., Resolutions and Decisions of the Security Council, 1988.* See also case 4.

⁴⁷S/17648, annexes, *ibid.*, *Suppl. for Oct.-Dec. 1985.*

⁴⁸S/17667, adopted without change following a separate vote on operative paragraph 6 as resolution 577 (1985).

⁴⁹S/18195 and Add.1, annexes, *OR, 41st yr., Suppl. for April-June 1986.*

⁵⁰S/18156, annex III (letter dated 13 June 1986 from South Africa), *ibid.*

⁵¹For subsequent developments during the period under review, see case 7 and footnote 35.

(a) it must have at all times the full confidence and backing of the Security Council; (b) it must enjoy the full cooperation of the two parties; (c) it must be able to function as an integrated and efficient military unit; and (d) adequate financial arrangements must be made to cover its costs. The Secretary-General added that his report was based on the estimates and recommendations of a technical team he had sent to Iran and Iraq and that the team, which included a senior political adviser, a civilian logistics expert and four military observers from UNTSO was led by the Chief of Staff of UNTSO and assisted by the two small teams that had been stationed in Baghdad and Tripoli since 1984.⁵⁵ The technical team had assembled a great deal of information relevant to the establishment of UNIIMOG by holding detailed discussions with the political and military authorities of both Iran and Iraq on the modalities for the deployment of UNIIMOG in each of the two countries, its terms of reference for carrying out the mandate contained in paragraph 2 of resolution 598 (1987) and the cooperation and facilities it would require from the two parties.

At the 2823rd meeting, on 8 August 1988, the Secretary-General made a statement⁵⁶ informing the members that, as a result of his intensive diplomatic efforts in the exercise of the mandate he had been given by the Council to secure the implementation of resolution 598 (1987), he was able to call upon the Islamic Republic of Iran and Iraq to observe a ceasefire and to discontinue all military action on land, at sea and in the air as of 0300 GMT on 20 August 1988. He added that he had been assured by the two parties to the conflict that they would observe the ceasefire in the context of the full implementation of resolution 598 (1987) and that the Governments of the Islamic Republic of Iran and Iraq had also agreed to the deployment of United Nations observers as of the time and date of the ceasefire.

At the same meeting, the President of the Council, on behalf of its members, made a statement⁵⁷ welcoming the Secretary-General's statement concerning the implementation of resolution 598 (1987) of 20 July 1987 and endorsing his announcement that the ceasefire demanded in that resolution would come into effect on 20 August 1988.

At the 2824th meeting, on 9 August 1988, the Council considered the report of the Secretary-General on the implementation of paragraph 2 of resolution 598 (1987)⁵⁸ and adopted unanimously a draft resolution⁵⁹ that had been prepared in the course of the Council's prior consultations, as resolution 619 (1988), which reads:

The Security Council,

Recalling its resolution 598 (1987) of 20 July 1987,

1. Approves the report of the Secretary-General contained in document S/20093 on the implementation of paragraph 2 of resolution 598 (1987) of the Security Council;
2. Decides to set up immediately, under its authority, a United Nations Iran-Iraq Military Observer Group and requests the Secretary-General to take the necessary steps to this effect, in accordance with his above-mentioned report;

⁵⁵For information on the teams stationed in Baghdad and Tehran since 1984, see *Repertoire of the Practice of the Security Council, Supplement 1981-1984*, chap. V, case 4.

⁵⁶S/20095, OR, 43rd yr., *Resolutions and Decisions of the Security Council*, 1988.

⁵⁷S/20096, *ibid.*

⁵⁸See footnote 53.

⁵⁹S/20097, adopted without change as resolution 619 (1988).

3. Also decides that the United Nations Iran-Iraq Military Observer Group shall be established for a period of six months, unless the Council decides otherwise;

4. Requests the Secretary-General to keep the Security Council fully informed of further developments.

Through exchanges of letters between the Secretary-General and the President of the Council,⁶⁰ the members of the Council approved his proposals concerning the composition of UNIIMOG and the appointment of its Chief Military Observer.

In pursuance of paragraph 4 of resolution 619 (1988), the Secretary-General submitted to the Council an interim report dated 25 October 1988,⁶¹ describing approximately the first two months of UNIIMOG operations, including its strength and composition. He also conveyed to the Council his concern that, while the ceasefire had been holding well for over two months, the current state of affairs was inherently unstable since there were points on the long (1,400-kilometre) ceasefire line where the two sides remained in dangerous proximity, thereby underscoring the need for the earliest possible withdrawal to the internationally recognized boundaries, which would resolve many of the problems confronting UNIIMOG and open the way to the full implementation of all the other provisions of resolution 598 (1987).

CASE 4

The Secretary-General's mission of specialists to investigate allegations of the use of chemical weapons under Security Council resolution 620 (1988)

In transmitting to the Council, by letter dated 17 April 1985,⁶² the report of the mission of a medical specialist, the Secretary-General noted that, in view of repeated allegations concerning the use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq, he had dispatched a medical specialist to examine Iranian patients who had been hospitalized in Europe, allegedly as a result of the use of such weapons. The Secretary-General added that his purpose had been to obtain an authoritative and independent opinion on the information coming from the hospital centres concerned.

At its 2576th meeting, on 25 April 1985, the Council considered the report and the President, on behalf of the members of the Council, made a statement⁶³ in which the members, *inter alia*, condemned the renewed use of chemical weapons in the conflict as well as any possible future use of such weapons and urged the strict observance of the Geneva Protocol of 1925, according to which the use in war of chemical weapons was prohibited and had been justly condemned by the world community.

By a note dated 12 March 1986,⁶⁴ the Secretary-General conveyed to the Council the report of the mission of specialists dispatched by him to investigate further allegations

⁶⁰S/20104, S/20111 and S/20154 (letters from the Secretary-General dated, respectively, 9, 10 and 23 August 1988; S/20105, S/20112 and S/20155 (letters from the President of the Council dated, respectively, 10, 11 and 26 August 1988), OR, 43rd yr., *Resolutions and Decisions of the Security Council*, 1988.

⁶¹S/20242, OR, 43rd yr., *Suppl. for Oct.-Dec. 1988*.

⁶²S/17127, OR, 40th yr., *Suppl. for April-June 1985*.

⁶³S/17130, OR, 40th yr., *Resolutions and Decisions of the Security Council*, 1985.

⁶⁴S/17911 and Add.1, OR, 41st yr., *Suppl. for Jan.-March 1986*.

of the use of chemical weapons in the conflict between Iran and Iraq. In his note, the Secretary-General said that, on 26 April 1985, he had been requested by the President of the Council to examine the feasibility of establishing arrangements for the conduct of prompt investigation of any further allegations of the use of chemical weapons. His response to the President, on 14 May 1985, had been that he had decided to utilize the team of specialists who had conducted the original investigation in March 1984,⁶⁵ should the need for further investigations arise. On six occasions between 2 May 1985 and 31 January 1986, further allegations had been made by Iran,⁶⁶ which had been rejected by Iraq,⁶⁷ but the Secretary-General had not considered a new investigation warranted at that stage. As the conflict escalated, however, Iran had again alleged the renewed use of chemical weapons by Iraq, which had again rejected the allegation and, in turn, accused Iran of using such weapons.⁶⁸ On 12 February 1986 and subsequently, while reiterating the allegations, the Government of Iran had requested the dispatch of an investigation mission to the area.⁶⁹ The development had taken an alarming direction with the implicit warning by Iran that it had been considering the use of chemical weapons unless the United Nations could take effective measures to end their use, declaring that "on the basis of the 1925 Geneva Protocol, the non-use of chemical weapons was unconditional".⁷⁰

On 14 February 1986, the Security Council had met in consultations at the request of the Secretary-General, who had reported on the developments. Immediately thereafter, the Secretary-General had issued a statement calling for a cessation of hostilities and pointing out that such a cessation of hostilities would also enable an investigation to be made in the war zone where chemical weapons had allegedly been used. At its 2666th meeting, on 24 February 1986, the Council unanimously adopted a draft resolution⁷¹ prepared in prior consultations as resolution 582 (1986), the relevant parts of which read:

The Security Council,

...
Taking note of the efforts of mediation pursued by the Secretary-General,

1. Deplores the initial acts which gave rise to the conflict between the Islamic Republic of Iran and Iraq and deplores the continuation of the conflict;

2. Also deplores the escalation of the conflict, especially territorial incursions, the bombing of purely civilian population centres, attacks on neutral shipping or civilian aircraft, the violation of international humanitarian law and other laws of armed conflict and, in particular, the use of chemical weapons contrary to obligations under the 1925 Geneva Protocol;

Immediately upon the adoption of the Council of its resolution 582 (1986), the Secretary-General had given in-

structions for the mission of four specialists to assemble in Vienna and proceed to Iran. Meanwhile, the Secretary-General had reiterated to the Government of Iraq his readiness to instruct the mission to visit Iraq also, to investigate Iraq's allegations in the issue, should the Government so request, while the mission was still in the area. Iraq's position, as reported by the Secretary-General, had been that the matter had already been addressed in resolution 582 (1986) and that any further moves should, in compliance with the resolution, focus on securing a comprehensive settlement of the conflict and should not deal separately with "secondary" aspects of the conflict. In transmitting the report,⁷² the Secretary-General noted that the specialists had confirmed the use of chemical weapons by Iraqi forces against Iranian forces in the course of the current Iranian offensive into Iraqi territory.

At its 2667th meeting, on 21 March 1986, the Security Council considered the report of the Secretary-General's mission of specialists. At the same meeting, the President, on behalf of the members of the Council, made a statement,⁷³ the relevant parts of which read:

The members of the Security Council, seized with the continuing conflict between the Islamic Republic of Iran and Iraq, have considered the report of the mission of specialists dispatched by the Secretary-General to investigate allegations of the use of chemical weapons in the conflict between Iran and Iraq.

Profoundly concerned by the unanimous conclusion of the specialists that chemical weapons on many occasions have been used by Iraqi forces against Iranian forces, most recently in the course of the present Iranian offensive into Iraqi territory, the members of the Council strongly condemn the continued use of chemical weapons in clear violation of the Geneva Protocol of 1925 which prohibits the use in war of chemical weapons.

They recall the statements by the President of the Council of 30 March 1984 and 25 April 1985, and demand again that the provisions of the Geneva Protocol be strictly observed.

Subsequent to that statement by the President of the Council, on behalf of its members, there were a series of further allegations by the Islamic Republic of Iran of the use of chemical weapons by Iraq,⁷⁴ which also made counter-allegations of its own.⁷⁵ By a note dated 8 May 1987,⁷⁶ the Secretary-General conveyed to the Council the report of the mission of specialists he had dispatched to investigate those allegations. In order to carry out on-site collection and examination of evidence, the mission had visited the Islamic Republic of Iran for the third time from 22 to 29 April 1987. In order to carry out an investigation in Iraq, the mission also visited that country from 29 April to 3 May for the first time. The Secretary-General, in transmitting the mission's report to the Council, affirmed that chemical weapons continued to be used in the conflict be-

⁷²See footnote 64.

⁷³S/17932, OR, 41st yr., Resolutions and Decisions of the Security Council, 1986.

⁷⁴S/17944, and S/17949, OR, 41st yr., Suppl. for Jan.-March 1986; S/18028, S/18036 and S/18104, *ibid.*, Suppl. for April-June 1986; S/18322 and S/18334, *ibid.*, Suppl. for July-Sept. 1986; S/18549, *ibid.*, Suppl. for Oct.-Dec. 1986; S/18553, S/18555, S/18556, S/18574, S/18577, S/18600, S/18605, S/18614, S/18626, S/18628, S/18635, S/18657, S/18675, S/18676, S/18679, S/18698, S/18723 and S/18757, *ibid.*, 42nd yr., Suppl. for Jan.-March 1987; S/18788, S/18796, S/18799, S/18800, S/18809, S/18819, S/18820, S/18825, S/18828, S/18829, S/18837 and S/18844, *ibid.*, Suppl. for April-June 1987.

⁷⁵S/17934, OR, 41st yr., Suppl. for Jan.-March 1986; S/18806 and S/18810, *ibid.*, 42nd yr., Suppl. for April-June 1987.

⁷⁶S/18852 and Add.1, annex, *ibid.*

⁶⁵See *Repertoire of the Practice of the Security Council, Supplement 1981-1984*, chap. V, part 1 (note).

⁶⁶S/17143, S/17181 and S/17217, OR, 40th yr., Suppl. for April-June 1985; S/17342, *ibid.*, Suppl. for July-Sept. 1985; S/17606, *ibid.*, Suppl. for Oct.-Dec. 1985; and S/17782, *ibid.*, 41st yr., Suppl. for Jan.-March 1986.

⁶⁷S/17611, OR, 40th yr., Suppl. for Oct.-Dec. 1985.

⁶⁸S/17990 and S/17858 (letters from Iran), OR, 41st yr., Suppl. for Jan.-March 1986; and S/17783, S/17824 and S/17826 (letters from Iraq), *ibid.*

⁶⁹S/17822, S/17829, S/17833, S/17835, S/17836 and S/17843 (letters from Iran), *ibid.*

⁷⁰S/17829, *ibid.*

⁷¹S/17859, adopted without change as resolution 582 (1986).

tween Iran and Iraq in violation of the Geneva Protocol of 1925 and that was the unanimous conclusion of the mission of specialists that had just completed its field investigations in both countries. In the recent report on their investigations, the four specialists had stated that, technically, there was little more that they could do that was likely to assist the United Nations in its efforts to prevent the use of chemical weapons in the current conflict and that only concerted efforts at the political level could be effective in preventing the irreparable weakening of the Geneva Protocol.

On 14 May 1987, after consultations, the President issued a statement on behalf of the members of the Council.⁷⁷ The relevant parts of the statement read:

The members of the Security Council, seized with the continuing conflict between the Islamic Republic of Iran and Iraq, have considered the report of the mission of specialists dispatched by the Secretary-General to investigate allegations of the use of chemical weapons in the conflict.

Deeply dismayed by the unanimous conclusions of the specialists that there has been repeated use of chemical weapons against Iranian forces by Iraqi forces, that civilians in Iran also have been injured by chemical weapons, and that Iraqi military personnel have sustained injuries from chemical warfare agents, they again strongly condemn the repeated use of chemical weapons in open violation of the Geneva Protocol of 1925 in which the use of chemical weapons in war is clearly prohibited.

Recalling the statements made by the President of the Council on 30 March 1984, 25 April 1985 and 21 March 1986, they again emphatically demand that the provisions of the Geneva Protocol be strictly respected and observed.

At its 2750th meeting, on 20 July 1987, the Council adopted unanimously a draft resolution,⁷⁸ which had been prepared in the course of the Council's prior consultations, as resolution 598 (1987) (case 3). The fourth and tenth preambular paragraphs and paragraph 1 of the resolution read:

The Security Council,

Deploring also the bombing of purely civilian population centres, attacks on neutral shipping or civilian aircraft, the violation of international humanitarian law and other laws of armed conflict, and, in particular, the use of chemical weapons contrary to obligations under the 1925 Geneva Protocol,

Acting under Articles 39 and 40 of the Charter,

1. Demands that, as a first step towards a negotiated settlement, the Islamic Republic of Iran and Iraq observe an immediate ceasefire, discontinue all military actions on land, at sea and in the air, and withdraw all forces to the internationally recognized boundaries without delay.

Subsequent to the adoption of resolution 598 (1987), the Government of the Islamic Republic of Iran lodged a number of allegations that chemical weapons had been used by Iraq on a large scale not only in the operational theatre of the conflict, but also "against Iraqi-Kurdish areas" and other localities, including the vicinity of Marivan.⁷⁹ Consequently, the Islamic Republic of Iran requested the Secretary-General to dispatch a mission to investigate its

allegations of the use of chemical weapons by Iraq.⁸⁰ The Secretary-General dispatched a medical specialist to Iran and subsequently also to Iraq, following allegations of use of chemical weapons and a request for investigation by Iraq.⁸¹ By a note dated 25 April 1988,⁸² the Secretary-General transmitted to the Security Council the report of the medical specialist. In his note, the Secretary-General expressed his sense of dismay and foreboding at the mission's conclusions that chemical weapons continued to be used in the conflict between the Islamic Republic of Iran and Iraq and that, of late, their use had evidently been on an even more intensive scale than before, thereby confirming and adding further urgency to the concern that such use could further escalate and seriously undermine the Geneva Protocol of 1925.

At its 2812th meeting, on 9 May 1988, the Council considered the report of the Secretary-General's mission of the medical specialist⁸³ and adopted unanimously a draft resolution, submitted by the Federal Republic of Germany, Italy and Japan,⁸⁴ as resolution 612 (1988). The resolution reads as follows:

The Security Council,

Having considered the report of 25 April 1988 of the mission dispatched by the Secretary-General to investigate allegations of the use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq,

Dismayed by the mission's conclusions that chemical weapons continue to be used in the conflict and that their use has been on an even more intensive scale than before,

1. Affirms the urgent necessity of strict observance of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925;

2. Condemns vigorously the continued use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq contrary to the obligations under the Geneva Protocol;

3. Expects both sides to refrain from the future use of chemical weapons in accordance with their obligations under the Geneva Protocol;

4. Calls upon all States to continue to apply or to establish strict control of the export to the parties to the conflict of chemical products serving for the production of chemical weapons;

5. Decides to remain seized of the matter and expresses its determination to review the implementation of the present resolution.

After the adoption of resolution 612 (1988), the Secretary-General submitted to the Council the reports⁸⁵ of the three missions of specialists he had dispatched twice to the Islamic Republic of Iran and once to Iraq, between July and August 1988, following allegations of use of chemical weapons and requests for their investigation by both Iran⁸⁶ and Iraq.⁸⁷ In all three instances, the Secretary-General noted that the missions of the specialists had concluded that chemical weapons continued to be used in violation of

⁸⁰S/19650 and S/19665, *ibid.*

⁸¹S/19730, *ibid.*, 43rd yr., *Suppl. for April-June 1988.*

⁸²S/19823, *annex, ibid.*

⁸³OR, 43rd yr., *Supplement for April-June 1988*, document S/19823 and Corr. 1.

⁸⁴S/19869, adopted without changes as resolution 612 (1988).

⁸⁵S/20060 and Add. 1 (*annex*), S/20063 and Add. 1 (*Annex*) and S/20134, OR, 43rd yr., *Suppl. for July-Sept. 1988.*

⁸⁶S/19892, S/19902, S/19942, S/19943 and S/19946, OR, 43rd yr., *Suppl. for April-June 1988*; and S/20084, *ibid.*, *Suppl. for July-Sept. 1988.*

⁸⁷S/19948, *ibid.*, *Suppl. for April-June 1988*; S/19982 and S/20013, *ibid.*, *Suppl. for July-Sept. 1988.*

⁷⁷S/18863, OR, 42nd yr., *Resolutions and Decisions of the Security Council, 1987.*

⁷⁸S/18983, adopted without change as resolution 598 (1987).

⁷⁹S/19637, S/19639, S/19647, S/19650, S/19651, S/19664, S/19665 and S/19682, OR, 43rd yr., *Suppl. for Jan.-March 1988.*

the Geneva Protocol of 1925 and despite the adoption of Council resolution 612 (1988) of 9 May 1988. In conveying the first report, dated 20 July 1988, to the Council, the Secretary-General noted that Iran had expressed its view that the Security Council, under paragraph 5 of resolution 612 (1988), was duty-bound to take practical measures in order to implement that resolution.⁸⁸ The Secretary-General added that the specialists were of the view that it might be necessary to review existing machinery for verification by United Nations teams of the use of chemical weapons in the current conflict in order to ensure the timely presence of experts at the site of alleged attacks.⁸⁹ In transmitting each report to the Council, the Secretary-General also stressed that his paramount concern remained to bring the protracted conflict between Iran and Iraq to the earliest possible end in accordance with the provisions of Council resolution 598 (1987) of 20 July 1987 (case 3).

At its 2825th meeting, on 26 August 1988, the Council considered the three reports of the Secretary-General's missions of specialists and unanimously adopted a draft resolution submitted by the Federal Republic of Germany, Italy, Japan and the United Kingdom⁹⁰ as resolution 620 (1988). The resolution reads as follows:

The Security Council,

Recalling its resolution 612 (1988) of 9 May 1988,

Having considered the reports of 20 and 25 July and of 2 and 19 August 1988 of the missions dispatched by the Secretary-General to investigate allegations of the use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq,

Deeply dismayed by the missions' conclusions that there had been continued use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq and that such use against Iranians had become more intense and frequent,

Profoundly concerned by the danger of possible use of chemical weapons in the future,

Bearing in mind the current negotiations in the Conference on Disarmament on the complete and effective prohibition of the development, production and stockpiling of chemical weapons and on their destruction,

Determined to intensify its efforts to end all use of chemical weapons in violation of international obligations now and in the future,

1. *Condemns resolutely the use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq, in violation of obligations under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and in defiance of its resolution 612 (1988);*

2. *Encourages the Secretary-General to carry out promptly investigations in response to allegations brought to his attention by any Member State concerning the possible use of chemical and bacteriological (biological) or toxic weapons that may constitute a violation of the 1925 Geneva Protocol or other relevant rules of customary international law, in order to ascertain the facts of the matter, and to report the results;*

3. *Calls upon all States to continue to apply, to establish or to strengthen strict control of the export of chemical products serving for the production of chemical weapons, in particular to parties to a conflict, when it is established or when there is substantial reason to believe that they have used chemical weapons in violation of international obligations;*

4. *Decides to consider immediately, taking into account the investigations of the Secretary-General, appropriate and effective measures*

in accordance with the Charter of the United Nations, should there be any future use of chemical weapons in violation of international law, wherever and by whomever committed.

CASE 5

Special Representative of the Secretary-General under Security Council resolution 621 (1988)

During its consideration of the situation concerning Western Sahara, at its 2826th meeting, on 20 September 1988, the Security Council unanimously adopted a draft resolution that had been prepared in the course of the Council's prior consultations⁹¹ as resolution 621 (1988), paragraphs 1 and 2 of which read as follows:

The Security Council,

1. *Decides to authorize the Secretary-General to appoint a special representative for Western Sahara;*

2. *Requests the Secretary-General to transmit to it as soon as possible a report on the holding of a referendum for self-determination of the people of Western Sahara and on ways and means to ensure the organization and supervision of such a referendum by the United Nations in cooperation with the Organization of African Unity.*

CASE 6

United Nations Good Offices Mission in Afghanistan and Pakistan provisionally under letters dated 14 and 22 April 1988 from the Secretary-General and letter dated 25 April 1988 from the President of the Council and confirmed under resolution 622 (1988)

By a letter dated 14 April 1988,⁹² the Secretary-General informed the Security Council that the Governments of Afghanistan and Pakistan had concluded, on the same date, a set of agreements that together constituted a settlement of the situation relating to Afghanistan and that the Union of Soviet Socialist Republics and the United States of America had been designated as guarantors. He also informed the Council that the settlement included specific arrangements to assist in implementing the agreements and that, while he had already appointed his Representative and the Deputy to the Representative, he intended to detach up to 50 military officers from existing United Nations operations and to set them up as inspection teams in Afghanistan and Pakistan, as required under the agreements. The Secretary-General also stated that all the instruments that constituted the settlement, including the arrangements for the observers, would enter into force on 15 May 1988 and that the required personnel should arrive in the area no later than 20 days before that date, as envisaged under the agreements.

By a letter dated 22 April 1988,⁹³ the Secretary-General transmitted to the President of the Security Council the texts of the agreements on the settlement of the situation relating to Afghanistan and made a number of observations regarding the strength, mandate, duration and cost of the military observers to assist in the mission of good offices. The Secretary-General informed the Council that he intended to propose to the General Assembly that the cost of the mission, including equipment, should be covered by the regular budget of the United Nations.

⁸⁸S/20060 and Add. 1 (annex), paras. 4 and 6, *ibid.*, *Suppl. for July-Sept. 1988.*

⁸⁹*Ibid.*, para. 12.

⁹⁰S/20151, adopted without change as resolution 620 (1988).

⁹¹S/20193, adopted without change as resolution 621 (1988).

⁹²S/19834, *OR, 43rd yr., Suppl. for April-June 1988.*

⁹³S/19835 (annexes), *ibid.*

After consulting with the members of the Council, the President informed the Secretary-General, in a letter dated 25 April 1988,⁹⁴ of the provisional agreement of the members of the Council to the proposed arrangements pending formal consideration and decision by the Council later. The President added that the members of the Council had requested that it be underlined that "this exchange of letters not be regarded as a precedent for the future".

The Secretary-General submitted a report dated 14 October 1988⁹⁵ stating that, after consultations with the parties, the force commanders of existing United Nations operations concerned and troop-contributing countries, 50 military officers had been temporarily detached from UNTSO, UNDOF and UNIFIL and had been constituted as the United Nations Good Offices Mission in Afghanistan and Pakistan (UNGOMAP). The Secretary-General added that, in accordance with the terms of the agreements, the advance party of the Mission had arrived in the area on 25 April 1988, 20 days prior to the entry into force of the agreements, and that the two headquarters units—one in Kabul and the other in Islamabad—with a combined total complement of 50 military officers, had been operational well in advance of 15 May 1988, when the instruments had entered into force.

At its 2828th meeting, on 31 October 1988, the Security Council adopted unanimously a draft resolution that had been prepared in the course of the Council's prior consultations⁹⁶ as resolution 622 (1988), which reads:

The Security Council,

Recalling the letters dated 14 April and 22 April 1988 from the Secretary-General to the President of the Security Council concerning the agreements on the settlement of the situation relating to Afghanistan, signed at Geneva on 14 April 1988,

Recalling also the letter dated 25 April 1988 from the President of the Security Council to the Secretary-General,

1. Confirms its agreement to the measures envisaged in the Secretary-General's letters of 14 and 22 April 1988, in particular the arrangement for the temporary dispatch to Afghanistan and Pakistan of military officers from existing United Nations operations to assist in the mission of good offices;

2. Requests the Secretary-General to keep the Security Council informed of further developments, in accordance with the Geneva agreements.

CASE 7

United Nations Angola Verification Mission under Security Council resolution 626 (1988)

By identical letters, both dated 17 December 1988,⁹⁷ the Permanent Representatives of Angola and Cuba to the United Nations informed the Secretary-General that, taking into account the fact that South Africa had formally undertaken to accept the implementation of Security Council resolution 435 (1978) with effect from 1 April 1989, their two Governments intended to sign, on 22 December 1988, an agreement providing for the redeployment northwards and the withdrawal of Cuban troops from the territory of Angola, in accordance with an agreed timetable, and for verification by the United Nations of the imple-

mentation of the relevant provisions of the agreement. The Permanent Representatives of Angola and Cuba accordingly asked the Secretary-General to take the necessary steps to recommend to the Security Council that a group of United Nations military observers be set up to fulfil that mandate, in accordance with the agreements that had been reached between the representatives of the two countries and the Secretariat.

On 17 December 1988, the Secretary-General submitted a report⁹⁸ in order to assist the Council in deciding how it might respond to the request contained in the identical letters from Angola and Cuba. The report reflected the results of the discussions the Secretary-General had conducted with the delegations from Angola and Cuba about how such an observer mission might be carried out, including its strength, composition and duration. The Council decided to accept the request of the two Governments.

At its 2834th meeting, on 20 December 1988, the Council considered the identical letters from Angola and Cuba as well as the Secretary-General's report and adopted unanimously a draft resolution prepared in the course of the Council's prior consultations⁹⁹ as resolution 626 (1988), paragraphs 1 to 4 of which read:

The Security Council,

1. Approves the report of the Secretary-General and the recommendations therein;

2. Decides to establish under its authority a United Nations Angola Verification Mission and requests the Secretary-General to take the necessary steps to this effect in accordance with his aforementioned report;

3. Also decides that the Mission shall be established for a period of thirty-one months;

4. Further decides that the arrangements for the establishment of the Mission shall enter into force as soon as the tripartite agreement between Angola, Cuba and South Africa on the one hand, and the bilateral agreement between Angola and Cuba on the other, are signed.

On 22 December 1988, the Secretary-General submitted a report¹⁰⁰ stating that the agreements referred to in paragraph 4 of Security Council resolution 626 (1988) had been signed by the parties concerned at Headquarters on 22 December 1988 and that the arrangements for the establishment of UNAVEM had accordingly entered into force.

2. Subsidiary organs proposed but not established

CASE 8

In the course of the Security Council's consideration of the situation in the Middle East, at the 2570th meeting, on 7 March 1985, Lebanon submitted a draft resolution,¹⁰¹ which provided in its paragraphs 6 and 7:

The Security Council,

6. Requests the Secretary-General to establish a fact-finding mission to report to the Council on these Israeli practices and measures in southern Lebanon, the Western Bekaa and the Rashaya district;

7. Requests the Secretary-General to keep the situation under review, to consult with the Government of Lebanon and to report to the

⁹⁴S/19836, OR, 43rd yr., Resolutions and Decisions of the Security Council, 1988.

⁹⁵S/20230 (issued as A/43/270-S/20230), OR, 43rd yr., Suppl. for Oct.-Dec. 1988.

⁹⁶S/20250, adopted without change as resolution 622 (1988).

⁹⁷S/20336 and S/20337, OR, 43rd yr., Suppl. for Oct.-Dec. 1988.

⁹⁸S/20338, *ibid.*

⁹⁹S/20039, adopted without change as resolution 626 (1988).

¹⁰⁰S/20347, OR, 43rd yr., Suppl. for Oct.-Dec. 1988.

¹⁰¹S/17000, OR, 40th yr., Suppl. for Jan.-March 1985.

Council on the implementation and compliance with the present resolution as soon as possible.

At the 2573rd meeting, on 12 March 1985, the draft resolution received 11 votes to 1, with 3 abstentions, and was not adopted owing to the negative vote of a permanent member of the Council.

B. NOT INVOLVING, TO FACILITATE THEIR WORK, MEETINGS AT PLACES AWAY FROM THE SEAT OF THE ORGANIZATION

****1. Subsidiary organs established**

2. Subsidiary organs proposed but not established

CASE 9

In the course of its deliberations on the situation in Namibia, at the 2629th meeting, on 15 November 1985, the Security Council voted on a draft resolution submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago,¹⁰² which would have imposed mandatory selective sanctions against South Africa under Chapter VII of the Charter and which provided in its paragraphs 12 and 13:

The Security Council,

...

Decides to establish, in accordance with rule 28 of its provisional rules of procedure, a committee of the Security Council to monitor the implementation of this resolution;

Calls upon States Members of the United Nations and members of the specialized agencies to report to the Secretary-General on measures taken to implement the present resolution.

The draft resolution received 12 votes to 2, with 1 abstention, and was not adopted owing to the negative votes of two permanent members of the Council.

CASE 10

During the Council's consideration of the question of South Africa, at its 2736th meeting, on 19 February 1987, Argentina, the Congo, Ghana, the United Arab Emirates and Zambia submitted a draft resolution,¹⁰³ which would have imposed mandatory sanctions under Chapter VII of the Charter and which provided in its operative paragraphs 9 to 11:

The Security Council,

...

9. Decides to establish, in accordance with rule 28 of the provisional rules of procedure, a Committee of the Security Council to monitor the implementation of this resolution;

10. Calls upon all States to report to the Secretary-General of the United Nations on measures taken to implement the present resolution;

11. Invites the Secretary-General to report to the Security Council on the progress of the implementation of this resolution and to submit his first report not later than 30 June 1987.

At the 2738th meeting, on 20 February 1987, the draft resolution received 10 votes to 3, with 2 abstentions, and was not adopted owing to the negative votes of two permanent members of the Council.

CASE 11

During its consideration of the situation in Namibia, at its 2747th meeting, on 9 April 1987, the Security Council voted on a draft resolution submitted by Argentina, the Congo, Ghana, the United Arab Emirates and Zambia,¹⁰⁴ which would have imposed comprehensive mandatory sanctions against South Africa under Chapter VII of the Charter and which provided in its paragraphs 12 to 14:

The Security Council,

...

12. Decides to establish, in accordance with rule 28 of the Council's provisional rules of procedure, a Committee of the Security Council to monitor the implementation of the present resolution;

13. Calls upon States Members of the United Nations to report to the Secretary-General on measures taken to implement the present resolution;

14. Requests the Secretary-General to report to the the Security Council on the progress in the implementation of the present resolution and to submit his report not later than 31 August 1987.

The draft resolution received 9 votes to 3, with 3 abstentions, and was not adopted owing to the negative votes of two permanent members of the Council.

CASE 12

In the course of the Council's consideration of the question of South Africa, at its 2796th meeting, on 8 March 1988, Algeria, Argentina, Nepal, Senegal, Yugoslavia and Zambia submitted a draft resolution,¹⁰⁵ which would have imposed mandatory sanctions under Chapter VII of the Charter and which provided in its paragraphs 8 and 9:

The Security Council,

...

8. Decides to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council to monitor the implementation of the present resolution;

9. Calls upon all States to report to the Secretary-General of the United Nations on measures taken to implement the present resolution;

At the 2797th meeting, on 8 March 1988, the draft resolution received 10 votes to 2, with 3 abstentions, and was not adopted owing to the negative votes of two permanent members of the Council.

¹⁰²S/17631, revised and replaced by S/17633, *ibid.*, *Suppl. for Oct.-Dec. 1985.*

¹⁰³S/18705, *OR, 42nd yr., Suppl. for Jan.-March 1987.*

¹⁰⁴S/18785, *ibid.*, *Suppl. for April-June 1987.*

¹⁰⁵S/19585, *OR, 43rd yr., Suppl. for Jan.-March 1988.*

**** Part II**

CONSIDERATION OF PROCEDURES RELATIVE TO SUBSIDIARY ORGANS

Chapter VI

RELATIONS WITH OTHER UNITED NATIONS ORGANS

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INTRODUCTORY NOTE

The present chapter, as in previous volumes, deals with relations of the Security Council with all the other organs of the United Nations. Consequently, its scope is broader than that of chapter XI of the provisional rules of procedure of the Council (rule 61), which governs only certain procedures related to the election by the Council of members of the International Court of Justice.

This chapter contains material concerning the relations of the Council with the General Assembly (part I) and also brings up to date the account in the previous volumes of the *Repertoire* of the transmission by the Trusteeship

Council to the Security Council of questionnaires and reports (part III).

No material has been found for the period under review that would require treatment under parts II and V, relating respectively to relations with the Economic and Social Council and with the Military Staff Committee. The functions of the Secretariat in relation to the Security Council, to the extent that they are governed by the provisional rules of procedure of the Council, are covered in chapter I, part IV. Proceedings regarding the appointment of the Secretary-General under Article 97 of the Charter of the United Nations are treated in part I of the present chapter.

Part I

RELATIONS WITH THE GENERAL ASSEMBLY

NOTE

In part I, concerning the relations of the Council with the General Assembly, the arrangement of the material remains the same as in the previous volume of the *Repertoire*.

Part I is mainly concerned with instances in which the responsibility of the Council and of the General Assembly is, under the provisions of the Charter or the Statute of the International Court of Justice, either exclusive or mutual, that is, where a final decision is or is not to be taken by one organ without a decision to be taken in the same matter by the other. The proceedings in these instances fall into three broad categories.

The first category includes practices and proceedings in relation to Article 12 of the Charter. Section A treats the provisions of Article 12, paragraph 1, limiting the authority of the General Assembly in respect of any dispute or situation while the Council is exercising the functions assigned to it by the Charter. The section contains a note concerning the provisions of Article 12, paragraph 1, and notifications by the Secretary-General to the Assembly under Article 12, paragraph 2. For the period covered by this *Supplement*, no material for inclusion was found concerning the practices and proceedings related to the convocation of a special session of the Assembly in conformity with Article 12, paragraph 1.

The second category comprises instances where the decision by the Council must be taken before that of the General Assembly, for example, appointment of the Secretary-General, and conditions of accession to the Statute of the International Court of Justice. One case concerning the appointment of the Secretary-General is treated in section D.¹ Also treated in section D is a case concerning the conditions of accession to the Statute of the International Court of Justice of a State non-member of the United Nations.²

The third category, dealing with cases where the final decision depends upon action to be taken by both organs

concurrently, such as the election of members of the International Court of Justice, is treated in section E.³

Section F deals with relations between the Council and subsidiary organs of the General Assembly. There was no constitutional discussion bearing on these relations during the period under review. As in the previous *Supplement*, entries under this heading are presented in tables.

Section G contains a tabulation of recommendations to the Council adopted by the General Assembly in the form of resolutions.

Section H contains references to the annual and special reports of the Council to the General Assembly.

A. PRACTICES AND PROCEEDINGS IN RELATION TO ARTICLE 12 OF THE CHARTER

Article 12

"1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.

"2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters."

NOTE

In a letter dated 9 November 1987 addressed to the Secretary-General,⁴ the Permanent Representative of South Africa transmitted a press release, dated 7 November 1987,

¹Case 1.

²Case 2.

³Cases 3-6.

⁴S/19259.

issued by the Minister for Foreign Affairs of South Africa in response to the adoption of resolution 42/14 by the General Assembly on 6 November 1987. While not explicitly invoking Article 12, paragraph 1, of the Charter, the Minister for Foreign Affairs rejected the Assembly resolution on the grounds, *inter alia*, that it conflicted directly with Security Council resolution 435 (1978).

Notifications to the General Assembly under Article 12, paragraph 2, by the Secretary-General, with the consent of the Council, of "matters relative to the maintenance of international peace and security which are being dealt with by the Security Council" and of matters with which the Council has ceased to deal have been drafted on the basis of the summary statement by the Secretary-General on matters of which the Security Council is seized and on the stage reached in their consideration, which is circulated each week by the Secretary-General in accordance with rule 11 of the provisional rules of procedure.

The notification issued before each regular session of the General Assembly contains the same agenda items as those in the current summary statement, except that certain items in the statement that are not considered "matters relative to the maintenance of international peace and security" for the purpose of Article 12, paragraph 2, are excluded from the notification, for example, rules of procedure of the Council, applications for membership and the application of Articles 87 and 88 with regard to strategic areas. In addition, the notification issued before each regular session contains a list of any items with which the Council has ceased to deal since the previous session of the General Assembly.⁵

Matters being dealt with by the Council have been listed in the notification, since 1951, in two categories: (a) matters that are being dealt with by the Council and were discussed during the period since the last notification; and (b) matters of which the Council remains seized but which have not been discussed since the last notification.

Since 1947, the consent of the Council required by Article 12, paragraph 2, has been obtained through the circulation by the Secretary-General to the members of the Council of copies of the draft notifications.

****B. PRACTICES AND PROCEEDINGS IN RELATION TO THE CONVOCATION OF A SPECIAL SESSION OF THE GENERAL ASSEMBLY**

****C. REFERRAL, UNDER RESOLUTION 377 A (V), TO THE GENERAL ASSEMBLY OF AN ITEM BEING CONSIDERED BY THE SECURITY COUNCIL**

D. PRACTICES AND PROCEEDINGS IN RELATION TO ARTICLES OF THE CHARTER INVOLVING RECOMMENDATIONS BY THE SECURITY COUNCIL TO THE GENERAL ASSEMBLY

1. Appointment of the Secretary-General

Article 97 of the Charter

"The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon

the recommendation of the Security Council. He shall be the chief administrative officer of the Organization."

NOTE

In accordance with rule 48 of the provisional rules of procedure, the meetings of the Security Council to consider the question of a recommendation to the General Assembly regarding the appointment of the Secretary-General have been held in private and the Council has voted by secret ballot. A communiqué circulated at the end of each meeting, in accordance with rule 55, has indicated the stage reached in the consideration of the recommendation. During the period under review the Council considered and unanimously adopted a recommendation of this kind (case 1).

CASE 1

At its 2714th meeting, held in private on 10 October 1986, the Security Council considered the question of the recommendation for the appointment of the Secretary-General of the United Nations. The Council unanimously adopted resolution 589 (1986), recommending to the General Assembly that Mr. Javier Pérez de Cuéllar be appointed Secretary-General of the United Nations for a second term of office from 1 January 1987 to 31 December 1991. By a letter dated 10 October 1986,⁶ the President transmitted the recommendation to the President of the General Assembly.

2. Conditions of accession to the Statute of the International Court of Justice

"Article 93, paragraph 2, of the Charter

"A state which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council."

CASE 2

On 21 August 1987, the Acting President and Minister for External Affairs of the Republic of Nauru addressed a letter⁷ to the Secretary-General informing him of the desire of the Republic of Nauru to become a party to the Statute of the International Court of Justice in accordance with Article 93, paragraph 2, of the Charter and stating that the Republic of Nauru waited to be informed of the conditions required to become a party to the Statute.

At its 2753rd meeting on 15 October 1987, the Council referred the matter to the Committee of Experts for study and report.

In its report,⁸ the Committee of Experts advised the Council to send the following recommendation to the General Assembly:

The Security Council recommends that the General Assembly, in accordance with Article 93, paragraph 2, of the Charter, determine the conditions on which the Republic of Nauru may become a party to the Statute of the International Court of Justice, as follows:

⁵For retention or deletion of items from the Secretary-General's summary statement, see chap. II, part IV, sect. B.

⁶A/412/696.

⁷OR, 42nd yr., Suppl. for July-Sept. 1987, S/19137.

⁸Ibid., Suppl. for Oct.-Dec. 1987.

"The Republic of Nauru will become a party to the Statute on the date of the deposit with the Secretary-General of the United Nations of an instrument, signed on behalf of the Government of the Republic of Nauru and ratified as may be required by the constitutional law of the Republic of Nauru, containing:

"(a) Acceptance of the provisions of the Statute of the International Court of Justice;

"(b) Acceptance of all the obligations of a Member of the United Nations under Article 94 of the Charter;

"(c) An undertaking to contribute to the expenses of the Court such equitable amount as the General Assembly shall assess from time to time, after consultation with the Government of the Republic of Nauru."

The Committee attached certain observations to the recommendation:

... Under Article 93, paragraph 2, of the Charter the conditions on which a State which is not a Member of the United Nations may become a party to the Statute are to be determined *in each case* by the General Assembly upon the recommendation of the Security Council. Accordingly, the conditions recommended above as appropriate to the case of the Republic of Nauru are not intended to constitute a precedent to be followed either by the Security Council or by the General Assembly in any future case under Article 93, paragraph 2.

The report of the Committee was placed before the Security Council for consideration at its 2754th meeting, on 19 October 1987.⁹

Decision: The Council, without discussion, unanimously adopted the recommendation of the Committee of Experts as resolution 600 (1987).

**** 3. Conditions of participation of States not Members of the United Nations but parties to the Statute of the International Court of Justice in the amendment of the Statute**

****4. Conditions under which a non-member State, party to the Statute, may participate in electing members of the International Court of Justice**

E. PRACTICES AND PROCEEDINGS IN RELATION TO THE ELECTION OF MEMBERS OF THE INTERNATIONAL COURT OF JUSTICE

STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

Article 4

"1. The members of the Court shall be elected by the General Assembly and by the Security Council from a list of persons nominated by the national groups in the Permanent Court of Arbitration . . ."

Article 8

"The General Assembly and the Security Council shall proceed independently of one another to elect the members of the Court."

Article 10

"1. Those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected.

"2. Any vote of the Security Council, whether for the election of judges or for the appointment of members of

the conference envisaged in Article 12, shall be taken without any distinction between permanent and non-permanent members of the Security Council.

"3. In the event of more than one national of the same State obtaining an absolute majority of the votes both of the General Assembly and of the Security Council, the eldest of these only shall be considered as elected."

Article 11

"If, after this first meeting held for the purpose of the election, one or more seats remain to be filled, a second and, if necessary, a third meeting shall take place."

Article 12

"1. If, after the third meeting, one or more seats still remain unfilled, a joint conference consisting of six members, three appointed by the General Assembly and three by the Security Council, may be formed at any time at the request of either the General Assembly or the Security Council, for the purpose of choosing by the vote of an absolute majority one name for each seat still vacant, to submit to the General Assembly and the Security Council for their respective acceptance.

"2. If the joint conference is unanimously agreed upon any person who fulfils the required conditions, he may be included in its lists, even though he was not included in the list of nominations referred to in Article 7.

"3. If the joint conference is satisfied that it will not be successful in procuring an election, those members of the Court who have already been elected shall, within a period to be fixed by the Security Council, proceed to fill the vacant seats by selection from among those candidates who have obtained votes either in the General Assembly or in the Security Council.

"4. In the event of an equality of votes among the judges, the eldest judge shall have a casting vote."

Article 14

"Vacancies shall be filled by the same method as that laid down for the first election, subject to the following provision: the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the Security Council."

PROVISIONAL RULES OF PROCEDURE OF THE SECURITY COUNCIL

Rule 61

Relations with other United Nations organs

"Any meeting of the Security Council held in pursuance of the Statute of the International Court of Justice for the purpose of the election of members of the Court shall continue until as many candidates as are required for all the seats to be filled have obtained in one or more ballots an absolute majority of votes."

CASE 3

At its 2604th meeting, on 12 September 1985, the Security Council considered the date of elections to fill a vacancy that had occurred in the International Court of Justice as a result of the recent death of one of the members

⁹See S/PV.2754.

of the Court. The President reminded the members of the Council that, under Article 14 of the Statute of the Court, the Council was required to fix the date of the elections to fill any vacancy in the Court and he drew their attention to a draft resolution¹⁰ on the matter. There being no objection, the President put the draft resolution to a vote. It was adopted unanimously as resolution 570 (1985),¹¹ by which the Council decided that elections to fill the vacancy on the Court would take place on 9 December 1985 at a meeting of the Council and at a meeting of the General Assembly at its fortieth session.

At its 2632nd meeting, on 9 December 1985, in accordance with the decision contained in resolution 570 (1985), the Council proceeded to the election of one member of the International Court of Justice to fill a seat that had become vacant.¹² After the first vote by secret ballot, one candidate had received the required majority, and the same candidate was elected by the General Assembly; accordingly, he was elected a member of the International Court of Justice for a term of office expiring on 5 February 1988.

CASE 4

At its 2739th meeting, on 27 March 1987, the Security Council considered the date of elections to fill a vacancy that had occurred in the International Court of Justice as a result of the recent death of one of the members of the Court. The President reminded the members of the Council that, under Article 14 of the Statute of the Court, the Council was required to fix the date of the elections to fill any vacancy in the Court and he drew their attention to a draft resolution¹³ on the matter. There being no objection, the President put the draft resolution to a vote. It was adopted unanimously as resolution 595 (1987),¹⁴ by which the Council decided that elections to fill the vacancy on the Court would take place on 14 September 1987 at a meeting of the Council and at a meeting of the General Assembly at its forty-first session.

At its 2752nd meeting, on 14 September 1987, in accordance with the decision contained in resolution 595 (1987), the Council proceeded to the election of one member of the International Court of Justice to fill a seat that had become vacant.¹⁵ After the first vote by secret ballot, one candidate had received the required majority, and the same candidate was elected by the General Assembly; accordingly, he was elected a member of the International Court of Justice for a term of office expiring on 5 February 1991.

CASE 5

At its 2760th meeting, on 11 November 1987, the Security Council proceeded to the election of five members of the International Court of Justice to fill the seats that were to become vacant on 5 February 1988.¹⁶ Prior to the balloting, the President referred to the memorandum submitted by the Secretary-General¹⁷ and reminded the members

of the Council that, in accordance with Article 10, paragraph 1, of the Statute of the Court, those candidates who obtained an absolute majority of votes in both the General Assembly and the Council would be considered elected as a member of the Court. He further reminded the members of the Council that the required majority in the Council was eight votes. Should fewer than five candidates obtain an absolute majority of votes in the first ballot, the Council would proceed to a second ballot and balloting would continue in the same meeting until five candidates obtained the required majority of votes. However, should there be more than five candidates obtaining the required majority, a new vote on all candidates would be taken, as was consistent with the practice that had been followed in the past.

A vote was taken by secret ballot and five candidates received the required majority. The President of the Council communicated by a letter to the President of the General Assembly the names of the five candidates who had received the required majority in the Council. Thereafter, the President of the Council announced that the voting in the General Assembly had been inconclusive. After stating that the meeting of the Assembly had been suspended, the President of the Security Council, with the concurrence of the members, suspended the meeting of the Council.¹⁸

Upon resumption of the meeting, the President informed the Council that, as a result of the independent voting in the Security Council and in the General Assembly, four candidates, having received the required absolute majority of votes in both bodies, were elected members of the International Court of Justice for a term of office of nine years beginning on 6 February 1988.

The President of the Council then announced that, in accordance with the provisions of Article 11 of the Statute of the Court, it would be necessary to hold a second meeting to fill the fifth vacancy.

At its 2761st meeting, on the same date, the Council proceeded with the election of one candidate for the seat remaining vacant. After the first vote by secret ballot, one candidate had received the required majority.¹⁹ The President of the Council notified the President of the General Assembly of the result of the vote in the Council. Thereafter, the President of the Council announced that as a result of the independent voting in the Security Council and in the General Assembly, a different candidate had obtained the required majority of votes in each body. Therefore, in accordance with the provisions of Article 11 of the Statute of the Court, it was necessary to hold a third meeting to fill the remaining vacancy. Informing members of the Council that the meeting of the Assembly had been suspended, the President of the Council adjourned the meeting of the Council.

At its 2762nd meeting, also on 11 November 1987, the Council proceeded with the election of one candidate for the seat remaining vacant. After the first vote by secret ballot, one candidate had received the required majority.²⁰ The same candidate received the required majority in the ballot of the Assembly and accordingly was elected as a member of the International Court of Justice also for a term of office of nine years beginning on 6 February 1988.

¹⁰S/17457, adopted without change as resolution 570 (1985).

¹¹See S/PV.2604.

¹²See S/PV.2632.

¹³S/18761, adopted without change as resolution 595 (1987).

¹⁴See S/PV.2739.

¹⁵See S/PV.2739.

¹⁶See S/PV.2760.

¹⁷OR, 43rd yr., Suppl. for Oct.-Dec. 1997, S/19155.

¹⁸See S/PV.2760.

¹⁹See S/PV.2761.

²⁰See S/PV.2762.

CASE 6

In a note dated 20 December 1988,²¹ the Secretary-General drew the attention of the Security Council to the fact that a vacancy had occurred in the International Court of Justice, as a result of the recent death of one of the members of the Court, which would have to be filled in accordance with Article 14 of the Statute of the Court.

**F. RELATIONS WITH SUBSIDIARY ORGANS
ESTABLISHED BY THE GENERAL ASSEMBLY**

NOTE

The case history below (case 7) describes the relationship between a new subsidiary organ established by the General Assembly and the Security Council. During the period under review, no constitutional discussion took place bearing on the relations between organs established by the Assembly and the Council. The tables below give an account of communications from those organs, their participation in some of the discussions of the Council and resolutions adopted by the Council containing references to them.

CASE 7

By its resolution 41/35 F of 10 November 1986, the General Assembly established the Intergovernmental Group to Monitor the Supply and Shipping of Oil and Petroleum Products to South Africa. In the resolution the Assembly took note of the recommendation of the United Nations Seminar on Oil Embargo against South Africa that an intergovernmental mechanism should be established under the auspices of the United Nations to monitor compliance with Assembly resolutions concerning an oil embargo against South Africa,²² and requested the Intergovernmental Group to submit to it at its forty-second session

a report on the implementation of the resolution and, in particular, the monitoring of the supply and shipment of oil and petroleum products to South Africa.

By a letter dated 3 November 1987,²³ the Chairman submitted the report of the Intergovernmental Group to the Secretary-General and asked that it be issued as a document of the General Assembly and the Council. In its report, the Committee stated its belief that the international community should consider without delay the imposition of comprehensive mandatory sanctions against South Africa and that the Council was under a special obligation to impose a mandatory oil embargo against South Africa.²⁴ The Intergovernmental Group recommended that the General Assembly should request the Council to consider invoking Chapter VII of the Charter to impose a mandatory embargo on the supply and shipping of oil and petroleum products to South Africa.²⁵

By a letter dated 27 October 1988,²⁶ the Chairman submitted the second report of the Intergovernmental Group to the Secretary-General and asked that it be issued as a document of the General Assembly and the Council. In its report, the Committee stated that the imposition of a mandatory oil embargo by the Council against South Africa was urgently needed to complement the arms embargo imposed by Council resolution 418 (1977) and that adoption of such a mandatory oil embargo was consistent with the declared policies of the members of the Council, including the permanent members.²⁷ The Intergovernmental Group recommended that the Assembly request the Council to consider invoking Chapter VII of the Charter to impose a mandatory embargo on the supply and shipping of oil and petroleum products to South Africa.²⁸

During the period under review, the Intergovernmental Group made no request to participate in the discussions of the Council.

²¹OR, 43rd yr., *Suppl. for Oct.-Dec. 1988*, S/20340.
²²A/41/404-S/18131, annex, para. 21.

²³OR, 42nd yr., *Suppl. for Oct.-Dec. 1987*, S/19251.

²⁴GAOR, 41st sess., *Suppl. No. 45*, para. 18.

²⁵*ibid.*, para. 25.

²⁶OR, 43rd yr., *Suppl. for Oct.-Dec. 1988*, S/20249.

²⁷GAOR, 42nd sess., *Suppl. No. 45*, para. 47.

²⁸*ibid.*, para. 55.

1. Communications from subsidiary organs established by the General Assembly

(a) COMMUNICATIONS FROM THE SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
S/17249	10 June 1985	Transmitting the text of a consensus on the question of Namibia adopted by the Special Committee on 16 May 1985 (A/AC.109/830) in which it reaffirmed that Security Council resolution 435 (1978) remained the only acceptable basis for a peaceful settlement of the Namibian question, reiterated the need to proceed to its immediate implementation without modification, qualification or precondition, and recommended that the Council resume forthwith its consideration of further measures to give effect to its resolutions on this question (para. 9); urged that the Council consider, as a matter of urgency, the report of the Committee established under its resolution 421 (1977) and adopt further measures to widen the scope of resolution 418 (1977) (para. 15); called for scrupulous observance of resolution 558 (1984) enjoining Member States to refrain from importing armaments from South Africa (para. 15); recommended that

Document symbol	Date	Subject
S/17385	6 August 1985	<p>the Council act decisively against any dilatory manoeuvres and fraudulent schemes of the illegal occupation regime (para. 21); and strongly recommended that the Council impose forthwith comprehensive mandatory sanctions against South Africa under Chapter VII of the Charter (para. 21).</p> <p>Transmitting the text of the conclusions and recommendations concerning the Trust Territory of the Pacific Islands adopted by the Special Committee on 1 August 1985 (A/AC.109/L.1554), in which the Special Committee noted that the Council was currently seized of the reports on the strategic Trust Territory of the Pacific Islands and called attention to Article 83 of the Charter, under which the Council would, <i>inter alia</i>, avail itself of the assistance of the Trusteeship Council to perform the functions under the Trusteeship System relating to political, economic, social and educational matters in strategic areas (para. 17).</p>
S/18262	6 August 1986	<p>Transmitting the text of the conclusions and recommendations concerning the Trust Territory of the Pacific Islands adopted by the Special Committee on 4 August 1986 (A/AC.109/L.1591), in which the Special Committee noted that the Council was currently seized of the reports on the strategic Trust Territory of the Pacific Islands and called attention to Article 83 of the Charter, under which the Council would, <i>inter alia</i>, avail itself of the assistance of the Trusteeship Council to perform the functions under the Trusteeship System relating to political, economic, social and educational matters in strategic areas (para. 17).</p>
S/18272	14 August 1986	<p>Transmitting the text of a consensus on the question of Namibia adopted by the Special Committee on 11 August 1986 (A/AC.109/880), in which it reaffirmed that Security Council resolution 435 (1978) remained the only acceptable basis for a peaceful settlement of the Namibian question, reiterated the need to proceed to its immediate implementation without modification, qualification or precondition and urged the Council to resume forthwith its consideration of further measures to give effect to its resolutions on this question (para. 11); urged that the Council consider, as a matter of urgency, the report of the Committee established under its resolution 421 (1977) and adopt further measures to widen the scope of resolution 418 (1977) (para. 17); called for the scrupulous observance of resolution 558 (1984) enjoining Member States to refrain from importing armaments from South Africa (para. 17); recommended that the Council act decisively against any dilatory manoeuvres and fraudulent schemes of the illegal occupation regime (para. 23); and strongly recommended that the Council impose forthwith comprehensive mandatory sanctions against South Africa under Chapter VII of the Charter (para. 23).</p>
S/18278	15 August 1986	<p>Transmitting the text of a decision concerning military activities and arrangements by colonial Powers in Territories under their administration which might be impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted by the Special Committee on 11 August 1986 (A/AC.109/882), in which it urged that the Council consider, as a matter of urgency, the report of the Committee established under Security Council resolution 421 (1977) and adopt further measures to widen the scope of resolution 418 (1977) (para. 6), and called for the scrupulous observance of resolution 558 (1984) enjoining Member States to refrain from importing armaments from South Africa and stated that it was particularly mindful in that regard of the series of resolutions adopted by the Council during 1985 in which it strongly condemned the acts of armed aggression committed by South Africa (para. 6).</p>
S/19023	5 August 1987	<p>Transmitting the text of the conclusions and recommendations concerning the Trust Territory of the Pacific Islands adopted by the Special Committee on 4 August 1987 (A/AC.109/L.1632), in which the Special Committee noted that the proposed programme budget for the biennium</p>

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
		1988-1989 ²⁹ on the financing of trusteeship activities of the United Nations stated that no formal proposal to terminate the agreement had been submitted to the Council in accordance with Article 83 of the Charter (para. 20); noted that, as indicated in the report of the Security Council to the General Assembly at its forty-first session, ³⁰ communications and reports on the Trust Territory were among the matters brought to the attention of the Council but not discussed in the Council during the period covered by the report (para. 20); called attention to Article 83 of the Charter, under which the Council would, <i>inter alia</i> , avail itself of the assistance of the Trusteeship Council to perform the functions under the Trusteeship System relating to political, economic, social and educational matters in strategic areas (para. 21); and noted that the Trusteeship Council could submit to the Security Council recommendations concerning the approval of the terms of the trusteeship agreements and of their alteration or amendment in so far as it might be requested to do so by the Security Council (para. 21).
S/19052	18 August 1987	Transmitting the text of a consensus on the question of Namibia adopted by the Special Committee on 12 August 1987 (A/AC.109/926), in which it reaffirmed that Security Council resolutions 385 (1976) and 435 (1978) were the only internationally accepted basis for a peaceful settlement of the Namibian question and demanded their immediate implementation without precondition or modification (para. 10); noted with regret the continued failure of the Council to discharge effectively its responsibilities for the maintenance of peace and security in southern Africa, owing to the vetoes of two of its Western permanent members, and urged the Council to resume forthwith its consideration of further measures to give effect to Council resolutions on this question (para. 10); urged that the Council consider, as a matter of urgency, the report of the Committee established under its resolution 421 (1977) and adopt further measures to widen the scope of resolution 418 (1977) (para. 17); called for the scrupulous observance of resolution 558 (1984) enjoining Member States to refrain from importing armaments from South Africa (para. 17); recommended that the Council should act decisively against any dilatory manoeuvres and fraudulent schemes of the illegal occupation regime (para. 22); and strongly recommended that the Council impose forthwith comprehensive mandatory sanctions against South Africa under Chapter VII of the Charter (para. 22).
S/19053	18 August 1987	Transmitting the text of a consensus concerning military activities and arrangements by colonial Powers in Territories under their administration which might be impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted by the Special Committee on 12 August 1987 (A/AC.109/928) in which it urged that the Security Council consider, as a matter of urgency, the report of the Committee established under its resolution 421 (1977) and adopt further measures to widen the scope of resolution 418 (1977) (para. 6), and called for the scrupulous observance of resolution 558 (1984) enjoining Member States to refrain from importing armaments from South Africa, and stated it was particularly mindful in that regard of the series of resolutions adopted by the Council during 1985 in which it strongly condemned the acts of armed aggression committed by South Africa (para. 6).
S/20110	11 August 1988	Transmitting the text of a consensus on the question of Namibia adopted by the Special Committee on 8 August 1988 (A/AC.109/967), in which it noted with regret the continued failure of the Security Council to discharge effectively its responsibilities for the maintenance of peace and security in southern Africa, owing to the vetoes of two of its Western permanent members, and urged the Council to resume

²⁹*Ibid.*, *Suppl. No. 6 (A/41/6)*, (sect. 3), sect. A, 1, para. 3.3.

³⁰*Ibid.*, *41st sess.*, *Suppl. No. 2 (A/41/2)*.

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
		forthwith its consideration of further measures to give effect to Council resolutions on this question (para. 10); urged that the Council consider, as a matter of urgency, the report of the Committee established under its resolution 421 (1977) and adopt further measures to widen the scope of resolution 418 (1977) (para. 19); called for the scrupulous observance of resolution 558 (1984) enjoining Member States to refrain from importing armaments from South Africa (para. 19); recommended that the Council act decisively against any dilatory manoeuvres and fraudulent schemes of the illegal occupation regime (para. 25); and strongly recommended that the Council impose forthwith comprehensive and mandatory sanctions against South Africa under Chapter VII of the Charter (para. 25).
S/20118	12 August 1988	Transmitting the text of a decision concerning military activities and arrangements by colonial Powers in Territories under their administration which might be impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted by the Special Committee on 8 August 1988 (A/AC.109/969), in which it urged that the Security Council consider, as a matter of urgency, the report of the Committee established under its resolution 421 (1977) and adopt further measures to widen the scope of resolution 418 (1977) (para. 6); and called for the scrupulous observance of resolution 558 (1984) and stated that it was particularly mindful in that regard of the series of resolutions adopted by the Council and other bodies and organizations (para. 6).
S/20146	23 August 1988	Transmitting the text of the conclusions and recommendations concerning the Trust Territory of the Pacific Islands adopted by the Special Committee on 1 August 1988 (A/AC.109/L.1663), in which the Special Committee noted that under Article 83 of the Charter, the Council exercised all functions of the United Nations relating to strategic areas, including approval of the terms of the trusteeship agreements and of their alteration or amendment, and in this regard expressed confidence that special attention would be given by the Council to the full implementation of all provisions of the Trusteeship Agreement and the Charter (para. 20).

(b) COMMUNICATIONS FROM THE SPECIAL COMMITTEE AGAINST APARTHEID

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
S/17142	3 May 1985	Transmitting the text of the Declaration adopted on 28 March 1985 by the Special Committee at its special session in commemoration of the twenty-fifth anniversary of the Sharpeville massacre, in which it noted that the "new constitution" introduced by South Africa had been rejected as null and void by the General Assembly and by the Security Council in its resolution 554 (1984) (para. 7); recalled that Council resolution 560 (1985) demanded the immediate and unconditional withdrawal of "high treason" charges against 16 opponents of apartheid, and called on the Council, should South Africa fail to comply, to consider further appropriate action, including adoption of comprehensive and mandatory sanctions under Chapter VII of the Charter (para. 12).
S/17197	17 May 1985	Transmitting the text of the Declaration adopted by the International Conference on Women and Children under Apartheid on 9 May 1985, in which it noted that the "new constitution" introduced by South Africa had been rejected as null and void by the General Assembly and the Council (para. 9); called on the Council to consider further appropriate action against South Africa, including adoption of comprehensive and mandatory sanctions under Chapter VII of the Charter (para. 13); recalled that Council resolution 560 (1985) demanded the immediate and unconditional withdrawal of "high treason" charges against 16 opponents of apartheid (para. 14); and, denouncing South Africa's scheme to form in Namibia a "transitional government", stated that the implementation of such schemes constituted a flagrant violation of resolution 435 (1978) (para. 15).

Document symbol	Date	Subject
S/17224	29 May 1985	Transmitting the text of the Declaration adopted by the International Conference on Sports Boycott against South Africa, held from 16 to 18 May 1985.
S/17477	19 September 1985	Transmitting the text of the Declaration adopted by the International Seminar on Racist Ideologies, Attitudes and Organizations Hindering Efforts for the Elimination of Apartheid and Means to Combat Them, held from 9 to 11 September 1985, in which it expressed deep concern at the continued illegal occupation of Namibia by South Africa and the imposition of a puppet administration there in complete defiance of relevant United Nations resolutions on Namibia, in particular Council resolution 435 (1978) (para. 13); and expressed its conviction that comprehensive and mandatory sanctions against South Africa under Chapter VII of the Charter were one of the most effective and the only peaceful means for the eradication of apartheid (para. 15).
S/17511	2 October 1985	Transmitting the text of a summary report of the Media Workshop on Countering Apartheid Propaganda, held from 20 to 22 May 1985.
S/17562 and Add.1-4	14 October 1985	Submitting the annual report of the Special Committee in which, <i>inter alia</i> , it noted with satisfaction that the Security Council for the first time, in its resolutions 566 (1985) and 569 (1985), had urged Member States to impose specific economic sanctions against South Africa (para. 340), but considered that those resolutions represented a minimum programme of action (para. 343); suggested that the General Assembly and the Council urgently consider the situation in all its aspects in full recognition that the elimination of apartheid was indispensable not only for the freedom of the people of South Africa but also for the independence of Namibia, the security and development of the independent African States in the region and the maintenance of international peace and security (para. 353); considered it essential that the United Nations ensure comprehensive and mandatory sanctions without further delay (para. 355); attached particular importance to sanctions against the apartheid regime under Chapter VII of the Charter (para. 358); noted with satisfaction that Council members, in the presidential statement of 21 August 1985, had stated their belief that a just and lasting solution in South Africa must be based on the total eradication of the system of apartheid and the establishment of a free, united and democratic society, and called upon South Africa to set free immediately and unconditionally all political prisoners and detainees, first of all Nelson Mandela (para. 367); urged that the Council take urgent measures to strengthen the arms embargo, prohibit all cooperation with South Africa in the nuclear field and ensure the effective monitoring of such measures in accordance with the report of the Committee established under Council resolution 421 (1977) (para. 376); considered that an effective embargo on the supply of petroleum, petroleum products and other strategic supplies should be instituted without any further delay (para. 377); called upon Member States to exercise all their influence to persuade the major Western countries to facilitate the imposition of comprehensive and mandatory economic sanctions under Chapter VII of the Charter (para. 383); and noted with great concern the stubborn refusal of major Western Powers to recognize the situation in South Africa and southern Africa as a threat to international peace and security and expressed the hope that they would be persuaded to facilitate action under Chapter VII of the Charter (para. 384); also submitted were the special report on implementation of the arms embargo against South Africa (S/17562/Add.1), the special report on recent developments concerning relations between Israel and South Africa (S/17562/Add.2), the special report on further action to intensify efforts to inform world public opinion and encourage wider public action in support of the just struggle of the oppressed people of South Africa (S/17562/Add.3) and the special report on concerted international action for the elimination of apartheid (S/17562/Add.4).

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
S/17632	18 November 1985	Transmitting the text of the Declaration adopted by the International Conference of Maritime Trade Unions on the Implementation of the United Nations Oil Embargo against South Africa on 31 October 1985, in which it recalled that the Council, since its unanimous adoption of resolution 182 (1963), had affirmed the conviction that the situation in South Africa was seriously endangering international peace and security.
S/18121	2 June 1986	Transmitting the text of the Declaration adopted by the United Nations Seminar on Arms Embargo against South Africa, held from 28 to 30 May 1986, in which it stated that unwarranted acts of aggression by South Africa against Botswana, Zambia and Zimbabwe were further evidence that the situation in southern Africa had never before constituted such a grave threat to international peace and security; recognized that the adoption of Council resolution 418 (1977) represented a vital and important first step, but noted that even this limited arms embargo had not been implemented strictly; noted that Council resolution 558 (1984) prohibiting the import of arms, ammunition and military vehicles from South Africa did not cover military "related material" as did resolution 418 (1977) and that it was non-mandatory; attached great importance to monitoring the arms embargo and expressed regret that the valuable role of the Committee established by Council resolution 421 (1977) appeared to have been seriously curtailed during the 1980s; stressed the importance of the mandatory arms embargo which, despite its shortcomings, had created serious shortages for South African military forces; urged the Council to give immediate attention to the major breach of the arms embargo resulting from the supply of arms to South Africa's surrogate forces involved in the destabilization of independent African States; recommended that the Council meet as a matter of utmost urgency to act upon the recommendations of the Committee established by resolution 421 (1977) (para. 1); recommended that the Council render mandatory the voluntary embargo on imports from South Africa of arms, ammunition and vehicles instituted by Council resolution 558 (1984) (para. 2); recommended that the Council determine that arms and related material of all types, including "dual purpose" equipment, comprise all military, nuclear and other strategic equipment (para. 3); recommended that the Committee established under Council resolution 421 (1977) draw up a comprehensive list of items which would automatically fall within the scope of the arms embargo (para. 4); recommended that the Council require all Member States to revoke or terminate all licences previously concluded with South Africa to manufacture arms and related material of all types (para. 7); recommended that the Council make mandatory that all States prohibit the transfer to South Africa or Namibia of all technology relating to the manufacture of arms and related material of all types (para. 8); recommended that the Council impose a mandatory ban on all forms of nuclear collaboration with South Africa (para. 9); and recommended that the Council impose a mandatory oil embargo against South Africa (para. 14).
S/18141	9 June 1986	Transmitting the text of the Declaration adopted by the Seminar on Oil Embargo against South Africa on 6 June 1986, in which it considered that comprehensive and mandatory sanctions under Chapter VII of the Charter were necessary in order to exert maximum international pressure on South Africa (para. 5 (b)); considered that a total oil embargo was the most important component of international action against South Africa (para. 5 (d)); and affirmed the urgent need for the Council to adopt a mandatory oil embargo under Chapter VII of the Charter and in accordance with relevant General Assembly resolutions, and recommended that Council members, in consultation with oil-producing and oil-shipping States, coordinate action in ensuring that effective action at the Council level would be taken as soon as possible (para. 14).
S/18185	30 June 1986	Transmitting the text of the Declaration adopted by the World Conference on Sanctions against Racist South Africa, held from 16 to 20 June 1986, in which it stated that the United

Document symbol	Date	Subject
S/18360 and Add.1	21 October 1986	<p>Nations had a direct responsibility to ensure the independence of Namibia through free elections and the exercise of the right of self-determination by its people in accordance with all relevant General Assembly and Council resolutions, in particular, Council resolution 435 (1978), and that the Organization had an inescapable responsibility to end South Africa's constant breaches of peace and acts of aggression in the region (para. 19); stated that comprehensive mandatory sanctions under Chapter VII of the Charter were the most effective means to deal with threats to the peace, breaches of peace and acts of aggression (para. 20); expressed regret that the Council had been unable to take the requisite mandatory action recommended by the International Conference on Sanctions against South Africa in 1981 owing to the negative votes of the United Kingdom of Great Britain and Northern Ireland and the United States of America (para. 22); stated that the Council had been unable, because of the opposition of certain Western permanent members, to institute any mandatory sanctions against South Africa except for the mandatory arms embargo of 1977 (para. 25); expressed deep concern and disappointment that the Council, during its meetings in November 1985 and May 1986, had failed to adopt mandatory selective economic and other sanctions against South Africa (para. 26); considered it imperative that the international community demand that South Africa proceed to implement forthwith the United Nations plan for the independence of Namibia without any conditions or delaying manoeuvres and that the Council decide immediately on effective sanctions under Chapter VII of the Charter (para. 37); urged the few Western Powers that continued to oppose sanctions against South Africa to reassess their positions and cooperate in, rather than hinder, international action (para. 48); urged the Council to consider without delay all appropriate action under the Charter and suggested, as a first step, that the Council determine that the policies and actions of South Africa had caused and constituted a grave threat to the maintenance of international peace and security and that action under Chapter VII of the Charter was imperative (para. 50); recommended that the mandatory arms embargo instituted by the Council in its resolution 418 (1977) be reinforced (para. 54); urged the Council to make mandatory its request to all States, in paragraph 2 of resolution 558 (1984), "to refrain from importing arms, ammunition of all types and military vehicles produced in South Africa" and to extend the embargo to cover all components and related <i>matériel</i> originating from South Africa (para. 55); called for more effective monitoring of the arms embargo and in that connection urged action, without further delay, on the recommendations submitted in September 1980 by the Committee established by resolution 421 (1977) (para. 56); stated that it was imperative that the measures recommended in the Declaration of the International Seminar on Arms Embargo be taken to reinforce and strengthen the mandatory arms embargo imposed by Council resolution 418 (1977) (para. 57); called for the Council to extend the arms embargo to include the police sector (para. 58); affirmed the urgent need for the Council to adopt a mandatory oil embargo under Chapter VII of the Charter and recommended that Council members, in consultation with oil-producing and oil-shipping States, coordinate action in ensuring that effective action at the Council level would be taken as soon as possible (para. 66); recommended that the Council urgently consider a mandatory embargo on investments in and financial loans to South Africa (para. 69); urged the Council to consider other mandatory sanctions including a prohibition of the transfer of technology to South Africa, an end to all promotion of or support for trade with that State, and termination of air and shipping links (para. 71); and stressed the need for an immediate embargo on the import of uranium and other products from Namibia (para. 72).</p> <p>Submitting the annual report of the Special Committee in which, <i>inter alia</i>, it noted that South Africa's acts of ag-</p>

Document symbol	Date	Subject
S/19217 and Add.1	21 October 1987	gression against Angola in October and December 1985 were condemned by the Security Council in its resolutions 574 (1985) and 577 (1985), but that when the Council considered South Africa's aggression against Angola in June 1986, it had failed to adopt a resolution, owing to the negative votes of the United Kingdom and the United States (para. 116); noted that when South Africa carried out simultaneous attacks against Botswana, Zambia and Zimbabwe on 19 May 1986, the Council had failed to adopt a resolution that would have imposed mandatory economic sanctions against South Africa owing to the negative votes of the United Kingdom and the United States (para. 118); recommended that the General Assembly urge the Council to consider without delay all appropriate action under the Charter and that the Assembly suggest, as a first step, that the Council determine that the policies and actions of South Africa had caused and constituted a grave threat to the maintenance of international peace and security in southern Africa and that comprehensive mandatory sanctions under Chapter VII of the Charter were imperative (para. 214 (b)); recommended that the Assembly urge the few Western Powers that continued to oppose sanctions against South Africa—especially the United States and the United Kingdom, which had prevented the imposition of comprehensive mandatory sanctions by the Council through the exercise of the veto—to reassess their positions and cooperate in, rather than hinder, international action (para. 214 (c)); recommended that the Assembly call upon the Council to require all Member States to revoke or terminate all licences with South Africa to manufacture arms and related <i>matériel</i> (para. 215 (c)); and recommended that the Assembly affirm the urgent need for the Council to adopt a mandatory oil embargo under Chapter VII of the Charter in accordance with relevant Assembly resolutions, and that the Assembly urge the Council, in consultation with oil-producing and oil-shipping States, to coordinate effective action as soon as possible (para. 216 (b)); also submitted was the special report on recent developments concerning relations between Israel and South Africa (S/18360/Add.1).
S/19218	19 October 1987	Submitting the annual report of the Special Committee in which, <i>inter alia</i> , it noted that the Security Council had agreed on a package of voluntary sanctions but that regrettably, two permanent members of the Council had again made it impossible for the Council to agree on the imposition of comprehensive and mandatory sanctions under Chapter VII of the Charter (para. 9); stated that of growing concern were the repeated violations of the mandatory arms embargo, the oil embargo and other international sanctions (para. 11); cited reports indicating infringements of Council resolution 418 (1977) on the mandatory arms embargo against South Africa (para. 55); considered it essential that the international community continue to press with steadfast determination for the imposition of enforceable sanctions under Chapter VII of the Charter and emphasized the urgency for imposing such sanctions (para. 148); and recommended that the General Assembly, <i>inter alia</i> , request the Council to adopt comprehensive and mandatory sanctions against South Africa. Also submitted was the special report on recent developments concerning relations between Israel and South Africa (S/19217/Add.1).
S/19266	12 November 1987	Transmitting the Declaration adopted by the International Student Conference in Solidarity with the Struggle of the Students of Southern Africa, held from 31 July to 3 August 1987, in which it resolved to campaign for the immediate imposition of universal comprehensive and mandatory sanctions against South Africa (para. 5) and for the immediate implementation of Council resolution 435 (1978) concerning Namibia, including the imposition of universal comprehensive mandatory sanctions against South Africa and a ban on all trade with and investment in Namibia (para. 6).
S/19266	12 November 1987	Transmitting the text of the Declaration adopted by the International Conference against Apartheid Sport on 7 November 1987.

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
S/19676	23 March 1988	Transmitting the text of the appeal adopted by the Seminar on the Role of the Latin American and Caribbean Media in the International Campaign against Apartheid, held from 7 to 9 March 1988, in which it called for concerted international action, including the adoption of comprehensive mandatory sanctions, to bring about the eradication of apartheid.
S/20184	12 September 1988	Transmitting the text of the appeal adopted by the Symposium on Culture against Apartheid, held from 2 to 4 September 1988.
S/20188	14 September 1988	Transmitting a portion of the text of the Final Declaration adopted by the Conference of Foreign Ministers of the Non-Aligned Countries, held from 7 to 10 September 1988, in which it called for the convening in 1989 of a special session of the General Assembly devoted to apartheid and its destructive consequences in southern Africa (para. 101); and reiterated the call for the Security Council to impose comprehensive and mandatory sanctions against the apartheid regime under Chapter VII of the Charter and, to this end, endorsed the decision of the Organization of African Unity (OAU) to work towards the convening of the Council in Africa for the purpose of examining the totality of South Africa's policies and acts of State terrorism in the region (para. 102).
S/20215	4 October 1988	Transmitting the text of the resolution adopted by the 80th Inter-Parliamentary Conference, held from 19 to 24 September 1988, in which it endorsed the call by the Conference of Foreign Ministers of the Non-Aligned Countries for a special session of the General Assembly devoted to apartheid (para. 11); confirmed that the United Nations plan for granting independence to Namibia, as contained in Security Council resolutions 385 (1976) and 435 (1978), was the only internationally acceptable basis for a peaceful settlement of the Namibia problem, and demanded its prompt implementation without any preconditions and changes (para. 14); urgently called on the Council to discuss without delay the question of imposing comprehensive mandatory sanctions against South Africa (para. 18); and considered that Council resolution 621 (1988) constituted a consolidation of the process aiming at the full implementation of the OAU/United Nations peace plan for Western Sahara (para. 31).
S/20248	27 October 1988	Submitting the annual report of the Special Committee in which, <i>inter alia</i> , it stated that the imposition of sanctions against South Africa continued to be of crucial significance (para. 187) and recommended that the General Assembly request the Council to adopt comprehensive and mandatory sanctions against South Africa (para. 194 (g)).

(c) COMMUNICATIONS FROM THE UNITED NATIONS COUNCIL FOR NAMIBIA

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
S/17243	6 June 1985	Transmitting the text of the communiqué adopted by the United Nations Council for Namibia on 4 June 1985 concerning South Africa's plan to install a puppet administration in Namibia, in which it recalled the statement issued on 3 May 1985 by the President of the Security Council, which condemned and rejected any unilateral action by South Africa leading towards an internal settlement outside Council resolution 435 (1978) as unacceptable and declared the establishment of the "interim government" in Namibia to be null and void (para. 3); condemned South Africa for its decision to press ahead with the installation of the "interim government" in defiance of universal condemnation and the position of the Security Council (para. 4); drew the particular attention of the Council, the General Assembly and the Secretary-General to the imminent installation of the "interim government", which, it stated, would further jeopardize the prospects for implementing Council resolution 435 (1978) (para. 5); and called upon the Council, in fulfilment of its responsibility to ensure the implementation of its own resolutions and of the direct responsibility of the United Nations over Namibia, to take appropriate measures

Document symbol	Date	Subject
S/17262	13 June 1985	<p>to pre-empt the installation of the "interim government" and to ensure the immediate and unconditional implementation of the United Nations plan for Namibian independence (para. 5).</p> <p>Transmitting the final document adopted at the extraordinary plenary meetings of the United Nations Council for Namibia, held from 3 to 7 June 1985, in which it stated that it was submitting the Declaration and Programme of Action on Namibia for the serious and urgent consideration of the Security Council, the General Assembly and all Governments, organizations and peoples for appropriate action to secure the speedy liberation of Namibia from illegal occupation by South Africa (para. 6); declared that South Africa's illegal occupation of Namibia was a threat to international and regional peace and security (para. 9); strongly condemned the ruthless plunder of Namibia's natural resources by South African and other foreign economic interests in violation of, <i>inter alia</i>, Security Council and General Assembly resolutions (para. 19); considered that the continuing military collaboration with, and assistance to, South Africa by certain Western States and Israel constituted a breach of the arms embargo imposed by the Council in its resolution 418 (1977) (para. 20); called for the scrupulous observance by all States of resolution 558 (1984) enjoining them not to import armaments from South Africa (para. 20); drew particular attention to the strong condemnation and rejection of South Africa's unilateral action of installing an "interim government" in Namibia by, <i>inter alia</i>, the President of the Security Council on 3 May 1985 (para. 21); urged the Council to act decisively in fulfilment of the direct responsibility of the United Nations over Namibia and to take, without further delay, appropriate action to ensure the implementation of its resolution 435 (1978) without modification or preconditions (para. 22); recalled that both the Assembly and the Council had rejected linkage between the independence of Namibia and extraneous and irrelevant issues (para. 25); reiterated that special responsibility rested with the Council, which must act without further delay to secure the implementation of its own relevant resolutions, and considered that comprehensive mandatory sanctions under Chapter VII of the Charter were the most effective means of ensuring South Africa's compliance with the resolutions and decisions of the United Nations on Namibia (para. 33); urged the Council to exercise decisively its authority with a view to ensuring the implementation of its resolutions 385 (1976), 435 (1978) and 539 (1983) by taking strong action against South Africa's dilatory manoeuvres and fraudulent schemes (para. 35); resolved to promote the imposition of comprehensive mandatory sanctions against South Africa by the Security Council under Chapter VII of the Charter during its next session on the question of Namibia (para. 37); and called upon the Council to take all necessary measures in order to ensure the total cessation of all collaboration and contacts with racist South Africa in the nuclear fields (para. 45).</p>
S/18234	28 July 1986	<p>Transmitting the text of the final document adopted by the International Conference for the Immediate Independence of Namibia, held from 7 to 11 July 1986, in the Declaration of which it stated its conviction that South Africa's acts of aggression called for the adoption of measures against that regime under Chapter VII of the Charter (para. 12); stated its conviction that the United Nations plan for the independence of Namibia embodied in Security Council resolutions 385 (1976) and 435 (1978) constituted the only internationally accepted basis for a peaceful settlement of the Namibian question and called for its immediate implementation without precondition or modification (para. 13); recalled with satisfaction the universal and categorical rejection of South Africa's imposition on Namibia of an "interim government" by, <i>inter alia</i>, resolution 566 (1985) (para. 14); expressed its deep conviction that the Security Council should act in a decisive manner in the fulfilment of the direct responsibility of the United Nations with regard to Na-</p>

Document symbol	Date	Subject
S/18900	8 June 1987	<p>mbia and take urgent measures in order to ensure that the United Nations plan was implemented without modification, precondition or delay, and noted in that connection that the Council had been prevented by vetoes exercised by one or more of the Western countries that are permanent members from taking effective measures against South Africa under Chapter VII of the Charter (para. 19); strongly supported the call made by the World Conference on Sanctions against Racist South Africa for the immediate imposition of comprehensive mandatory sanctions against South Africa under Chapter VII of the Charter (para. 20); and, in the Programme of Action, requested the Council to solemnly reiterate that Walvis Bay and the offshore islands were an integral part of Namibia and should not be the subject of negotiations between South Africa and an independent Namibia (para. 8); strongly requested the Council to immediately adopt and impose comprehensive mandatory sanctions against South Africa under Chapter VII of the Charter (para. 10); appealed to the United States and the United Kingdom, permanent members of the Council, which had thus far prevented it from acting effectively, to reconsider their position (para. 11); called upon the Council to adopt as a matter of utmost urgency the necessary measures in order to ensure strict compliance by all States with the arms embargo against South Africa (para. 13); requested the United Nations Council for Namibia to initiate a week-long programme of information dissemination to journalists which would include basic facts and legal arguments on, <i>inter alia</i>, the requirement for comprehensive mandatory sanctions to be imposed by the Security Council against South Africa in respect of its illegal administration of Namibia (para. 32 (c)); and, in its appeal for the immediate independence of Namibia, stated that the United Nations plan, as endorsed by Security Council resolution 435 (1978), provided a universally accepted basis for the peaceful resolution of the question of Namibia (para. 4); stated that the Security Council had rejected linkage and had declared that Namibia's independence could not be held hostage to the resolution of issues that were alien to the United Nations plan (para. 5); and stated the opinion that the only peaceful measure now available to the international community to bring about the immediate independence of Namibia on the basis of resolution 435 (1978) was the imposition of comprehensive economic sanctions against South Africa (para. 6).</p>
S/18901	8 June 1987	<p>Transmitting the text of the appeal issued by the United Nations Council for Namibia on the occasion of the twentieth anniversary of its establishment, on 19 May 1987, in which it stated that the Council had been prevented by some of its permanent members from taking effective measures to secure implementation of its own plan (para. 4); urged the United States to withdraw its support for South Africa's policy of linkage, which had been rejected by the Council as incompatible with its resolution 435 (1978) (para. 7); and urged the Council to impose comprehensive and mandatory sanctions (para. 8).</p> <p>Transmitting the text of the Luanda Declaration and Programme of Action adopted by the United Nations Council for Namibia on 22 May 1987, in which it solemnly reaffirmed that Security Council resolutions 385 (1976) and 435 (1978) constituted the sole internationally accepted basis for a peaceful settlement of the Namibian problem (para. 23); firmly rejected the constant attempts made by South Africa and the United States to establish a "linkage" between the implementation of Security Council resolution 435 (1978) and extraneous issues, and declared that that attempt was a ploy intended, <i>inter alia</i>, to jeopardize the authority of the Council (para. 24); firmly condemned all fraudulent constitutional and political manoeuvres by which South Africa was attempting to perpetuate its illegal occupation of Namibia in violation of resolutions 385 (1976), 435 (1978), 439 (1978), 539 (1983) and 566 (1985) (para. 25);</p>

Document symbol	Date	Subject
S/19187	8 October 1987	<p>reaffirmed that the adoption of comprehensive and mandatory sanctions under Chapter VII of the Charter was the most effective, peaceful way of making South Africa comply with the resolutions and decisions of the United Nations on the question of Namibia (para. 43); expressed its deep concern at the fact that the Council continued to be prevented, owing to the negative votes of some of its Western members, particularly two permanent members, the United Kingdom and the United States, from reacting effectively in fulfilment of its responsibilities under the Charter (para. 45); declared that the independence of Namibia must be achieved in accordance with resolutions 385 (1976) and 435 (1978) with no conditions attached (para. 46); stressed the necessity of taking further action to expedite the implementation of resolutions 385 (1976) and 435 (1978) (para. 56); stated it would pursue and intensify its efforts to ensure that the question of Namibia and the goal of implementing resolutions 385 (1976) and 435 (1978) continued to be accorded top priority by the General Assembly (para. 58); stated it would continue its efforts with the Council to have it take the requisite strong measures towards the prompt and unconditional implementation of its resolutions 385 (1976) and 435 (1978), including the imposition of comprehensive and mandatory sanctions (para. 60); stated it would endeavour to commit the international community, <i>inter alia</i>, to prevent any recognition of any administration or entity created by South Africa in Namibia, in accordance with resolutions 385 (1976), 435 (1978), 439 (1978), 539 (1983) and 566 (1985), and to work for the speedy adoption by the Security Council of comprehensive and mandatory sanctions against South Africa (para. 62); called upon the international community as a whole to implement the resolutions of the General Assembly and the Security Council concerning the strengthening of the defensive capabilities of the front-lines States, whose security and sovereignty were threatened by South Africa (para. 75); demanded a halt to attempts to link Namibian independence to issues that were irrelevant and rejected by the entire international community, including the Security Council (para. 76); and requested all the committees and other organs of the General Assembly and Security Council, <i>inter alia</i>, to continue to invite the Council for Namibia to participate in their meetings whenever their discussions related to Namibia and to develop further their consultations with the Council for Namibia in connection with all decisions and recommendations that might affect the rights and interests of the Namibians (para. 84).</p> <p>Transmitting the text of the final communiqué adopted by the United Nations Council for Namibia at its ministerial meeting on 2 October 1981, in which it stated that the Ministers reaffirmed that Security Council resolutions 385 (1976) and 435 (1978) constituted the only internationally accepted basis for the peaceful settlement of the Namibian question (para. 10); strongly deplored the fact that owing to the use of the veto by two of its permanent members, the Security Council had been prevented from imposing comprehensive and mandatory sanctions against South Africa under Chapter VII of the Charter (para. 13); stressed the responsibility of the Security Council concerning the implementation of its resolutions on Namibia in view of the threat to regional and international peace and security created by South Africa (para. 15); urgently requested the Council to set an early date for the commencement of the implementation of resolution 435 (1978), no later than 31 December 1987, and to commit itself to applying the relevant provisions of the Charter, including comprehensive and mandatory sanctions under Chapter VII, in the event that South Africa continued to defy the Council, and in that connection, urged the Council to undertake forthwith consultations for the composition and emplacement of the United Nations Transitional Assistance Group in Namibia (para. 16); requested the Secretary-General to undertake consultations with members of the Security Council, in particular its permanent members, with a</p>

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
		view to securing a firm commitment on the unconditional and speedy implementation of resolution 435 (1978) and to that end, urged the three Western permanent members of the Council to take into account their particular responsibility, as they themselves were the initiators of the United Nations plan for the independence of Namibia, to ensure its unimpeded implementation (para. 18); appealed to the United States to join the international consensus against the policy of "linkage", a policy that the Council had rejected as incompatible with its resolution 435 (1978) and condemned as an obstruction to the independence of Namibia (para. 19); and called upon the General Assembly, in the event the Security Council was unable to adopt concrete measures to compel South Africa to cooperate in the implementation of Security Council resolution 435 (1978) by 29 September 1988, to consider at its forty-third session necessary action in accordance with the Charter (para. 20).

(d) COMMUNICATIONS FROM THE COMMITTEE ON THE EXERCISE OF THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
S/16954	13 February 1985	Letter dated 12 February 1985 expressing utmost concern with regard to mounting tension in Palestinian refugee camps in southern Lebanon and the West Bank, and attaching utmost importance to the early convening of the proposed international peace conference on the Middle East.
S/17043	19 March 1985	Letter dated 19 March 1985 calling attention to the continuing danger to international peace and security posed by the policies of the Israeli Government towards the occupied territories, and reiterating the firm conviction that the early convening of the international peace conference on the Middle East is of critical importance.
S/17146	3 May 1985	Letter dated 2 May 1985 calling attention to the continuing pattern of repression by the Israeli authorities in the occupied territories, and stating that as long as the Palestinian people were prevented from exercising their rights to self-determination, national independence and sovereignty, and their territory remained illegally occupied, tension and violence would continue to prevail in the area, increasingly endangering international peace and security.
S/17219	24 May 1985	Letter dated 23 May 1985 conveying the profound concern of the Committee at the current tragic developments in and around Palestinian refugee camps in Beirut; asserting once again that the United Nations, and in particular the Security Council, had a clear responsibility to ensure the physical safety of the Palestinians and to bring about the exercise of their inalienable rights; and stating the conviction that positive action by the Council on the Committee's recommendations, and on the proposed international peace conference on the Middle East, would advance prospects for a just and lasting peace in the Middle East and avoid the recurrence of tragedies such as the one then unfolding.
S/17340	12 July 1985	Letter dated 12 July 1985 expressing concern over renewed acts of aggression against Palestinians by Israeli forces of occupation in the West Bank and over the proposed drafting of new laws that would affect Palestinian residents of the West Bank and Gaza; stating that such measures could not but aggravate tensions and amplify threats to peace and security in the region; and stating the conviction that positive action by the Security Council on the Committee's recommendations and on the proposed international peace conference on the Middle East would advance prospects for a just and lasting peace in the region.
S/17346	18 July 1985	Letter dated 18 July 1985 reporting the decision of the Israeli authorities to close the Hospice Hospital in occupied East Jerusalem, which presented still further evidence of the way in which Israel was failing to abide by international agreements regarding the status of citizens under occupation.

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
S/17375	1 August 1985	Letter dated 31 July 1985 citing reports that tanks had been delivered, which might affect the rights and lives of the Palestinian refugees living in Lebanon, thus amplifying tension in the area.
S/17392	12 August 1985	Letter dated 8 August 1985 conveying reports that the Israeli Cabinet had voted to reinstate policies of administrative detention without trial and deportation of persons considered security risks, and stating that such measures could only further exacerbate tensions and conflict in the area, thus posing a growing threat to international peace and security.
S/17455	11 September 1985	Letter dated 11 September 1985 conveying reports that the Israeli military authorities had engaged in a massive campaign of detention of Palestinians and that Arab youths had been shot by Israeli soldiers, and reiterating deep concern at those developments and at Israel's continuing denials of the inalienable rights of the Palestinian people, which could not but further exacerbate tensions in the area.
S/17630	13 November 1985	Letter dated 13 November 1985 conveying reports of actions taken as a result of the decision by the Israeli authorities to reinstate policies of administrative detention, deportation, increased censorship and other measures against Palestinians in the occupied territories.
S/17800	6 February 1986	Letter dated 5 February 1986 reporting that deportation orders against three Palestinians had been carried out, and recalling that the Council had reaffirmed on several occasions that the Geneva Convention of 1949 was applicable to the occupied territories and had called upon Israel scrupulously to observe the provisions of that Convention.
S/17935	24 March 1986	Letter dated 24 March 1986 expressing grave concern over Israel's refusal to grant travel permits to Palestinians living in the occupied territories to attend a United Nations-sponsored meeting.
S/18133	5 June 1986	Letter dated 5 June 1986 expressing grave concern at reports of renewed attacks against Palestinian refugee camps in Beirut; expressing particular distress that neither the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) nor the International Committee of the Red Cross had been permitted to enter the camps to evacuate the wounded and provide medical help; and reasserting that the United Nations, and in particular the Security Council, had a clear responsibility to ensure the physical safety of the Palestinians and to bring about the exercise of their inalienable rights.
S/18159	16 June 1986	Letter dated 13 June 1986 expressing grave concern at the persistence and intensification of attacks against Palestinian refugee camps in Beirut; reaffirming that the United Nations, and in particular the Security Council, had the responsibility to guarantee the physical safety of the Palestinian refugees; and stating that, in the absence of a just and lasting solution to the question of Palestine, violence would continue to intensify in the region, with disastrous consequences for international peace and security.
S/18452	10 November 1986	Letter dated 10 November 1986 expressing grave concern over the persistence and intensification of fighting in and around Palestinian refugee camps in Tyre, Beirut and Sidon; expressing utmost concern that UNRWA had been unable to deliver food or medicines to Rashadieh camp since the beginning of the fighting and that thousands of innocent women, children and old people were trapped in crossfire in the camp; affirming once again that the United Nations, and in particular the Security Council, had a clear responsibility to ensure the physical safety of the Palestinians in the refugee camps.
S/18525	16 December 1986	Letter dated 16 December 1986 drawing urgent attention to grave incidents that continued to occur in the occupied territories since the adoption by the Security Council of resolution 592 (1986); noting that, in its resolution 592 (1986), the Council called upon Israel to abide immediately and scrupulously by the Geneva Convention of 1949 and to release any person detained in violation of the Convention; and appealing to the Secretary-General to do all in his

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
		power to ensure implementation of that resolution by the Israeli authorities.
S/18682	11 February 1987	Letter dated 11 February 1987 expressing grave concern at the persistence and intensification of attacks on Palestinian refugee camps in Beirut and Tyre; expressing utmost concern that UNRWA had been unable to deliver food or medicines to these camps; and stating that in the absence of a just and lasting solution to the question of Palestine, the violence would continue to intensify, with disastrous consequences not only for the region, but also for international peace and security.
S/18713	20 February 1987	Letter dated 20 February 1987 expressing utmost concern that UNRWA had once again been prevented from delivering food and medicines to Palestinians in refugee camps in Beirut and Tyre, and urgently appealing to the Secretary-General and all the parties concerned that everything possible should be done to enable UNRWA and other humanitarian organizations to provide emergency relief to those refugees.
S/18751	12 March 1987	Letter dated 12 March 1987 stating that the situation in the Palestinian refugee camps in Beirut and Tyre remained extremely grave and was bound to deteriorate further unless urgent measures were taken, and reiterating its pressing appeal to the Secretary-General and to all the parties concerned to do everything possible to enable UNRWA and other humanitarian organizations to provide emergency relief to the refugees.
S/18850	7 May 1987	Letter dated 7 May 1987 drawing urgent attention to air raids carried out by the Israeli air force against Palestinian refugee camps near Sidon, Lebanon, and stating that in the context of the intensification of measures taken by the Israeli authorities against the Palestinian people in the occupied territories and the general military escalation in south Lebanon, the situation being created in the area was a most explosive one.
S/18874	20 May 1987	Letter dated 20 May 1987 reiterating deep concern at measures taken by the Israeli authorities to quell demonstrations by Palestinians in the West Bank and Gaza; recalling that the Security Council had repeatedly affirmed, most recently in its resolution 592 (1986), that the Geneva Convention of 1949 was applicable to the occupied territories and had called upon Israel to abide immediately and scrupulously by that Convention; and stating the conviction that positive consideration and action by the Council on the Committee's recommendations and on the proposed international peace conference on the Middle East would advance prospects for a just and lasting peace in the region.
S/18893	3 June 1987	Letter dated 3 June 1987 calling attention to reports that the Israeli authorities had launched a massive campaign of detention of Palestinians, and recalling that in its resolution 592 (1986), the Security Council had called upon Israel to abide immediately and scrupulously by the Geneva Convention of 1949 and to release any person detained in violation of that instrument.
S/19122	9 September 1987	Letter dated 9 September 1987 drawing urgent attention to air raids carried out by the Israeli air force against a Palestinian refugee camp near Sidon; stating that in the context of the intensification of measures taken by the Israeli authorities against the Palestinian people in the occupied territories and the general military escalation in south Lebanon, the situation being created in the area was a most explosive one; and stating the conviction that positive action by the Council on the Committee's recommendations and on the proposed international peace conference on the Middle East would advance prospects for a just and lasting peace in the region.
S/19150	22 September 1987	Letter dated 22 September 1987 drawing attention to the steady deterioration of the human rights situation in the occupied territories, owing in particular to measures of administrative detention without charges or trial, and stating that it was vital for the international community to convene an international peace conference on the Middle East.
S/19203	13 October 1987	Letter dated 13 October 1987 drawing most urgent attention to an explosive situation developing in Gaza and extremely

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
		serious incidents in the occupied West Bank, and appealing to the Secretary-General to promote the convening of an international peace conference on the Middle East.
S/19270	13 November 1987	Letter dated 13 November 1987 drawing most urgent attention to grave incidents that had caused the death and injury of several Palestinians in the occupied territories; bringing the policies and practices of Israel forcefully to the attention of the General Assembly and the Security Council, as they clearly had serious repercussions, <i>inter alia</i> , on peace and security in the region; and appealing to the Secretary-General to promote the convening of an international peace conference on the Middle East.
S/19337	14 December 1987	Letter dated 11 December 1987 drawing urgent attention to the very dangerous situation created in the West Bank and Gaza by renewed acts of violence by Israeli troops, and appealing to the Secretary-General to promote the convening of an international peace conference on the Middle East.
S/19394	30 December 1987	Letter dated 29 December 1987 drawing urgent attention to the continuing deterioration of the situation in the West Bank and Gaza, in particular the use of live ammunition and brutal force by the Israeli army against young defenceless Palestinians, and appealing to the Secretary-General to promote the convening of an international peace conference on the Middle East.
S/19405	5 January 1988	Letter dated 5 January 1988 drawing urgent attention to the aggravation of the situation caused by the killing of unarmed civilians and the deportation of Palestinian leaders from West Bank and Gaza; recalling that the Security Council in its resolution 605 (1987) had called once again upon Israel to abide immediately and scrupulously by the Geneva Convention of 1949 and to desist forthwith from policies and practices that violated that instrument; and appealing to the Secretary-General to intensify his efforts towards the convening of an international peace conference on the Middle East.
S/19424	12 January 1988	Letter dated 12 January 1988 drawing urgent attention to the continuing deterioration of the situation in the occupied territories, in particular owing to the use of live ammunition against demonstrators, mass arrests, detentions and deportations; recalling that in its resolutions 605 (1987) and 607 (1988), the Council had requested Israel to abide by its obligations arising under the Geneva Convention of 1949; and appealing to the Secretary-General to intensify his efforts towards the convening of an international peace conference on the Middle East.
S/19441	20 January 1988	Letter dated 20 January 1988 drawing urgent attention to the continuing deterioration of the situation in the occupied territories, in particular owing to the increasingly systematic use by Israel of collective punishment against Palestinians, and appealing to the Secretary-General to promote the convening of an international peace conference on the Middle East.
S/19490	10 February 1988	Letter dated 10 February 1988 expressing most serious concern at the increasing use of violence and acts of extreme intimidation by Israel against the entire Palestinian population in the occupied territories; expressing appreciation for the report submitted by the Secretary-General under Security Council resolution 605 (1987) and for the steps taken by the Secretary-General in pursuance of that resolution; and stating the conviction that positive action by the Council on the Committee's recommendations and on the proposed international peace conference on the Middle East would advance prospects for a just and lasting settlement of the question of Palestine.
S/19562	1 March 1988	Letter dated 1 March 1988 drawing most urgent attention to the further aggravation of the situation in the occupied territories and to the intensification of repression by the Israeli armed forces against Palestinian protesters, and stating the conviction that positive action by the Security Council on the Committee's recommendations and on the proposed international peace conference on the Middle East would advance prospects for a just and lasting settlement of the question of Palestine.

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
S/19710	30 March 1988	Letter dated 30 March 1988 expressing most serious concern at the escalation of the campaign of repression and violence by Israel against the entire Palestinian population in the occupied territories and reiterating the view that positive action by the Security Council on the Committee's recommendations and on the proposed international peace conference on the Middle East would advance prospects for a just and lasting settlement of the question of Palestine.
S/19769	13 April 1988	Letter dated 13 April 1988 drawing most urgent attention to the intensification of repression by Israel against the Palestinian people in the occupied territories, and appealing to the Secretary-General to intensify his efforts towards the convening of an international peace conference on the Middle East.
S/19881	13 May 1988	Letter dated 13 May 1988 expressing serious concern at the continued grave situation in the occupied territories, in particular the indiscriminate use of armed repression and mass arrests and various forms of collective punishment, and appealing to the Secretary-General to intensify his efforts towards the convening of an international peace conference on the Middle East.
S/19926	3 June 1988	Letter dated 3 June 1988 drawing urgent attention to the conviction by an Israeli court of Israeli peace activists for meeting with members of the PLO in Romania in 1986; expressing serious concern at the continued Israeli policy of military repression in the occupied territories; and reiterating its appeal to the Secretary-General to intensify his efforts towards the convening of an international conference on the Middle East.
S/20052	22 July 1988	Letter dated 22 July 1988 expressing most serious concern at the continued grave situation in the occupied territories and the intensification of policies of repression by Israel, and reiterating the appeal to the Secretary-General to intensify his efforts towards the convening of an international peace conference on the Middle East.
S/20086	4 August 1988	Letter dated 4 August 1988 expressing concern at the continued grave situation in the occupied territories, in particular the indiscriminate use of armed repression, mass arrests, various forms of collective punishment and deportations, which were taking place in defiance of Council resolutions 607 (1988) and 608 (1988), and reiterating the appeal to the Secretary-General to intensify his efforts towards the convening of an international peace conference on the Middle East.
S/20136	19 August 1988	Letter dated 19 August 1988 expressing most serious concern at the further intensification of severe measures of repression by the Israeli authorities in efforts to crush the Palestinian uprising in the occupied territories; expressing extreme concern that, despite international protests and in defiance of Council resolutions, Israel had intensified its policy of deportations; and appealing to the Secretary-General and all concerned to intensify efforts towards the convening of an international peace conference on the Middle East.
S/20210	29 September 1988	Letter dated 29 September 1988 expressing serious concern at the intensification of policies of repression by Israel against the Palestinian people and the rising death toll in the occupied territories, and appealing to the Secretary-General to intensify his efforts towards the urgent convening of an international peace conference on the Middle East.
S/20228	13 October 1988	Letter dated 13 October 1988 expressing profound concern at the intensification of policies of repression by Israel against the Palestinian people, in particular army raids on villages and refugee camps to prevent demonstrations, and stressing the imperative need for urgent action aimed at convening an international peace conference on the Middle East.
S/20315	8 December 1988	Letter dated 6 December 1988 drawing most urgent attention to the continued tragic situation in the occupied territories, in particular since the declaration of the establishment of the State of Palestine by the Palestine National Council on 15 November 1988, and appealing to all concerned to do everything in their power to build on the momentum that has been created thereby, in particular through the convening of an international peace conference on the Middle East.

(e) COMMUNICATIONS FROM THE INTERGOVERNMENTAL GROUP TO MONITOR THE SUPPLY AND SHIPPING OF OIL AND PETROLEUM PRODUCTS TO SOUTH AFRICA

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
S/19251	5 November 1987	Transmitting the report of the Intergovernmental Group in which it stated its belief that the international community should consider without delay the imposition of comprehensive mandatory sanctions against South Africa and that the Security Council was under a special obligation to impose a mandatory oil embargo against South Africa (para. 18); and recommended that the General Assembly request the Council to consider invoking Chapter VII of the Charter to impose a mandatory embargo on the supply and shipping of oil and petroleum products to South Africa (para. 25).
S/20249	14 November 1987	Transmitting the report of the Intergovernmental Group in which it stated that the imposition of a mandatory oil embargo by the Council against South Africa was urgently needed to complement the arms embargo imposed by resolution 418 (1977) and was consistent with the declared policies of the members of the Council, including the permanent members (para. 47); and recommended that the General Assembly request the Council to consider invoking Chapter VII of the Charter to impose a mandatory embargo on the supply and shipping of oil and petroleum products to South Africa (para. 55).

2. Participation of representatives of subsidiary organs of the General Assembly

<i>Participating organ</i>	<i>Invitation extended by the Council</i>	<i>Agenda item</i>	<i>Participation: date and number of Council meetings</i>
Special Committee against Apartheid	2571st meeting	Question of South Africa	8 and 12 March 1985, 2571st and 2574th meetings
United Nations Council for Namibia	2583rd meeting	Situation in Namibia	10-14 and 17-19 June 1985, 2583rd-2590th and 2592nd-2595th meetings
Special Committee against Apartheid	2583rd meeting	Situation in Namibia	10-14 and 17-19 June 1985, 2583rd-2590th and 2592nd-2595th meetings
Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	2589th meeting	Situation in Namibia	13-14 and 17-19 June 1985, 2589th, 2590th and 2592nd-2595th meetings
Special Committee against Apartheid	2598th meeting	Letter dated 17 June 1985 from Botswana	21 June 1985, 2598th and 2599th meetings
Special Committee against Apartheid	2600th meeting	Question of South Africa	25 and 26 July 1985, 2600th and 2602nd meetings
Committee on the Exercise of the Inalienable Rights of the Palestinian People	2605th meeting	Situation in the occupied Arab territories	13 September 1985, 2605th meeting
Special Committee against Apartheid	2606th meeting	Complaint by Angola against South Africa	20 September 1985, 2606th and 2607th meetings
Committee on the Exercise of the Inalienable Rights of the Palestinian People	2619th meeting	Middle East problem including the Palestinian question	9-11 October 1985, 2619th-2622nd meetings
United Nations Council for Namibia	2624th meeting	Situation in Namibia	13-15 November 1985, 2624th-2626th, 2628th and 2629th meetings
Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	2624th meeting	Situation in Namibia	13-15 November 1985, 2624th-2626th, 2628th and 2629th meetings
Special Committee against Apartheid	2626th meeting	Situation in Namibia	14-15 November 1985, 2626th, 2628th and 2629th meetings

<i>Participating organ</i>	<i>Invitation extended by the Council</i>	<i>Agenda item</i>	<i>Participation: date and number of Council meetings</i>
Committee on the Exercise of the Inalienable Rights of the Palestinian People	2644th meeting	Situation in the occupied Arab territories	21-30 January 1986, 2644th-2650th meetings
United Nations Council for Namibia	2652nd meeting	Situation in southern Africa	5-13 February 1986, 2652nd, 2654th and 2656th-2662nd meetings
Special Committee against Apartheid	2654th meeting	Situation in southern Africa	6-13 February 1986, 2654th and 2656th-2662nd meetings
Special Committee against Apartheid	2684th meeting	Situation in southern Africa	22-23 May 1986, 2684th-2686th meetings
Special Committee against Apartheid	2690th meeting	Question of South Africa	13 June 1986, 2690th meeting
Committee on the Exercise of the Inalienable Rights of the Palestinian People	2724th meeting	Situation in the occupied Arab territories	5 and 8 December 1986, 2724th-2727th meetings
Special Committee against Apartheid	2732nd meeting	Question of South Africa	17-20 February 1987, 2732nd-2738th meetings
Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	2732nd meeting	Question of South Africa	17-20 February 1987, 2732nd-2738th meetings
United Nations Council for Namibia	2733rd meeting	Question of South Africa	18-20 February 1987, 2733rd-2738th meetings
United Nations Council for Namibia	2740th meeting	Situation in Namibia	6-9 April 1987, 2740th-2747th meetings
Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	2740th meeting	Situation in Namibia	6-9 April 1987, 2740th-2747th meetings
Special Committee against Apartheid	2742nd meeting	Situation in Namibia	7-9 April 1987, 2742nd-2747th meetings
United Nations Council for Namibia	2755th meeting	Situation in Namibia	28-30 October 1987, 2755th-2759th meetings
Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	2756th meeting	Situation in Namibia	29-30 October 1987, 2756th-2759th meetings
Special Committee against Apartheid	2757th meeting	Situation in Namibia	29-30 October 1987, 2757th-2759th meetings
Special Committee against Apartheid	2764th meeting	Complaint by Angola against South Africa	23-25 November 1987, 2764th-2767th meetings
Committee on the Exercise of the Inalienable Rights of the Palestinian People	2770th meeting	Situation in the occupied Arab territories	11-22 December 1987, 2770th and 2772nd-2777th meetings
Special Committee against Apartheid	2793rd meeting	Question of South Africa	3-8 March 1988, 2793rd-2797th meetings
Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	2794th meeting	Question of South Africa	4-8 March 1988, 2794th-2797th meetings
United Nations Council for Namibia	2795th meeting	Question of South Africa	7-8 March 1988, 2795th-2797th meetings

<i>Participating organ</i>	<i>Invitation extended by the Council</i>	<i>Agenda item</i>	<i>Participation: date and number of Council meetings</i>
Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	2800th meeting	Letter dated 11 March 1988 from the Permanent Representative of Argentina to the United Nations addressed to the President of the Security Council	17 March 1988, 2800th and 2801st meetings
Committee on the Exercise of the Inalienable Rights of the Palestinian People	2805th meeting	Situation in the occupied Arab territories	14-15 April 1988, 2805th and 2806th meetings

3. Resolutions and statements adopted by the Security Council containing references to the General Assembly or subsidiary organs thereof

<i>Resolution number/ document</i>	<i>Date of adoption</i>	<i>Agenda item</i>	<i>Relevant paragraphs</i>
562 (1985)	10 May 1985	Letter dated 6 May 1985 from the Permanent Representative of Nicaragua to the United Nations addressed to the President of the Security Council	<p>"Recalling also General Assembly resolution 38/10, which reaffirms the inalienable right of all the peoples to decide on their own form of government and to choose their own economic, political and social system free from all foreign intervention, coercion, or limitation" (fourth preambular para.)</p> <p>"Recalling also General Assembly resolution 39/4, which encourages the efforts of the Contadora Group and appeals urgently to all interested States in and outside the region to cooperate fully with the Group through a frank and constructive dialogue, so as to achieve solutions to the differences between them" (fifth preambular para.)</p> <p>"Recalling General Assembly resolution 2625 (XXV), in the annex of which the Assembly proclaims the principle that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind," (sixth preambular para.)</p>
564 (1985)	31 May 1985	The situation in the Middle East	<p>"Calls upon all parties to take necessary measures to alleviate the suffering resulting from acts of violence, in particular by facilitating the work of United Nations agencies, especially the United Nations Relief and Works Agency for Palestine Refugees in the Near East, and non-governmental organizations, including the International Committee of the Red Cross, in providing humanitarian assistance to all those affected and emphasizes the need to ensure the safety of all the personnel of these organizations" (para. 3)</p>
566 (1985)	19 June 1985	The situation in Namibia	<p>"Having heard the statement by the Acting President of the United Nations Council for Namibia"^a (second preambular para.)</p> <p>"Recalling General Assembly resolutions 1514 (XV) of 14 December 1960 and 2145 (XXI) of 27 October 1966" (fifth preambular para.)</p> <p>"Rejects once again South Africa's insistence on linking the independence of Namibia to irrelevant and extraneous issues as incompatible with resolution 435 (1978), other decisions of the Security Council and the resolutions of the General Assembly on Namibia, including resolution 1514 (XV)" (para. 7)</p>
579 (1985)	18 December 1985	Letter dated 16 December 1985 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council	<p>"Recalling also resolution 40/61 of 9 December 1985 of the General Assembly (fourth preambular para.)</p>

^aS/PV.2583, paras. 31-66.

<i>Resolution number/ document</i>	<i>Date of adoption</i>	<i>Agenda item</i>	<i>Relevant paragraphs</i>
580 (1985)	30 December 1985	Complaint by Lesotho against South Africa	"Calls upon the South African Government to resort to peaceful means in resolving international problems in accordance with the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations" (para. 6)
Statement by the President (S/17702)	30 December 1985	[Complaint by Lesotho against South Africa]	"They [members of the Council] affirm the statement by the President of the Security Council of 9 October 1985, Security Council resolution 579 (1985), and endorse the Secretary-General's statement of 27 December 1985, in which he noted General Assembly resolution 40/61 of 9 December 1985 and expressed the hope that it would be followed by determined efforts by all Governments and authorities concerned, in accordance with established principles of international law, in order that all acts, methods and practices of terrorism may be brought to an end." (fourth para.)
Statement by the President (S/17745)	17 January 1986	[The situation in the Middle East]	"On the occasion of the fortieth anniversary of the first meeting of the Security Council and the inauguration on 1 January 1986 of the International Year of Peace, the members of the Security Council wish to reaffirm their commitment to the Charter of the United Nations which conferred on the Council the primary responsibility for the maintenance of international peace and security." (first para.)
Statement by the President (S/18138)	6 June 1986	The situation in the Middle East	"The members of the Security Council appeal to all concerned to use their influence in bringing about the cessation of the fighting in order to enable the United Nations Relief and Works Agency for Palestine Refugees in the Near East, as well as other humanitarian organizations to mount emergency operations for the benefit of the populations concerned, including the Palestinian refugees towards whom the international community has a particular responsibility." (second para.)
591 (1986)	28 November 1986	The question of South Africa	"Strongly condemning the racist regime of South Africa for further aggravating the situation and its massive repression against all opponents of apartheid, for the killing of peaceful demonstrators and political detainees, and for its defiance of General Assembly and Security Council resolutions, in particular Security Council resolution 417 (1977)" (eighth preambular para.)
Statement by the President (S/18492)	2 December 1986	The situation in the Middle East	"They [the members of the Council] urge all concerned to facilitate the efforts of various United Nations agencies, particularly the United Nations Relief and Works Agency for Palestine Refugees in the Near East, as well as non-governmental organizations, to provide humanitarian assistance."
Statement by the President (S/18691)	13 February 1987	The situation in the Middle East	"They [members of the Council] also urgently appeal to all concerned to facilitate the efforts of various Governments and United Nations agencies, including the United Nations Relief and Works Agency for Palestine Refugees in the Near East, as well as non-governmental organizations, to provide critically needed humanitarian assistance." (third para.)
Statement by the President (S/18756)	19 March 1987	The situation in the Middle East	"Alarmed by the suffering of the civilian population in the camps, they [members of the Council] therefore again urge all parties concerned urgently to facilitate the efforts of various United Nations agencies, particularly the United Nations Relief and Works Agency for Palestine Refugees in the Near East, as well as any other humanitarian assistance aimed at distributing food and medical supplies in the Palestinian refugee camps in Lebanon and, thus, at fulfilling a critically needed mission." (second para.)
601 (1987)	30 October 1987	The situation in Namibia	"Having heard the statement by the President of the United Nations Council for Namibia" ^b (second preambular para.)

^bS/PV.2755, paras. 32-41.

<i>Resolution number/ document</i>	<i>Date of adoption</i>	<i>Agenda item</i>	<i>Relevant paragraphs</i>
620 (1988)	26 August 1988	The situation between Iran and Iraq	" <i>Recalling</i> General Assembly resolutions 1514 (XV) of 14 December 1960 and 2145 (XXI) of 27 October 1966 as well as resolution S-14/1 of 20 September 1986" (fourth preambular para.) " <i>Bearing in mind</i> the current negotiations in the Conference on Disarmament on the complete and effective prohibition of the development, production and stockpiling of chemical weapons and on their destruction" (fifth preambular para.)
621 (1988)	20 September 1988	The situation concerning Western Sahara	" <i>Having heard</i> a report by the Secretary-General of the United Nations on his mission of good offices, pursued jointly with the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity, in conformity with General Assembly resolution 40/50 of 2 December 1985, with a view to settling the question of Western Sahara" (first preambular para.)

G. RECOMMENDATIONS MADE BY THE GENERAL ASSEMBLY IN THE FORM OF RESOLUTIONS

NOTE

Section G contains a table showing recommendations to the Security Council adopted by the General Assembly in the form of resolutions. The initial handling of recommendations from the Assembly presents few, if any, procedural features peculiar to the material. In agreeing to consider Assembly recommendations, the Council has on occasion in the past formally decided to "accept" or "receive" a resolution,³¹ but the omission of such formal acceptance on other occasions has not been a mark of refusal to consider. During the period under review, the Assembly for the most part made recommendations to the Council regarding items that were already on the agenda of the Council. Instances in which an Assembly resolution was explicitly referred to in a request for a meeting of the Council or in a Council resolution are indicated in the last column of the table below.

³¹See *Supplements ST/PSCA/1 and Add.1-3.*

<i>General Assembly resolution</i>	<i>Subject of recommendation</i>	<i>Recommendation</i>	<i>Reference in a request for a meeting or in a Security Council resolution</i>
40/6 1 November 1985	Armed Israeli aggression against the Iraqi nuclear installations and its grave consequences for the established international system concerning the peaceful uses of nuclear energy, the non-proliferation of nuclear weapons and international peace and security	Requests the Council to take urgent and effective measures to ensure that Israel complies without further delay with the provisions of its resolution 487 (1981).	None
40/9 8 November 1985	Solemn appeal to States in conflict to cease armed action forthwith and to settle disputes between them through negotiations, and to States Members of the United Nations to undertake to solve situations of tension and conflict and existing disputes by political means and to refrain from the threat or use of force and from any intervention in the internal affairs of other States	Invites the Council to act promptly in cases of conflict and dispute in different regions of the world by recommending appropriate procedures or methods of adjustment, including designation of representatives of the United Nations.	None

General Assembly resolution	Subject of recommendation	Recommendation	Reference in a request for a meeting or in a Security Council resolution
40/10 11 November 1985	Programme of the International Year of Peace	Invites organs of the United Nations to commemorate the International Year of Peace in the most appropriate form, highlighting, <i>inter alia</i> , the role of the United Nations in the promotion and maintenance of international peace and security.	[Statement by the President of the Council of 17 January 1986 (S/17745) referred to the inauguration of the International Year of Peace but without specific reference to resolution 40/10] ^a
40/20 21 November 1985	Cooperation between the United Nations and the Organization of African Unity	Calls upon the Council to continue to associate closely the Organization of African Unity with all its work concerning Africa.	None
40/56 2 December 1985	Twenty-fifth anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples	Invites the Council to continue to give special attention to the situation in and around Namibia and to consider imposing mandatory sanctions against South Africa under Chapter VII of the Charter.	None
40/64 A, B and I 10 December 1985	Policies of apartheid of the Government of South Africa	Calls upon the Council urgently to take action under Chapter VII of the Charter with a view to applying comprehensive and mandatory sanctions against South Africa and, in particular, to review the implementation of and to re-enforce the mandatory arms embargo against South Africa adopted by its resolution 418 (1977), to strengthen the voluntary embargo on imports of arms from South Africa adopted by its resolution 558 (1984) by rendering it mandatory and extending it to cover the imports of related materials, to prohibit all cooperation with South Africa, particularly in the military and nuclear fields, by Governments, corporations, institutions and individuals, to impose a total ban on all forms of nuclear collaboration with South Africa; to impose an effective embargo on the supply of oil and oil products to South Africa and on all assistance to the oil industry in South Africa, to prohibit financial loans and credits to and investment in South Africa, and to ban all trade with South Africa; requests the Council, as a matter of urgency, to consider the serious situation in South Africa emanating from the imposition of the so-called "new constitution" and the state of emergency and to take all necessary measures, in accordance with Chapter VII of the Charter, to avert the further aggravation of tension and conflict in South Africa and in southern Africa; and urges the Council to consider without delay the adoption of effective mandatory sanctions against South Africa and to take steps for the strict implementation of the mandatory arms embargo instituted by its resolution 418 (1977) and of the arms embargo requested in its resolution 558 (1984) and to secure an end to military and nuclear cooperation with South Africa and the import of military equipment or supplies from South Africa.	None

^aNo inference is intended that the action of the Security Council in this instance was taken in response to the recommendations of the General Assembly.

<i>General Assembly resolution</i>	<i>Subject of recommendation</i>	<i>Recommendation</i>	<i>Reference in a request for a meeting or in a Security Council resolution</i>
40/89 B 12 December 1985	Implementation of the Declaration on the Denuclearization of Africa	Requests the Council to take enforcement measures to prevent any racist regime from acquiring arms or arms technology, and to conclude expeditiously its consideration of the recommendations of its Committee established by resolution 421 (1977) with a view to blocking the existing loopholes in the arms embargo.	None
40/93 12 December 1985	Israeli nuclear armament	Requests the Council to take urgent and effective measures to ensure that Israel complies with its resolution 487 (1981) and places all its nuclear facilities under International Atomic Energy Agency safeguards and to investigate Israel's nuclear activities and the collaboration of other States, parties and institutions in those activities.	None
40/96 D 12 December 1985	Question of Palestine	Requests the Secretary-General, in consultation with the Council, to continue his efforts with a view to convening an international peace conference on the Middle East.	None
40/97 A and B 13 December 1985	Question of Namibia	Urges the Council to act decisively in fulfilment of the direct responsibility of the United Nations over Namibia and to take, without further delay, appropriate action to ensure that the United Nations plan, as embodied in Council resolution 435 (1978), is not undermined or modified in any way and that it is fully respected and implemented; strongly urges the Council to act decisively against any dilatory manoeuvres and fraudulent schemes of South Africa aimed at frustrating the legitimate struggle of the Namibian people for self-determination and national liberation; calls upon the Council to declare categorically that Walvis Bay is an integral part of Namibia and should not be left for negotiation between an independent Namibia and South Africa; calls upon the Council to adopt the necessary measures to tighten the arms embargo imposed against South Africa under its resolution 418 (1977) and to ensure strict compliance with the embargo and to implement, as a matter of urgency, the recommendations contained in the report of its Committee established pursuant to resolution 421 (1977); strongly urges the Council to impose comprehensive mandatory sanctions against South Africa under Chapter VII of the Charter; requests the Council to exercise its authority with regard to implementation of its resolutions 385 (1976), 435 (1978), 532 (1983), 539 (1983) and 566 (1985) so as to bring about the independence of Namibia without further delay, and to act decisively against any dilatory manoeuvres and fraudulent schemes of South Africa aimed at frustrating the legitimate struggle of the Namibian people for independence.	None
40/151 16 December 1985	Review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly	Calls upon the Council to initiate due procedures in conformity with the provisions of the resolution.	None
40/158 16 December 1985	Review of the implementation of the Declaration on the Strengthening of International Security	Emphasizes that the Council should consider holding periodic meetings in specific cases to consider and review outstanding problems and crises; and reiterates the need for the Council to ensure the effective implementation of its decisions in compliance with relevant provisions of the Charter.	None

General Assembly resolution	Subject of recommendation	Recommendation	Reference in a request for a meeting or in a Security Council resolution
40/161 D 16 December 1985	Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories	Requests the Council to ensure Israel's respect for and compliance with all the provisions of the Geneva Convention of 1949 in the Palestinian and other occupied Arab territories, including Jerusalem, and to initiate measures to halt Israeli policies and practices in those territories.	None
S-14/1 20 September 1986	Question of Namibia	Urges the Council to exercise its authority with regard to implementation of its resolutions 385 (1976), 435 (1978), 532 (1983), 539 (1983) and 566 (1985) and to act decisively against any dilatory manoeuvres and fraudulent schemes of South Africa in Namibia through the adoption of comprehensive mandatory sanctions under Chapter VII of the Charter; and calls upon the Council to convene urgently to take action for the immediate and unconditional implementation of the United Nations plan for the independence of Namibia endorsed by its resolution 435 (1978).	None
41/8 23 October 1986	Cooperation between the United Nations and the Organization of African Unity	Calls upon, <i>inter alia</i> , the Council to continue to associate closely the Organization of African Unity with all its work concerning Africa.	None
41/35 B, F and H 10 November 1986	Policies of apartheid of the Government of South Africa	Calls upon the Council urgently to take action under Chapter VII of the Charter with a view to applying comprehensive and mandatory sanctions against South Africa and urges the Council to adopt measures to strengthen the mandatory arms embargo adopted by its resolution 418 (1977); to take action urgently to impose a mandatory embargo on the supply and shipping of oil and petroleum products to South Africa; to take steps for the strict implementation of the mandatory arms embargo instituted by its resolution 418 (1977) and of the arms embargo requested in its resolution 558 (1984); and to secure an end to military and nuclear cooperation with South Africa and the import of military equipment or supplies from South Africa.	None
41/38 20 November 1986	Declaration of the Assembly of Heads of State and Government of the Organization of African Unity on the aerial and naval military attack against the Socialist People's Libyan Arab Jamahiriya by the present United States Administration in April 1986	Requests the Council to remain seized of the matter.	None
41/39 A and B 20 November 1986	Question of Namibia	Urges the Council to act decisively in fulfilment of the direct responsibility of the United Nations over Namibia and to take, without further delay, appropriate action to ensure that the United Nations plan, as embodied in Council resolution 435 (1978), is not undermined or modified in any way and that it is fully respected and implemented; strongly urges the Council to act decisively against any dilatory manoeuvres and fraudulent schemes of South Africa aimed at frustrating the legitimate struggle of the Namibian people for self-determination and national liberation; calls upon the Council to declare categorically that Walvis Bay is an integral part of Namibia and should not be left for negotiation between an independent Namibia and South Africa; calls upon the Council to adopt the necessary measures to tighten the arms embargo imposed	None

<i>General Assembly resolution</i>	<i>Subject of recommendation</i>	<i>Recommendation</i>	<i>Reference in a request for a meeting or in a Security Council resolution</i>
41/43 A and D 2 December 1986	Question of Palestine	<p>against South Africa under its resolution 418 (1977), to ensure strict compliance with the embargo by all States and to implement, as a matter of urgency, the recommendations contained in the report of its Committee established under resolution 421 (1977); strongly urges the Council to impose comprehensive and mandatory sanctions against South Africa under Chapter VII of the Charter; and requests the Council to meet urgently in order to exercise its authority with regard to Namibia and to undertake decisive action in fulfilment of the direct responsibility of the United Nations over Namibia, and to take, without further delay, appropriate steps to ensure that its resolutions 385 (1976) and 435 (1978) are implemented without preconditions.</p> <p>Draws the attention of the Council to the fact that action on the recommendations of the Committee on the Inalienable Rights of the Palestinian People is still awaited; reaffirms its endorsement of the call for convening an international peace conference on the Middle East in conformity with Assembly resolution 38/58 C; endorses the call for setting up a preparatory committee, within the framework of the Council, to take the necessary action to convene the conference; and requests the Secretary-General, in consultation with the Council, to continue his efforts with a view to convening the conference.</p>	None
41/55 B 3 December 1986	Implementation of the Declaration on the Denuclearization of Africa	<p>Requests the Council to conclude expeditiously its consideration of the recommendations of its Committee established by resolution 421 (1977), with a view to blocking existing loopholes in the arms embargo against South Africa and prohibiting, in particular, all forms of cooperation and collaboration with South Africa in the nuclear field.</p>	None
41/63 D 3 December 1986	Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories	<p>Requests the Council to ensure Israel's respect for and compliance with all the provisions of the Geneva Convention of 1949 in the Palestinian and other occupied Arab territories, including Jerusalem, and to initiate measures to halt Israeli policies and practices in those territories.</p>	None
41/90 4 December 1986	Review of the Implementation of the Declaration on the Strengthening of International Security	<p>Stresses that there is an urgent need to enhance the effectiveness of the Council in discharging its principal role of maintaining international peace and security and to enhance the authority and enforcement capacity of the Council in accordance with the Charter; emphasizes that the Council should consider holding periodic meetings in specific cases to consider and review outstanding problems and crises; and reiterates the need for the Council to ensure the effective implementation of its decisions in compliance with the Charter.</p>	None
41/91 4 December 1986	Need for result-oriented political dialogue to improve the international situation	<p>Stresses the necessity for the members of the Council to take appropriate and effective measures in carrying out their primary responsibility for the maintenance of international peace and security in accordance with the Charter.</p>	None

<i>General Assembly resolution</i>	<i>Subject of recommendation</i>	<i>Recommendation</i>	<i>Reference in a request for a meeting or in a Security Council resolution</i>
41/93 4 December 1986	Israeli nuclear armament	Requests the Council to take urgent and effective measures to ensure that Israel complies with its resolution 487 (1981) and places all its nuclear facilities under International Atomic Energy Agency safeguards, and reiterates its request to the Council to investigate Israel's nuclear activities and the collaboration of other States, parties and institutions in the nuclear field.	None
41/95 4 December 1986	Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime of South Africa	Requests the Council urgently to consider the imposition of comprehensive and mandatory sanctions under Chapter VII of the Charter against South Africa, in particular, the prohibition of all technological assistance or collaboration in the manufacture of arms and military supplies in South Africa, the cessation of all collaboration in the nuclear field, the prohibition of all loans to, and all investments in, South Africa and the cessation of any trade with South Africa, and an embargo on the supply of petroleum, petroleum products and other strategic goods to South Africa.	None
41/162 A 4 December 1986	The situation in the Middle East	Reaffirms its call for the convening of an international peace conference on the Middle East and endorses the call for setting up a preparatory committee, within the framework of the Council, to take the necessary action to convene the conference.	None
42/9 28 October 1987	Cooperation between the United Nations and the Organization of African Unity	Calls upon the Council to continue to associate closely the Organization of African Unity with all its activities concerning Africa.	None
42/14 A and B 6 November 1987	Question of Namibia	Calls upon the Council to declare categorically that Walvis Bay is an integral part of Namibia and should not be left for negotiation between an independent Namibia and South Africa; urges the Council to act decisively in fulfilment of the direct responsibility of the United Nations over Namibia and to take, without further delay, appropriate action to ensure that the United Nations plan is not undermined or modified in any way and that it is fully respected and implemented; strongly urges the Council to act decisively against any dilatory manoeuvres and fraudulent schemes of South Africa aimed at frustrating the legitimate struggle of the Namibian people for self-determination and national liberation; calls upon the Council to adopt the necessary measures to tighten the arms embargo imposed against South Africa under its resolution 418 (1977) and to ensure strict compliance with the embargo by all States and to implement, as a matter of urgency, the recommendations contained in the report of its Committee established in pursuance of resolution 421 (1977); strongly urges the Council to impose comprehensive and mandatory sanctions against South Africa under Chapter VII of the Charter; stresses the responsibility of the Council concerning the implementation of its resolutions on the situation in Namibia; urgently requests the Council to set a date not later than 31 December 1987 for commencement of the implementation of its resolution 435 (1978) and to commit itself to applying the relevant provisions of the Charter, including comprehensive and mandatory sanctions under Chapter VII, in the event South Africa continues to defy the Council; urges the Council to	None

General Assembly resolution	Subject of recommendation	Recommendation	Reference in a request for a meeting or in a Security Council resolution
42/22 18 November 1987	Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations	undertake forthwith consultations for the composition and emplacement of the United Nations Transition Assistance Group in Namibia; requests the Secretary-General to undertake consultations with members of the Council with a view to securing a firm commitment on the unconditional and speedy implementation of Council resolution 435 (1978); and urges the three Western permanent members to take into account their particular responsibility to ensure its unimpeded implementation.	None
42/23 C and F 20 November 1987	Policies of apartheid of the Government of South Africa	Decides that the imposition of comprehensive and mandatory sanctions by the Council under Chapter VII of the Charter would be the most appropriate, effective and peaceful means to bring apartheid to an end; urgently requests the Council to take immediate action under Chapter VII of the Charter with a view to applying comprehensive and mandatory sanctions against South Africa; urges the Council to strengthen the mandatory arms embargo imposed by its resolutions 418 (1977) and 558 (1984), to take steps for their strict implementation and to secure an end to military and nuclear cooperation with South Africa and the import of military equipment or supplies from South Africa; and urges the Council to take action without further delay to impose a mandatory embargo on the supply and shipping of oil and petroleum products to South Africa as well as the supply of related equipment and technology.	None
42/28 30 November 1987	Establishment of a nuclear-weapon-free zone in the region of the Middle East	Invites all countries of the region, pending establishment of a nuclear-weapon-free zone in the Middle East, to deposit declarations in support of establishing such a zone with the Council.	None
42/39 A 30 November 1987	Review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly	Calls upon the Council to contribute to establishing and maintaining international peace and security with the least possible diversion of world human and economic resources to armament, and to take the necessary steps for the effective implementation of Article 26 of the Charter, and recommends that the Council consider the question of establishing, under Article 29 of the Charter, such subsidiary bodies as it deems necessary for the performance of its functions to facilitate a solution to disarmament issues.	None
42/44 30 November 1987	Israeli nuclear armament	Requests the Council to take urgent and effective measures to ensure that Israel complies with its resolution 487 (1981).	None
42/66 A 2 December 1987	Question of Palestine	Draws the attention of the Council to the fact that action on the recommendations of the Committee on the Inalienable Rights of the Palestinian People is still awaited; reaffirms its endorsement for convening an international peace conference on the Middle East; reiterates its endorsement of the call for setting up	None

*Reference in a
request for a meeting
or in a Security
Council resolution*

<i>General Assembly resolution</i>	<i>Subject of recommendation</i>	<i>Recommendation</i>	
42/92 7 December 1987	Review of the implementation of the Declaration on the Strengthening of International Security	a preparatory committee, within the framework of the Council, to take the necessary action to convene the conference; and requests the Secretary-General, in consultation with the Council, to continue his efforts with a view to convening the conference.	None
42/93 7 December 1987	Comprehensive system of international peace and security	Stresses that there is an urgent need to enhance the effectiveness of the Council in discharging its principal role of maintaining international peace and security and to enhance the authority and enforcement capacity of the Council in accordance with the Charter; emphasizes that the Council should consider holding periodic meetings in specific cases to consider and review outstanding problems and crises; and reiterates the need for the Council to ensure the effective implementation of its decisions in compliance with relevant provisions of the Charter.	None
42/160 D 8 December 1987	Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories	Calls upon States and United Nations organs, within their mandate and in accordance with relevant provisions of the Charter, to utilize fully the existing means of peaceful settlement of international disputes and conflicts through negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, the use of good offices or other means of their own free choice.	None
42/209 A and B 11 December 1987	The situation in the Middle East	Requests the Council to ensure Israel's respect for and compliance with all the provisions of the Geneva Convention of 1949 in the Palestinian and other occupied Arab territories, including Jerusalem, and to initiate measures to halt Israeli policies and practices in those territories.	None
43/12 25 October 1988	Cooperation between the United Nations and the Organization of African Unity	Reaffirms its call for convening an international peace conference on the Middle East; endorses the call for setting up a preparatory committee, within the framework of the Council, to take the necessary action to convene the conference; and requests the Secretary-General, in consultation with the Council, to continue his efforts with a view to convening the conference.	None
43/13 26 October 1988	Pretoria's racial "municipal elections"	Calls upon the Council to continue to associate closely the Organization of African Unity with all its activities concerning Africa.	None
43/21 3 November 1988	Pretoria's racial "municipal elections"	Requests the Council, as a matter of urgency, to consider the serious implications of the so-called "municipal elections" and to take all necessary measures, in accordance with the Charter, to avert further aggravation of tension and conflict in South Africa and in southern Africa.	None
43/50 B, J and K 5 December 1988	The uprising (intifadah) of the Palestinian people	Urges the Council to consider the current situation in the occupied Palestinian territories, taking into account the recommendations contained in the report of the Secretary-General.	None
	Policies of apartheid of the Government of South Africa	Urges the Council to consider immediate steps to ensure the scrupulous and full implementation of the arms embargo imposed by its resolution 418 (1977) and its effective monitoring; decides that the imposition of comprehensive and mandatory sanctions by the Council under Chapter VII of the Charter would be the most appropriate, effective and peaceful means to	None

General Assembly resolution	Subject of recommendation	Recommendation	Reference in a request for a meeting or in a Security Council resolution
43/51 5 December 1988	Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field	bring apartheid to an end; urgently requests the Council to consider immediate action under Chapter VII of the Charter with a view to applying comprehensive and mandatory sanctions against South Africa; urges the Council to strengthen the mandatory arms embargo imposed by its resolutions 418 (1977) and 558 (1984) in order to bring to an end the continued violations of the arms embargo; urges the Council to take action without further delay to impose a mandatory embargo on the supply and shipping of oil and petroleum products to South Africa as well as related equipment, technology, financing and investment; and urges the Council to secure an end to military and nuclear cooperation with South Africa and the import of military equipment or supplies from South Africa.	None

General Assembly resolution	Subject of recommendation	Recommendation	Reference in a request for a meeting or in a Security Council resolution
		stage, consider making use of the provisions of the Charter concerning the possibility of requesting the International Court of Justice to give an advisory opinion on any legal question.	
43/54 A 6 December 1988	The situation in the Middle East	Reaffirms its call for convening an international peace conference on the Middle East and endorses the call for setting up a preparatory committee, within the framework of the Council, to take the necessary action to convene the conference.	None
43/57 I 6 December 1988	United Nations Relief and Works Agency for Palestine Refugees in the Near East	Urges the Council to consider the current situation in the occupied Palestinian territory, taking into account the recommendations contained in the report of the Secretary-General.	None
43/58 A 6 December 1988	Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories	Requests the Council to ensure Israel's respect for and compliance with all the provisions of the Geneva Convention of 1949 in the Palestinian and other occupied Arab territories, including Jerusalem, and to initiate measures to halt Israeli policies and practices in those territories; and urges the Council to consider the current situation in the Palestinian territory occupied by Israel since 1967 with a view to securing international protection for the defenceless Palestinian people until the withdrawal of Israel.	None
43/76 A 7 December 1988	Review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly	Calls upon the Council to take the necessary steps for the effective implementation of Article 26 of the Charter with a view to enhancing the central role of the United Nations in facilitating solutions to the issues of arms limitation, primarily in the nuclear field, and disarmament, as well as the strengthening of international peace and security; and recommends that the Council consider the question of establishing, under Article 29 of the Charter, such subsidiary bodies as it deems necessary for the performance of its functions to facilitate a solution to disarmament issues.	None
43/80 7 December 1988	Israeli nuclear armament	Requests the Council to take urgent and effective measures to ensure that Israel complies with its resolution 487 (1981).	None
43/88 7 December 1988	Review of the implementation of the Declaration on the Strengthening of International Security	Stresses that there is a need further to enhance the effectiveness of the Council in discharging its principal role of maintaining international peace and security and to enhance the authority and enforcement capacity of the Council in accordance with the Charter, and reiterates the need for the Council to ensure the effective implementation of its decisions in compliance with the relevant provisions of the Charter.	None
43/92 8 December 1988	Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime of South Africa	Requests the Council urgently to consider the imposition of comprehensive and mandatory sanctions under Chapter VII of the Charter against South Africa, in particular the prohibition of all technological assistance or collaboration in the manufacture of arms and military supplies in South Africa; the cessation of all collaboration with South Africa in the nuclear field; the prohibition of all loans to, and investments in, South Africa and the cessation of any trade with South Africa; and an embargo on the supply of petroleum, petroleum products and other strategic goods to South Africa.	None

General Assembly resolution	Subject of recommendation	Recommendation	Reference in a request for a meeting or in a Security Council resolution
43/175 A 15 December 1988	Question of Palestine	Draws the attention of the Council to the fact that action on the recommendations of the Committee on the Inalienable Rights of the Palestinian People is still awaited.	None
43/176 15 December 1988	Question of Palestine	Requests the Council to consider measures needed to convene an international peace conference on the Middle East, including establishment of a preparatory committee, and to consider guarantees for security measures agreed upon by the conference for all States in the region.	None

H. REPORTS OF THE SECURITY COUNCIL TO THE GENERAL ASSEMBLY

Article 15, paragraph 1, of the Charter

“The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.”

Article 24, paragraph 3, of the Charter

“The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.”

NOTE

In accordance with Article 24, paragraph 3, the Security Council continued during the period under review to submit annual reports to the General Assembly.³² During the same period, no special reports were transmitted by the Council to the Assembly. During the period covered by this *Supplement*, no recommendations on applications for membership pursuant to paragraph 2 of rule 60 of the provisional rules of procedure or reports concerning the question of admission of a new Member in accordance with paragraph 3 of rule 60 of its provisional rules of procedure were transmitted by the Council to the Assembly.

On 29 January 1985, the President of the Council issued a note regarding the format of the annual report of the Council to the Assembly submitted in accordance with Article 24, paragraph 3, of the Charter.³³ The note stated that at its 2566th meeting, of that same date, the Council had agreed, in keeping with a December 1974 decision³⁴ to make its report shorter and more concise without changing its basic structure, to discontinue the practice of summarizing documents addressed to the President of the Council or to the Secretary-General and circulated as official documents of the Council and instead simply to indicate the subject matter of those documents which related to the procedure of the Council.

At the 2690th meeting, on 13 June 1986, before adjourning the meeting,³⁵ the President of the Council stated that as the Council approached the end of the period from 16 June 1985 to 15 June 1986 to be covered in the report of the Security Council submitted to the General Assembly in accordance with Article 24, paragraph 3, of the Charter, it had been agreed that he should place on record that, since 16 June 1985, the members of the Council had been engaged in consultations of the whole in connection with the issues raised in the annual reports of the Secretary-General on the work of the Organization presented to the thirty-seventh, thirty-eighth, thirty-ninth and fortieth sessions of

³²Annual reports were approved by the Council at the following meetings held in private: 40th report, 2566th meeting, 29 January 1985; 41st report, 2627th meeting, 15 November 1985; 42nd report, 2720th meeting, 12 November 1986; 43rd report, 2668th meeting, 25 November 1987; and 44th report, 2829th meeting, 8 November 1988.

³³S/16913, *Resolutions and Decisions of the Security Council*, 1985, part II, p. 27.

³⁴S/11586, *OR, 29th yr., Suppl. for Oct.-Dec. 1974*.

³⁵The agenda for the meeting was: “The question of South Africa”.

the Assembly, during which members had explored possible ways and means of enhancing the effectiveness of the Council in accordance with the powers entrusted to it under the Charter. Those consultations were being pursued informally.

Similarly, at the 2749th meeting, on 12 June 1987, before adjourning the meeting,³⁶ the President of the Council stated that as the Council approached the end of the period from 16 June 1986 to 15 July 1987 to be covered in the report of the Security Council submitted to the General Assembly in accordance with Article 24, paragraph 3, of the Charter, it had been agreed that he should place on record that, since 16 June 1986, the members of the Council had been engaged in consultations of the whole in connection with the issues raised in the annual reports of the Secretary-General on the work of the Organization presented to the thirty-seventh, thirty-eighth, thirty-ninth and fortieth sessions of the Assembly, during which members had explored possible ways and means of enhancing the effectiveness of the Council in accordance with the powers entrusted to it under the Charter. Those consultations were being pursued informally.

³⁶The agenda for the meeting was: "The situation in Cyprus".

****Part II**

****RELATIONS WITH THE ECONOMIC AND SOCIAL COUNCIL**

Part III

RELATIONS WITH THE TRUSTEESHIP COUNCIL

****A. PROCEDURE UNDER ARTICLE 83, PARAGRAPH 3, IN APPLICATION OF ARTICLES 87 AND 88 OF THE CHARTER WITH REGARD TO STRATEGIC AREAS UNDER TRUSTEESHIP**

B. TRANSMISSION TO THE SECURITY COUNCIL BY THE TRUSTEESHIP COUNCIL OF QUESTIONNAIRES AND REPORTS

During the period under review no questionnaires were transmitted to the Security Council by the Trusteeship Council. The report of the latter body on the exercise of its functions in respect of the strategic areas under trusteeship, therefore, continued to be based on the revised questionnaires transmitted to the Security Council on 24 July 1953, as further amended on 7 July 1961.³⁷

Between 1 January 1985 and 31 December 1988, the Secretary-General transmitted to the Council the following reports of the Trusteeship Council on the Trust Territory of the Pacific Islands, which continued to be the only Territory designated a strategic area:

(a) Thirty-seventh report, covering the period from 19 July 1984 to 11 July 1985;³⁸

(b) Thirty-eighth report, covering the period from 12 July 1985 to 30 June 1986;³⁹

(c) Thirty-ninth report, covering the period from 1 July 1986 to 16 December 1987;⁴⁰

(d) Fortieth report, covering the period from 17 December 1987 to 19 July 1988.⁴¹

³⁸S/17334, OR, 40th yr., Special Supplement No. 1.

³⁹S/18238, OR, 41st yr., Special Supplement No. 1.

⁴⁰S/19596, OR, 42nd yr., Special Supplement No. 1.

⁴¹S/20168, OR, 43rd yr., Special Supplement No. 1.

³⁷T/1010/Rev.1.

Part IV

RELATIONS WITH THE INTERNATIONAL COURT OF JUSTICE

Article 94 of the Charter

"1. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.

"2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recom-

mendations or decide upon measures to be taken to give effect to the judgment."

Article 96 of the Charter

"1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.

"2. Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the

General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.”

STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

Article 35, paragraphs 1 and 2, of the Statute

“1. The Court shall be open to the States parties to the present Statute.

“2. The conditions under which the Court shall be open to other States shall, subject to the special provisions contained in treaties in force, be laid down by the Security Council, but in no case shall such conditions place the parties in a position of inequality before the Court.”

Article 41 of the Statute

“1. The Court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either party.

“2. Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and to the Security Council.”

CASE 8

On 9 April 1984, Nicaragua lodged a case with the International Court of Justice against the United States of America. The Court handed down a preliminary order on 10 May 1985.⁴² No explicit request was made to the Security Council under Article 94, paragraph 2, seeking measures to give effect to the Preliminary Order. However, the preliminary order was referred to by a number of countries at the 2633rd, 2634th and 2636th meetings of the Council under the agenda item entitled, “Letter dated 6 December 1985 from the Chargé d'affaires a.i. of the Permanent Mission of Nicaragua to the United Nations addressed to the President of the Security Council.”⁴³ At the 2633rd meeting, on 10 December 1985, the representative of Nicaragua asserted that the act of supplying of SAM-7 missiles to Contra forces by the United States of America confirmed, *inter alia*, that Government's disdain for the 10 May decision of the International Court of Justice ordering the United States to cease its aggression against Nicaragua and explained the reasons for the United States' decision to reject the binding jurisdiction of the Court. At the same meeting, the representative of the United States remarked that of the 15 judges on the International Court of Justice, 10 of the countries to which those judges belonged rejected the compulsory authority of the Court.

The representative of the Union of Soviet Socialist Republics, speaking at the 2634th meeting of the Council, on 11 December 1985, under the same agenda item, referred to illegal acts being carried out by the United States against Nicaragua and observed in that context that the International Court of Justice had demanded the cessation of such actions. The representative of Viet Nam stated that escalating acts of aggression by the United States against Nicaragua showed contempt for the 10 May 1985 order of the

⁴²S/16564 and *Case concerning Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. The United States of America)*, Request for the Indication of Provisional Measures. ICJ publication No. 499.

⁴³S/17671, OR, 40th yr., Suppl. for Oct.-Dec. 1985.

Court. The representative of the Islamic Republic of Iran observed that the United States had refrained from accepting the jurisdiction of the International Court of Justice because it was not interested in resolving its differences with Nicaragua and because it knew that in peaceful negotiations its arguments would not sell in any market for any price.

Speaking at the 2636th meeting, on 12 December 1985, under the same agenda item, the representative of Zimbabwe voiced a warning to those whom an overabundance of power had made arrogant in the face of world opinion and the world's highest court and remarked that it was short-sighted for the beneficiaries of the current world order to be the ones so enthusiastic about assailing some of its most fundamental underpinnings, such as the World Court. Speaking in right of reply, the representative of the Islamic Republic of Iran repeated his earlier view as to why the United States had not recognized the jurisdiction of the International Court of Justice and asked whether, if the United States could convince the authorities of the Court, any one would think it would have stood idle and be beaten because of that.

No draft resolution was put forward under the agenda item.

CASE 9

By a special agreement of 16 September 1983, jointly notified by the Governments of Burkina Faso and Mali to the International Court of Justice on 20 October 1983, the parties agreed to submit to a Chamber of the Court a dispute concerning the delimitation of their common frontier. By its order of 3 April 1985, the Court decided to accede to the request of the two Governments and formed a Chamber to deal with the case of the *Frontier Dispute (Burkina Faso/Mali)*.

Following incidents in the border region in late 1985, the Governments of Burkina Faso and Mali addressed parallel requests to the International Court of Justice, dated 30 December and 27 December 1985, respectively, for the indication of provisional measures. By a letter dated 10 January 1986 addressed to the Secretary-General,⁴⁴ the Registrar of the Court enclosed for transmittal to the Security Council, with reference to Article 41, paragraph 2, of the Statute of the Court, an official copy of an order indicating provisional measures made that same date at a public hearing by the Chamber of the Court.

CASE 10

On 27 June 1986, the International Court of Justice issued its judgment on the case brought by Nicaragua against the United States.⁴⁵ In the letter dated 27 June 1986 from the Permanent Representative of Nicaragua to the United Nations addressed to the President of the Security Council,⁴⁶ no explicit request was made to the Security Council under Article 94, paragraph 2, seeking measures to give effect to the judgment of the International Court of Justice. However, at the 2694th, 2695th and 2696th meetings of the Council, on the agenda item, “Letter dated 27 June 1986

⁴⁴S/17776, OR, 41st yr., Suppl. for Jan.-March 1986.

⁴⁵*Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. The United States of America)*, Merits, Judgment. I.C.J. Reports, 1986, p. 14.

⁴⁶S/18187, OR, 41st yr., Suppl. for April-June 1986.

from the Permanent Representative of Nicaragua to the United Nations addressed to the President of the Security Council",⁴⁵ a number of speakers made reference to the judgment.

Addressing the 2694th meeting, on 1 July 1986, the Minister for Foreign Affairs of Nicaragua drew the Council's attention to two specific aspects of the judgment of the International Court of Justice: firstly, the Court's rejection of the justification of collective self-defence maintained by the United States in connection with military and paramilitary activities in and against Nicaragua and, secondly, the Court's finding that the United States, by acts cited in the judgment, had acted in breach of its obligation under customary international law not to intervene in the affairs of another State. The Minister declared that the highest world legal body had confirmed the illegality of the United States' interventionist policy.

Addressing the same meeting, the representative of the United States pointed out that the 27 June 1986 opinion of the International Court of Justice was long, and added that although Nicaragua had asked the Council to reach conclusions based on those opinions, no member of the Council could yet have analysed or considered for itself the detailed argument and counterargument released by the Court. The speaker asserted that his Government's own first reading had identified serious questions about certain conclusions of law stated by the Court. He stressed that the Court's conclusions were in that case uniquely dependent on the evidence and the facts and repeated that his Government did not believe that the Court was equipped to deal with complex facts and intelligence information that were not available to it. He cited instances where his Government believed there to be discrepancies between statements made by Nicaragua to the Court and that country's actual policies and acts.

Also at the 2694th meeting, the representative of Venezuela stated that the decision of the International Court of Justice established that the principle of non-intervention formed part of customary international law. For that and other reasons, the delegation of Venezuela thought it regrettable that the United States had decided to persevere in conduct that was undoubtedly contrary to international law and could only contribute to increased tension in the area.

Speaking in right of reply, at the same meeting, the Minister for Foreign Affairs of Nicaragua asserted that if the representative of the United States really believed in the truth of the wild accusations he put forward, he should have persuaded his Government to defend and prove its charges against Nicaragua in the International Court of Justice instead of creating the sad and pitiful spectacle of running away from the Court. He added that the members of the Court had decided unanimously that the Court was the proper forum for an in-depth examination and analysis of Nicaragua's complaint against the United States and of the United States Government's defence. He further stated that in what was the clearest and most categorical condemnation in the Court's history, it had found against the United States' systematic violation of the principles that it, as a Member of the United Nations and a permanent member of the Security Council, had committed itself to respect, promote and defend.

At the 2695th meeting, on 2 July 1986, under the same agenda item, the representative of the German Democratic Republic stated that the International Court of Justice had

delivered a clear judgment. The Court had decided that the United States had acted against Nicaragua in breach of its obligations under customary international law in many and serious cases. He added that rejection of the judgment and decisions of the Court by no means changed the facts. The representative found it noteworthy that the Court clearly rejected the alleged assertion of need for a so-called collective self-defence.

Speaking at the same meeting, the representative of Viet Nam stated that the International Court of Justice, in its ruling, had condemned the aid given by the United States to the Nicaraguan Contras as running counter to international law.

At the same meeting, the representative of the Union of Soviet Socialist Republics underlined that after comprehensive and detailed consideration, the International Court of Justice had announced its decision, which stated directly that by training, arming, equipping and financing the Contra forces carrying out an armed struggle against Nicaragua, the United States was violating norms of international law. He added that as the Court had indicated, Washington's actions encouraged acts by counterrevolutionary forces that violated the norms of humanitarian law. He pointed out that the decision of the Court stressed that the United States must immediately halt all such acts. At the same meeting, the representative of Bulgaria made reference to the United States' rejection and defiance of the decision handed down by the International Court of Justice.

At the 2696th meeting, on 2 July 1986, the representative of Australia noted that the International Court of Justice had found that certain actions taken by the United States against Nicaragua had contravened international law. Australia remained committed to the observance of international law and to the role of the International Court of Justice in settling international disputes. The representative of Democratic Yemen pointed to the decision of the Court as the most recent evidence of the condemnation by the international community of the United States' policy of state terrorism towards Nicaragua.

The representative of Cuba, after citing the decision of the International Court of Justice, asserted that the illegality of the United States actions was now all the clearer. The following speaker, the representative of Ghana, declared that the authoritative and timely pronouncements of the International Court of Justice were full and adequate testimony to the misguided actions of the United States in violating principles of customary international law prohibiting the use of force and interference in the domestic affairs of other States and enjoining respect for the sovereign independence of Nicaragua. He remarked that although the Court might not have had all the facts in the case, it certainly was in possession of enough information to reach its conclusions. In any case, he wondered why the United States had not seriously considered cooperating with the Court by making all pieces of information available to it. It was only fitting that the Court had found the acts of kidnapping, maiming and killing of innocent individuals perpetrated by the so-called freedom-fighters to be violations of international humanitarian law.

The representative of Mongolia indicated that the decision of the International Court of Justice, which rightly accused the United States of pursuing a criminal policy against the Nicaraguan people, was another indication that the world community justly considered the United States'

actions a flagrant violation of the norms and principles of international law and the provisions of the Charter.

Speaking in right of reply at the same meeting, the representative of the United States asserted that his country had availed itself of its right not to appear before the Court because the Court had not had, and continued not to have, jurisdiction or competence to deal with the crisis in Central America. He characterized Nicaragua's recourse to the International Court of Justice as an abuse of the Court for cynical political ends.

Also speaking in right of reply, the representative of Nicaragua quoted various aspects of the judgment of the International Court of Justice, including its conclusion that it still remained to be proved that any aid to the insurgents in El Salvador was imputable to the authorities of Nicaragua and that the actions of Nicaragua in El Salvador were not legally tantamount to an armed attack by Nicaragua upon that country.

No draft resolution was put before the Council under the agenda item.

CASE 11

In a letter dated 22 July 1986⁴⁷ to the President of the Security Council, the Permanent Representative of Nicaragua requested the convening of a meeting of the Security Council "for the purpose of considering the dispute between the United States of America and Nicaragua, which was the subject of the Judgment of the International Court of Justice of 27 June 1986⁴⁸ and which threatens international peace and security".

At the 2700th meeting, on 29 July 1986, the President of Nicaragua declared that when the International Court of Justice handed down a ruling, it should be the responsibility of all States to support that decision. Not only were the decisions of the 16 judges of the Court legally binding upon the parties that appeared before them, they also constituted statements and interpretations of the law that had to be respected by all nations. Summarizing the judgment of 27 June 1986, the President underlined that on each aspect the Court's vote was virtually unanimous. After a thorough and painstaking analysis, the Court had rejected all of the arguments put forward by the United States to justify its policy of intervention and use of force against Nicaragua. In particular, the Court found the United States' argument that its actions against Nicaragua constituted collective self-defence to be groundless. The President pointed out that following the Court's judgment the situation in the Central American region had become further aggravated and more difficult. The future of the international legal order and all it represented were now in the Council's hands. The President stated that he was convinced that the Council would give its support so that the Court would not be undermined, so that the fragile structure of international law would not suffer a mortal blow but, on the contrary, be strengthened. Nicaragua was not asking that anyone be condemned, but only for a declaration of support for the International Court of Justice and for law in international relations.

The following speaker, the representative of El Salvador, stated that it was difficult if not impossible to establish

limits in the apparently bilateral controversy being discussed in the Council and to separate it from the regional problem involving interrelated, often inflexible factors and forces. In that respect, he did not want to call into question the good faith of the International Court of Justice in considering the case of military and paramilitary activities in and against Nicaragua. However, he quoted a section from the Court's decision that indicated that the Court had determined that until the early months of 1981 Nicaragua was in fact aiding the guerrilla movement in El Salvador.

At the 2701st meeting, on 29 July, under the same agenda item, the representative of the United States asserted that Nicaragua had now obtained a ruling from the International Court of Justice that it was finding useful in its propaganda war against the United States, but the United States regretted that Nicaragua had sought to misuse the Court in that manner. The United States had said from the beginning this case was inappropriate for judicial resolution. The Court had been asked to address one small, carefully selected part of the crisis in Central America. To ask for the Court to solve that crisis did it a disservice, for the only way to solve the crisis was through negotiations involving all parties. The representative said that his Government believed that the Court had fundamentally misperceived the situation in Central America. It was simply wrong on many of its facts and its conception of relevant international law was seriously flawed in important respects. Noting that Nicaragua did not seem to have such reservations, he queried whether that meant that the Nicaraguan Government agreed with the Court that the democratic opposition in Nicaragua was an independent force not controlled by the United States. He asked what would now be the Sandinistas' excuse for not negotiating with their own people. He asked whether they would try to ignore that part of the Court's decision and accept only the portions of the Court's decision they liked. If so, this would reveal that their touted commitment to the implementation of the Court's ruling was nothing more than the most cynical and transparent effort to reap a propaganda coup.

The following speaker, the representative of India, quoted from the communiqué of the Coordinating Bureau of the Movement of the Non-Aligned Countries issued at Headquarters the previous day, 28 June 1986, concerning the situation in Central America in the light of the judgment of the International Court of Justice. The Movement recalled its earlier appeal to all States faithfully to respect the commitments made to the International Court of Justice, especially the acceptance of the Court's compulsory jurisdiction, and the requirement to fulfil its rulings and judgments as regarded the case of Nicaragua. The Bureau had made an urgent and strong appeal to the United States to comply, strictly and immediately, with the judgment of 27 June 1986.

At the same meeting, the representative of Democratic Yemen cited Chapter VI of the Charter concerning the pacific settlement of disputes, in particular Article 33, paragraph 1, and noted that based on that principle and on relevant articles of the Statute of the International Court of Justice, Nicaragua had submitted its complaint to the Court against the United States for its violation of the relevant rules of international law for its acts of aggression against Nicaragua. The speaker declared that it was well known that the United States had yet to respond positively to the rulings of the Court and rather had deliberately expanded

⁴⁷S/18230, *ibid.*, *Suppl. for July-Sept. 1986.*

⁴⁸S/18221, *ibid.*

its intervention in the internal affairs of Nicaragua. Nicaragua's request for the Security Council to meet and the presence of the Nicaraguan President had conferred upon the Council the extremely important international duty of comprehensively examining ways and means to put an end to the persistent violation of international law by the United States in its actions against Nicaragua. The Council represented the aspirations of the international community to maintain international peace and security and to work towards gaining United States' acceptance of the relevant rulings of the International Court of Justice. Democratic Yemen appealed to the Council to support Nicaragua in its request to have the United States abide by the rulings of the Court.

The following speaker, the representative of Czechoslovakia, expressed his Government's full support for the convening of the Council on the matter before it because of the serious nature of the situation and in view of the distribution of official documents of the International Court of Justice. The voluminous documentation from the proceedings of the Court, as well as its judgment, gave evidence of the extensive diversionist activities of the United States against Nicaragua aimed at overthrowing that country's Government and changing its social system. The representative expressed his Government's conviction that the International Court of Justice would again consider the question of compensation to Nicaragua and settle it in Nicaragua's favour. The representative stressed that the Court had pointed out that an unqualified adherence to practices similar to those being pursued by the United States would result in damage to the fundamental principles of international law and thus in an absolute arbitrariness in international relations. Czechoslovakia feared that the events of 1986 year fully validated those concerns expressed by the Court. The Security Council faced an extremely difficult task, that of fulfilling its obligations, and the Council's attitude to the draft resolution concerning the judgment of the International Court would determine whether the Council would succeed in discharging that task.

The representative of the Syrian Arab Republic pointed out that the present complaint of Nicaragua was not limited to the United States and Nicaragua, to the region of Central America or to threats to peace and security in that region alone, but moreover related to threats to the international legal system and to the regime of international commitments and conventions. The speaker noted that the United States had rejected the decision of the International Court of Justice and even denied the Court any jurisdiction to consider the problems at issue. If the Council failed to put an end to such a policy of force and arrogance, all civilized, human values and international legal principles would become extinct. The delegation of the Syrian Arab Republic appealed to the Council to shoulder its responsibilities in those difficult times, as defending the international legal system was one of its most urgent tasks. He noted that although it was Nicaragua that was directly affected by the present case, in its complaint Nicaragua represented the aspirations of all States, in particular the small States. The Council's success in compelling the United States to abide by the decision of the International Court of Justice would be a success for the cause of defending the international legal system. Should the Council fail, it would be an ominous sign for the future.

Speaking in right of reply, the representative of Nicaragua charged that in the total absence of a legal, political or moral basis to support its policy of aggression against Nicaragua, the United States had attempted to divert the international community's attention and shirk its responsibilities by falsely accusing Nicaragua of crimes and inappropriate, illegal activities at the international level. She pointed out, however, that the same arguments made before the Council by the representative of the United States had been submitted to the International Court of Justice by his Government and the Court had issued a clear and categorical decision that brooked no doubt. Referring again to the main points of the decision, the representative commented that Nicaragua was sorry to see that it was the policy of the United States to avail itself selectively of international law by complying with it on some occasions and not on others. She stressed that even now the United States still had an opportunity to amend the situation and could still abide by the ruling of the Court by immediately ceasing all military and paramilitary activities in and against Nicaragua.

Continuing its consideration of the same agenda item, at its 2702nd meeting, on 30 July 1986 the Council was addressed by the representative of Cuba. He stated that in arriving at its decision, the International Court of Justice had followed a painstaking, serious and well-balanced study, but the United States had reacted with the utmost arrogance, in contravention of the traditional United States' position of supporting the Court in the settlement of disputes and in violation of the Convention that stipulates acceptance of the Court's compulsory jurisdiction. Such disdain for the Court's judgment demonstrated once again that the United States was the greatest violator of universally accepted norms of international law and of the principles of the Charter of the United Nations. The entire fabric of international law, so patiently woven over the course of so many years, could come unravelled owing to the obdurate, arrogant attitude of the United States. It was unacceptable for any country, however powerful, to apply international law at its convenience. The international community had to give profound thought to those facts, whose consequences could affect all for many years to come, and had to struggle to make reason and justice prevail in that case. It was his Government's wish that the Council ask the United States to accept the judgment of the Court and comply with it.

At the same meeting, the representative of Viet Nam stated that the judgment of the International Court of Justice was a sound one, not only because it was in favour of Nicaragua and condemned United States acts of aggression against that country, but also because it was impartial and reflected the thinking of people with common sense. It was deplorable, yet revealing, that the United States had objected to the Court's proceedings on the ground that the Court lacked jurisdiction to entertain the dispute and that the United States had reserved its right in respect of any decision by the Court regarding Nicaragua's claims. The speaker noted that under Article 36, paragraph 6, of its Statute, it was up to the Court to determine whether any dispute fell under its own jurisdiction and that its judgment on the matter as to the merits was final and binding on the parties under Articles 59 and 60 of the Statute. He added that the absence of the United States from the Court's proceedings was typical of a big nation's arrogance, while its

rejection of the judgment constituted a negative precedent in international relations and a serious challenge to world public opinion. The delegation of Viet Nam demanded that the United States abide by the judgment of 27 June 1986.

The representative of the Lao People's Democratic Republic stated that the 27 June 1986 judgment was of extremely important significance for the future of international peace and security. It was now up to the international community, and in particular the Security Council, to do everything in its power to put that judgment into effect. Referring to the United States' position concerning the jurisdiction of the Court in the case, the speaker asserted that the Court had been properly seized of the matter under Article 36, paragraph 2, of its Statute and article 24 of the Treaty of Friendship, Trade and Navigation signed between the two parties. The reasons provided by the Court, and which underlay its conduct throughout the proceedings, seemed plausible to the Lao delegation in view of the delicate problems posed by the preliminary exceptions connected with justiciability of the dispute. The Court had very brilliantly demonstrated that its competence, since it already had been validly established during the initial phases of the procedure, remained intact, unaffected by subsequent decisions taken by the United States. The Lao Government also believed that the question of determining the applicable law—conventional international law or general and customary international law—and its application to the case had been properly and judiciously settled by the Court. Given the accurate, incontrovertible evidence gathered by the Nicaraguan team of jurists, it was hardly surprising that the Court had finally and quite correctly acceded to the just demands of Nicaragua. The Court had stressed the legal aspect of the case and had declared decisively that the United States had been, and still was, in violation of express Charter obligations and of duties incurred under treaties with respect to Nicaragua. The representative asserted that it was now incumbent upon the Council, pursuant to Article 94 of the Charter, to recommend or take measures to give effect to the judgment to the benefit of the winning party. He admitted that would not be easy, in view of the fact that the party awarded against or partially in default wielded the right of veto in the Council, but the Council had the duty of persuading that party to adopt a more conciliatory, more constructive and more reasonable attitude towards Nicaragua. The party awarded against could at least agree to desist forthwith and to renounce in future all of the reprehensible, hostile acts against Nicaragua listed in the judgment. That would appear to be consonant with the wish expressed by the Court itself, which had unanimously recalled to both parties their obligation to seek a solution to their disputes by peaceful means in accordance with international law.

The representative of the Union of Soviet Socialist Republics stated his delegation's belief that the request by Nicaragua to appear before the Council was completely warranted and timely. The representative declared that the judgment of the Court was a further corroboration of the fact that in the present world, disputes could not be settled and general security could not be achieved by means of a policy of pressure and military adventures. He took note of the communiqué issued by the Movement of Non-Aligned Countries on 28 July and regretted that the United States representative had rejected outright that very reasonable appeal.

Addressing the 2702nd meeting in right of reply, the representative of the United States noted that of the many countries that had criticized the United States for its alleged failure to accept the judgment of the International Court of Justice only one of them accepted the compulsory jurisdiction of the Court, and that country had carefully excluded from its acceptance any possibility of being brought before the Court on claims such as those now at issue.

Continuing consideration of the same agenda item at its 2703rd meeting, on 31 July 1986, the Council was addressed by the representative of Bulgaria, who said his Government fully supported Nicaragua's legitimate request for the convening of the Council in connection with the judgment of the International Court of Justice. He asserted that Article 94 of the Charter provided Nicaragua not only with political and legal grounds but also with procedural justification to have recourse to the Security Council. The judgment of the Court clearly showed that, when placed in juxtaposition with the tenets and norms of international law, the policy, plans and concrete actions of the United States with regard to Nicaragua constituted violations and breaches of obligations under customary international law.

At the same meeting, the representative of the Libyan Arab Jamahiriya stated that the United States' claim of collective self-defence had no legal or jurisdictional foundation and had been refuted by the highest legal authority in the world, which, in one of its most important judgments, had emphasized its absolute rejection of the American claim as a justification for United States military activities against Nicaragua. However, despite that and other aspects of the judgment, the United States persisted in acting as if it were the world's policeman, which explained why the United States had rejected the judgment of the Court as well as the Court's compulsory jurisdiction. The question of when the United States would heed Security Council and General Assembly resolutions or comply with the Court's judgment was now raised before the Council.

The representative of the United Republic of Tanzania expressed his delegation's full concurrence with the statement on this matter by the Coordinating Bureau of the Movement of Non-Aligned Countries. He declared that his delegation also agreed that the non-participation of the United States, as well as its rejection of the judgment, brought in an element of contempt for an organ of the United Nations entrusted with the preservation of justice in the world. There was a great danger that such a practice could become a habit, which would be detrimental to the purposes and principles of the Charter and could sound the death knell for customary international law, on which international relations depended. It was thus incumbent upon the Security Council to request the United States to desist from further attacks on Nicaragua and to stop the military and economic blockade of Nicaragua. The International Court of Justice had simplified the Security Council's task and it was now the duty of the Council to shoulder its responsibility by requesting the United States to uphold the basic and primary principles of the Charter in the interest of peace and security in the region. It would be fitting and desirable for the Council to endorse the judgment of the Court. The decision of the world legal body should not be treated with contempt, which would be tantamount to negating the objectives of the organs the Member States themselves had created under the Charter. The Court's de-

cision was based on empirical and irrefutable evidence, and the Tanzanian delegation hoped that reason would prevail on those who challenged the competence of the Court on such an important matter as the one then before the Council.

The following speaker, the representative of the Ukrainian Soviet Socialist Republic, declared that there could be no doubt about the validity of the judgment of the Court. His delegation wanted to emphasize that virtually all the decisions taken by the Court were adopted by an overwhelming majority of votes, and that those judges voting against certain decisions did not object in substance to the items under consideration. Now the United States was attempting to disregard the judgment of the Court and the world community again was being told that the Court did not have jurisdiction in the present case. However, the Court had convincingly demonstrated that it did indeed have jurisdiction in the matter. By participating in the proceedings in the earlier stages, when it was disputing the Court's jurisdiction, the United States was, in fact, recognizing the Court's right and jurisdiction in determining the admissibility of the matter before it. One could not, however, acknowledge the Court's jurisdiction solely to take a decision on the non-admissibility of a matter being brought before it and then refuse to recognize its jurisdiction in the matter itself. The Court quite rightly pointed out that the non-participation of a party in the proceedings at any stage of the case could not, in any circumstances, affect the validity of the Court's judgment. The representative stated that no matter what manoeuvres or loopholes were resorted to by the United States in its attempt to divert the Council's attention from consideration of the substance of the matter, namely, the Court's judgment, and to turn the discussion to the situation in Central America against the background of East-West confrontation, it could not refute the fact that United States policy with regard to Nicaragua was aggressive in nature. The Council must support the judgment of the International Court of Justice and call upon all States to comply with the Court's decisions.

The representative of Afghanistan declared that the convening of the Council was justified not only by the deterioration of the already tense situation in Central America, but also by the fact that the United States, by disregarding the judgment of the Court, was damaging the credibility of that international legal institution and jeopardizing the very survival of the norms and principles of international law. Following a thorough consideration of the arguments put forward and the legal aspects of the question, the International Court of Justice had handed down its judgment in clear and unambiguous terms. The speaker asserted that the clear judgment of the Court gave the Security Council every reason to condemn in the most forceful terms the acts of aggression committed by the United States against Nicaragua and to demand that an immediate end be put to all types of intervention and interference in the internal affairs of Nicaragua. His delegation hoped that the Council would demand appropriate compensation for the human and material losses inflicted upon Nicaragua. The Council had to see to it that the United States listened to reason and complied with the judgment of the Court.

The next speaker to address the Council was the representative of Zimbabwe, who stated that the distinguishing features of international law were the absence of an execu-

tive authority that could enforce the rule of law and the relative nascence of the corpus of law governing State conduct in the field. For that reason, the violation of international law on the part of a State was more dangerous and debilitating to the system than the flouting of domestic law by an individual. The international community was therefore fully justified in expressing serious alarm when any State chose to place itself above the law. The representative also noted that after the International Court of Justice had issued provisional measures on 10 May 1984, the United States had defiantly proceeded to carry out aggressive policies contrary to those measures. The representative asked whether international law counted for nothing. He found it amazing that a great Power and permanent member of the Council should choose, in the pursuit of some narrow short-term gain, to assail the legal underpinnings of an order that had assured that State's predominance in world affairs and of which that State was one of the primary beneficiaries. The Security Council was being asked to uphold the rule of law by endorsing and supporting the ruling of the International Court of Justice. The world community could not talk of peace and security in a world where the rule of law was not respected.

Speaking in right of reply, the representative of the Libyan Arab Jamahiriya stated that the United States was in the defendant's dock vis-à-vis the international community and the highest legal authority in the world. His delegation had hoped that the representative of the United States would say that his country recognized international law and the judgment of the International Court of Justice and would respect Security Council resolutions, instead of trying to change the Council's orientation and to use cheap attacks before it. The time had come for the Council to pronounce its judgement and to tell the aggressor that it had committed aggression. He wondered what confidence small nations such as his could have in the United Nations, or in the International Court of Justice, after the demonstration of disrespect by the United States.

Continuing consideration of the agenda item at its 2704th meeting, on 31 July 1986, the Council heard the representative of the Congo state that Nicaragua had requested a Security Council meeting so that the Council might draw the logical conclusion from the judgment of the International Court of Justice. The speaker deemed it particularly regrettable that selectivity had tainted the basic principle of recognition of the Court's jurisdiction on the part of certain States. Expressing his country's pleasure that the Court had been seized of the matter and had passed judgement upon it, the representative declared that the opinion of the Congo was based on its choice in favour of the processes of peaceful settlement of differences among States as the means of preserving and promoting international peace and security. The judgment handed down by the Court, as well as the admissibility of the request introduced by Nicaragua, constituted recognition of a genuine legitimacy that it would be ill-advised to question. Indeed, any reservation or selectivity could not but severely damage the very structure of international law, which had vigour and credibility only to the extent that, as stipulated in Article 94 of the Charter, each Member of the United Nations undertook to comply with the decision of the Court in any case to which it was a party. In keeping with that principle, the Security Council was not passing judgement on the Court's judgment. The representative of the Congo

was certain that the Council would find in the communiqué issued by the Movement of Non-Aligned Countries, as well as in the judgment of the Court, elements that could serve to avoid the irreparable and ensure the overall conditions so necessary for the guarantee of the region's progress and its independence.

At the same meeting, the representative of Ghana said his delegation had no difficulty in applauding the eminent judges for their clear and unambiguous decision regarding fundamental principles of international law regulating the conduct of inter-state relations. However, behind all this, there was the crucial question of what the Security Council should do. Although Ghana had no specific proposals at that stage, it seemed to his delegation that the solemn duty of the Council was to urge the two parties to resume a serious political dialogue. The Council should urge all the parties to seize upon the opportunity to work together to find a fundamental solution to their differences, and the speaker noted that the International Court of Justice itself in its judgment had strongly urged a political dialogue as the only sensible means of solving the problem.

The representative of Honduras stated that Nicaragua was attempting to turn the highest judicial organ of the international community into a political forum and also wanted to transform the Council into a free propaganda apparatus serving its own nefarious interests. The representative of El Salvador repeated his country's rejection of the conclusions of the International Court of Justice on the ground that the case considered by the Court did not refer to Nicaragua's relations with the rest of the countries of Central America, nor to Nicaragua's interference in the internal affairs of El Salvador. As had been argued by some speakers, the conclusions of the Court had sprung solely from an incomplete analysis and review of the situation.

The representative of Madagascar stated that, in his view, the Council could only amplify the conclusions of the Court, firstly, by denouncing as contrary to the principles of international law, as well as to the goals of the Charter of the United Nations, any direct or indirect meddling or interference in Nicaragua's internal affairs and any resort to force in violation of its sovereignty and, secondly, by breathing new life into the efforts of the Contadora Group and the Support Group. In so doing, the Council would satisfy Nicaragua's legitimate request to make the United States comply with the decision of the International Court of Justice. The next speaker, the representative of China, expressed the hope that the United States would respect the ruling of the Court.

Speaking on behalf of the members of the Contadora and Support Groups, the representative of Venezuela pointed out that the principles of self-determination, non-intervention, respect for the sovereignty and territorial integrity of States, renunciation of the threat or use of force in relations among States and the peaceful settlement of all international disputes now, in accordance with the decision of the International Court of Justice, represented norms of customary international law. However, at the present time, the members of the Contadora and Support Groups found it more important to emphasize the appropriateness of dialogue between all the parties concerned and they therefore urged all the States involved to lend their support to the efforts being made within and outside the United Nations to lessen tensions and resolve the conflict. It was necessary

for all States to share that interest in the real and effective application of the international legal order.

The President then announced his understanding that the Council was ready to proceed to the vote on the draft resolution submitted by Congo, Ghana, Madagascar, Trinidad and Tobago and the United Arab Emirates.⁴⁹ The relevant paragraphs of the draft resolution read as follows:

The Security Council,

...

Taking note of the Order of 10 May 1984 of the International Court of Justice on the provisional measures of protection, its Judgment of 26 November 1984 on the jurisdiction and admissibility of the demand of 9 April 1984 presented by Nicaragua and the final Judgment of the Court on "Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)" of 27 June 1986,

Aware that, according to the Charter of the United Nations, the International Court of Justice is the principal judicial organ of the United Nations and that each Member undertakes to comply with the decision of the Court in any case to which it is a party,

...

1. *Reaffirms* the role of the International Court of Justice as the principal judicial organ of the United Nations and a means for peaceful solution of disputes in the interest of international peace and security;

2. *Makes an urgent and solemn call* for full compliance with the Judgment of the International Court of Justice of 27 June 1986 in the case of "Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)";

3. *Recalls* the obligation of all States to seek a solution to their disputes by peaceful means in accordance with international law;

4. *Calls upon* all States to refrain from carrying out, supporting or promoting political, economic or military actions of any kind against any State of the region that might impede the peace objectives of the Contadora Group;

5. *Requests* the Secretary-General to keep the Security Council informed of the implementation of the present resolution.

Speaking before the vote, the representative of the United Kingdom of Great Britain and Northern Ireland referred to the judgment of the International Court of Justice as the one potential new element in the Council's seemingly endless debates, but he added that it was depressing to find out that his was only the fourth country that accepted the compulsory jurisdiction of the Court. Noting that there was significant dissent within the Court as to some of its decisions in the matter, the speaker nonetheless wished to reaffirm his Government's support for the Court and for the rules of international law that it was the task of the Court to uphold. His delegation would have liked the draft resolution before the Council to have stressed that it would be right that all Members of the Organization should accept the compulsory jurisdiction of the International Court of Justice. The United Kingdom did not accept the formulation in the letter from Nicaragua that figured on the Council's agenda in that it laid primary stress not so much on the judgment of the Court as on the dispute between the United States and Nicaragua. In the view of his delegation, it was a misrepresentation of the problem to define it simply as a dispute between those two countries. The problem was political, and it was a political solution that had to be found. The failure of the debate and the draft resolution to address certain policies and acts by Nicaragua demonstrated a lack of balance. As the one permanent member of the Council that accepted the compulsory jurisdiction of

⁴⁹S/18250, OR, 41st yr., Suppl. for July-Sept. 1986.

the International Court of Justice, the United Kingdom would have had no quarrel with a resolution taking note of the Court's judgment, and it had not been easy for the delegation to decide how to vote on the draft resolution before the Council. The Nicaraguan letter and the debate in the Council had raised two issues—one legal and one political—which for the United Kingdom tended to point to different conclusions as regards voting. That being so, and because the delegation could not countenance anything that suggested that the Central American problem was only a bilateral United States–Nicaraguan question, the United Kingdom would abstain.

The representative of Thailand stated that his delegation had no difficulty with the general principles contained in the Court's judgment. However, with regard to the specific issue as reflected in operative paragraph 2 of the draft resolution, which his delegation felt was not entirely devoid of political content, it regretted that it had no instructions, owing to the fact that, subsequent to the national elections held in Thailand recently, no government had yet been formed. His delegation would therefore be obliged to abstain.

The Council then proceeded to vote on the draft resolution, which received 11 votes to 1, with 3 abstentions. The draft resolution was not adopted, owing to the negative vote of a permanent member of the Council.

Speaking after the vote, the representative of France said his delegation would have liked to vote in favour of a draft resolution that had the unanimous support of the Council for the effort undertaken by the Contadora and Support groups. But the text on which the Council had just voted contained certain objectionable elements relating in particular to the judgment of the International Court of Justice with respect both to the role of the Court and to substance, elements that could not receive unanimous agreement. That was why his delegation had been led to abstain.

Speaking also after the vote, the representative of Denmark noted that his country was among those which accepted the compulsory jurisdiction of the International Court of Justice. His delegation had, accordingly, voted in favour of the draft resolution, even if it did have certain reservations of an essentially legal character as regarded operative paragraph 2. Indeed, to make an urgent call for full compliance with the judgment at that time might be said to be premature. It was the duty of the Council to deal with a political crisis in all its aspects.

The representative of the United States, addressing the Council after the vote, said that his Government had been compelled to vote against the draft resolution for the simple reason that it could not, and would not, contribute to the achievement of a peaceful and just settlement of the situation in Central America within the framework of international law and the Charter of the United Nations. That question, and not the decision of the Court, was the real issue before the Council. The draft resolution, presented in guise of support for the 27 June 1986 judgment, contained nothing to dispel Nicaragua's wholly disingenuous and self-serving characterization of the situation in Central America. It was absolutely clear from various statements by representatives of Nicaragua before the Council that Nicaragua was not interested in an endorsement of the role of international law and of the International Court of Justice for its own sake, but rather as something that the Nicaraguan Government could wave about as a vindication of

Nicaragua's actions and positions in respect of the conflict in Central America. Council members had to be mindful not only of what the draft resolution said on its face, but also of how it would be exploited to the detriment of peace and security in the region. Any doubt in that regard had been dispelled by Nicaragua's institution of proceedings in the Court the previous week against both Honduras and Costa Rica. By that action, Nicaragua had once again made plain that its real goal was to remove yet another range of issues from the Contadora framework so that those issues could be determined in a manner favourable to Nicaragua, without imposing corresponding and reciprocal obligations on Nicaragua. There could be no doubt that Nicaragua had come to the Council with the same ends in mind. The Council could have considered a draft resolution that would have made a genuine contribution to a peaceful and just settlement in Central America, and that would have emphasized and called for the realization of all the inter-related objectives of the Contadora process. The actual draft resolution, by way of contrast, made no mention of Nicaragua's solemn undertakings, which it now chose to ignore, nor of Nicaragua's own responsibility for the situation in Central America. By focusing on the 27 June 1986 decision, the speaker continued, the draft resolution presented a false picture of the situation in Central America as if it were limited to differences between Nicaragua and the United States. He wondered whether there was anything in Nicaragua's past behaviour that allowed the belief that Nicaragua would not exploit such a draft resolution as a blanket endorsement of its military and domestic policies and of its refusal to negotiate seriously on the core issues fundamental to peace in Central America. The United States thought not, and had cast its vote accordingly.

Continuing, the representative of the United States said that in the view of his Government, the International Court of Justice had asserted jurisdiction and competence over Nicaragua's claims without any proper basis. Moreover, the Court had failed to give any meaningful significance to the multilateral treaty reservation or the very substantial evidence of Nicaraguan misbehaviour. Many of the principles asserted by the Court to constitute customary international law had no basis in authority or reason. For his delegation to have discussed in detail before the Council the factual and legal weaknesses of the Court's decision would only have obscured the real matter at issue before the Council and, for that reason, the United States had chosen to reserve such a discussion for another place and time. For the moment, his delegation would merely ask whether those members of the Council who had voted in favour of the draft resolution really believed it would have bolstered the Court as a judicial institution or would have contributed in any way to bringing peace and justice to Central America. The speaker expressed his conviction that the answer lay in the evident intentions of Nicaragua in seeking a resolution, not for purposes that members of the Council might applaud, but as a cover for continued actions and behaviour contrary to the principles enshrined in the Charter. The United States had voted against the draft resolution because it would have painted an inaccurate picture of the true situation in Central America, because it would not have contributed to a comprehensive and peaceful settlement of the problems in the region and because it would have done a disservice to international law and institutions it purported to uphold.

Also speaking after the vote at the 2704th meeting, the representative of Nicaragua asserted that her country had come to the Council to deal with a matter that concerned not only Nicaragua but also the entire international community, namely, the very survival of the international legal order and the law itself. There was not a shadow of doubt, she contended, that if the United States complied with the Court's judgment peace in Central America would be much closer. She expressed her satisfaction at the affirmative vote of almost all the members of the Council in what was undoubtedly a vote for peace and respect of international law. On the other hand, the United States veto signified a lack of respect for the international legal order and the norms of peaceful coexistence among States and, *inter alia*, was a vote against the International Court of Justice.

CASE 12

In a letter dated 17 October 1986 to the President of the Security Council,⁵⁰ the Permanent Representative of Nicaragua explicitly invoked the provisions of Article 94 of the Charter and requested an emergency meeting of the Security Council to consider the non-compliance with the judgment dated 27 June 1986 of the International Court of Justice concerning military and paramilitary activities in and against Nicaragua.⁵¹

Addressing the 2715th meeting, on 21 October 1986, under the agenda item entitled, "Letter dated 17 October 1986 from the Permanent Representative of Nicaragua to the United Nations addressed to the President of the Security Council",⁵⁰ the Minister for Foreign Affairs of Nicaragua declared that the failure of the United States to comply with the provisional measures of the International Court of Justice handed down on 10 May 1984 was public and notorious. He maintained that events from 27 June 1986 to the present demonstrated that the United States Government remained determined to continue its war of aggression against Nicaragua, as exemplified by United States involvement in the flight of a C-123 transport plane downed in Nicaragua on 5 October, statements made by the United States Under-Secretary of State and the President, and recent attacks by United States-supported terrorist mercenaries. The Foreign Minister asserted that a particular statement by the United States President showed contempt for the International Court of Justice's judgment, for it gave the green light to, promoted and encouraged the commission of terrorist acts against Nicaragua. The United States President had also signed into law \$100 million to support the Contras, which attacked the underpinnings of the United Nations and the international juridical order. In the almost four months that had passed since the International Court of Justice had issued its judgment of 27 June 1986, it had been clear that the United States had not abided by the judgment, but rather had continued to act in clear and open violation of the judgment, while alleging that the Court did not have jurisdiction in the case. He argued that the United States had freely and legally entered into the commitment to accept the Court's jurisdiction when it signed and ratified the

Charter of the United Nations on 26 August 1946 and thus accepted, on the basis of Article 36, paragraph 2, of the Statute, the compulsory jurisdiction of the Court and the obligation to obey and comply with the decisions of the Court in any suit brought against it. Citing the provisions of Article 36, paragraph 6, of the Statute of the Court, the Foreign Minister asserted that the United States had no grounds whatsoever for failing to abide by the decision of the Court and that by so doing it was adding a new and grave violation to its countless violations of international law. Further, he called attention to the requirement established by Article 2, paragraph 3, of the Charter that all Members settle their international disputes by peaceful means and stressed that judicial settlement—recourse to the International Court of Justice—was one of the fundamental means of peaceful solution of disputes established in Chapter VI of the Charter. If the Security Council did not respond appropriately to such outlaw conduct by the United States, the Minister argued, the world community would see the failure of the means of peaceful settlement of disputes and the imposition of force as a valid element of international relations. That was why it was of the utmost importance for the Council, the United Nations and the entire international community to remind the United States of its obligation to abide by the Court's ruling by putting an end to its war of aggression against Nicaragua and setting in motion the negotiating process the Court itself had suggested in its decision.

Continuing, the Minister noted that in July, when Nicaragua last came before the Council owing to the escalation of United States aggression, it did not invoke Article 94 of the Charter in order to give the United States the benefit of the doubt with respect to the ruling of the Court and in order to keep open the last possibility that the United States would decide to comply with and do justice to its international obligations. However, today it was impossible to keep waiting for a change of heart, and it was on the basis of that reality that Nicaragua had come to ask the Council to urge upon the United States the inescapable necessity of fulfilling the judgment of 27 June 1986. Citing Article 94 of the Charter, the Minister underlined that there were no reasons or pretexts that would permit a State to avoid complying with a ruling of the International Court of Justice. The United States was therefore duty-bound to abide fully and immediately with the 27 June 1986 decision, even more so because that country was a permanent member of the Security Council. Expressly requesting the Council, in accordance with Article 94 of the Charter, to urge the United States to implement the judgment, the speaker declared that the future of the Organization would be seriously threatened if the United States were permitted to ignore its obligations under the Charter with impunity by violating the judgment and continuing its war of aggression against Nicaragua. He noted that Nicaragua was not requesting sanctions against the United States even though undoubtedly it had more than ample justification for so doing. It was simply asking that the Council remind the United States that in accordance with its obligations under the Charter it must immediately comply with the judgment of the International Court of Justice. Should the Council prove unable to do this, it would be tragic and would be explained only by the fact that there were inviolable Members in the United Nations, which would be a denial of the principle of the legal equality of States.

⁵⁰S/18415, *ibid.*, *Suppl. for Oct.-Dec. 1986*.

⁵¹*Military and Paramilitary Activities in and against Nicaragua*, *op. cit.*

At the 2716th meeting, on 22 October 1986, the representative of the United States stated that in contrast to previous Council meetings requested by Nicaragua, in the present instance Nicaragua had selected a new procedural vehicle for airing its complaint. However, the position of the United States Government concerning the absence of jurisdiction and competence on the part of the International Court of Justice to pass upon Nicaragua's allegations had long been a matter of public record. Declaring that acceptance of the jurisdiction of the Court was a matter of consent, the representative underlined that of the 14 other members of the Security Council, 11 did not accept the compulsory jurisdiction of the Court at all, and the remaining 3 had subjected their acceptance of the Court's jurisdiction to understandings and reservations. The United States did not accept the proposition that it had consented to the jurisdiction of the Court in the case brought by Nicaragua and, consequently, it did not believe that the current item brought by Nicaragua under Chapter XIV, Article 94, of the Charter had any merit. There was nothing in Chapter XIV, he asserted, that spoke to the question of jurisdiction and nothing anywhere in the Charter that could be said to create consent to jurisdiction where none existed. The representative maintained that to divert attention from its own reprehensible actions, Nicaragua had manipulated the International Court of Justice and other international forums.

The following speaker, the representative of India, commented that this was perhaps the first time that a Government had come to the Security Council under Article 94 of the Charter to seek compliance by a Member State with a judgment of the International Court of Justice. The representative quoted from the statement issued by the Eighth Conference of Heads of State or Government of Non-Aligned Countries, held at Harare in August/September 1986, in which those leaders urged the United States to comply with the relevant decisions of the International Court of Justice.

The representative of Peru referred to the central issue of whether or not States Members of the United Nations were protected by international law, whether the legal order was observed and respected and whether the international community did indeed rely on a collective system of guarantees that could ensure that Member States had the possibility of peaceful coexistence. Stating his belief that this fundamental global issue went beyond protagonists or partners and also beyond the framework of any bilateral dispute or given contentious issue, the speaker asserted that it raised for the United Nations, for the Council and for every Member State the question of whether the United Nations supported the international legal order, whether it protected the Charter and the system of guarantees laid down therein, or whether the international community had to admit that all were exposed to the law of the mighty. The representative warned that if inaction by the United Nations showed that those guarantees did not exist, Member States' status as independent sovereign States would be called into question and the capacity of the world Organization to fulfil the task for which it was established of consolidating peace and law was a fiction. What made the present conflict unique, he continued, was that it was a conflict in which the highest court of the world had already declared what was right and had pointed out the responsibilities in a decision that the Charter of the United Nations made it binding to respect. The present debate was of ex-

ceptional importance as concerned, *inter alia*, the legal order as a collective expression to regulate international relations. Besides its normative value for the present and the future, the decision of the International Court of Justice enabled the international community to have an objective judgement from the legal standpoint on a situation that was increasingly obscured by ideological struggle and criteria of a markedly military and political cast. Concluding, the speaker stated that Peru had discharged its duty as a member State of the international community in bringing to bear criteria and elements that allowed a judgement to be formed pursuant to the Council's responsibility in the implementation of the provisions of the Charter. Peru was convinced that for the benefit of all, large and small, the Council would find a way to reconcile the heterogeneity of its interests with the unanimous aspiration of humanity for an order founded on peace and law, and thus would arrive at the necessary agreements to preserve the international legal order.

The representative of Iraq underlined that among other important principles raised by the Council's present deliberations was the fact that, in accordance with the Charter, the International Court of Justice was the principal judicial organ of the United Nations and that, in accordance with Article 94, each Member had undertaken to comply with the Court's decision in any case to which it was a party. Another important principle raised was the clear obligation of the parties to any dispute the continuation of which was likely to endanger the maintenance of international peace and security to seek a solution by peaceful means and, as the Court's decision emphasized, that principle was enshrined in Article 33 of the Charter. He maintained that the central points in the judgment of 27 June 1986 reaffirmed the importance for all Member States of the Court's role as the principal judicial organ of the United Nations and a means for the peaceful settlement of disputes in the interest of international peace and security. In its landmark decision, which went far beyond Nicaragua and Central America, the International Court of Justice had thrown the fundamental obligations of membership in the United Nations into sharp relief. The representative asked whether compliance with the Court's judgment and the settlement of the dispute through negotiations conducted in good faith was not the best way to enhance the credibility of the United Nations. He wondered whether it was too much to hope that in the years to come the international community would be able to look back to June 1986 as a turning point in international relations—away from interference in the affairs of others and in the direction of respect for the solemn obligations of States under customary international law and the Charter of the United Nations.

At the 2716th meeting, on 22 October 1986, the representative of Mexico declared that the events that had prompted the Council meeting gave cause for grave concern for three basic reasons, the first being their implications for the international legal order. The Council was dealing with the request of a Member State to secure the faithful and complete implementation of Article 94 of the Charter, which was the cornerstone of the international order established at San Francisco. In it, each Member State undertook to comply with decisions of the International Court of Justice in any case to which it was a party. At the same time, it was agreed that if any party to a case failed to perform the obligations incumbent upon it under a judg-

ment rendered by the Court, the other party might have recourse to the Security Council, which might, if it deemed necessary, make recommendations or decide upon measures to be taken to give effect to the judgment. Thus it could easily be seen that bypassing Article 94 was tantamount to denying the full administration of international justice, to the detriment of all. Hence the importance of the Council's granting of Nicaragua's request, not merely as the unilateral request of a State but also as an expression of the collective outcry of the rest of the Members of the Organization. The Security Council had the historic opportunity to demonstrate a willingness to ensure that it had carried out its responsibility effectively, achieved the aims for which it was established and overcome its virtual paralysis resulting from an abusive exercise of the right of veto. The verdict at issue was clear and could not be disregarded.

At the same meeting, the representative of Cuba stated that his country supported Nicaragua's request that the United States abide by Article 94 of the Charter, complying without delay or subterfuge with the decision handed down by the International Court of Justice on 27 June 1986. The peoples of America eagerly hoped that the Security Council would adopt measures to bring about compliance with the decision of the Court.

The representative of Argentina stressed that it was essential to accept the role of the International Court of Justice in promoting the application of principles such as non-interference in the internal affairs of other States, non-intervention, respect for the territorial integrity of States, the non-use of force or the threat of force, the peaceful settlement of disputes and respect for human rights and the fundamental freedoms of all. In the specific case under consideration, the Court had merely applied the principles embodied in the Charter, stated the representative, who added that his country felt that respect for international law in the conduct of relations between States was fundamental. Hence, his Government urged that the decision of the Court be implemented. Specifically, Argentina shared in every way the legal concepts set out by Venezuela on 31 July 1986 when it addressed the Council on behalf of the Contadora and Support Groups.

Speaking at the 2716th meeting in right of reply, the Minister for Foreign Affairs of Nicaragua asserted that the representative of the United States knew that Nicaragua had never alleged or insinuated that the jurisdiction of the International Court of Justice over the parties derived solely from the fact that both Nicaragua and the United States were Members of the United Nations. The representative of the United States knew that the Court had laid down that it had jurisdiction and that each of the parties had freely and in exercise of its sovereignty accepted the jurisdiction of the Court and that, under the Charter, if the Court's jurisdiction were challenged, it was the Court, and the Court alone, that was to decide. The Foreign Minister contended that, legally and morally, the United States Government did not have a leg to stand on in defending its rejection of the Court's judgment. Perhaps the United States felt that the Court was a kangaroo court but, if not, he wondered why the United States Government did not respect that judgment and put an end to its war of aggression against Nicaragua.

At the 2717th meeting, on 27 October 1986, the representative of Venezuela noted with concern that despite the

decision of the International Court of Justice of 27 June 1986 and repeated appeals addressed by the Contadora Group and the Support Group, recent developments showed that the idea still persisted that peace in Central America could be attained by means of war.

At the same meeting, the representative of the Union of Soviet Socialist Republics stated that his delegation believed Nicaragua's present appeal to the Council was well founded and very timely. He stressed that the decision of the International Court of Justice had been given a positive reception by the overwhelming majority of the States members of the international community and noted that the Heads of State and Government of 100 members of the Movement of Non-Aligned Countries meeting at Harare had called upon the United States to comply with the decision. The Soviet representative pointed out that when Nicaragua had called on the Council in July to confirm the Court's decision, the position adopted by the majority of the Council's members in support of the international legal order had been rejected by the United States delegation, which alone had voted against the draft resolution⁵² submitted on the agenda item. He stressed his Government's belief that the decision of the International Court of Justice had to be implemented immediately and fully and that the Security Council had to state its authoritative opinion on the matter.

Also at the same meeting, the representative of Algeria pointed out that in its decision of 27 June 1986 the International Court of Justice had placed responsibility on the United States and in so doing required that there be full respect for the principles of the Charter of the United Nations in relations among States, regardless of differences in their systems and their disproportionate means. Another speaker, the representative of Bulgaria, declared that Nicaragua's request that the Council meet to consider the non-compliance with the Court's judgment was fully understandable, particularly in the context of the serious arguments cited by the Minister for Foreign Affairs of Nicaragua and new, irrefutable facts attesting to the escalation of tension in the region precisely because of the non-compliance with that judgment and the violation of fundamental principles of international law. The representative reminded the Council that the International Court of Justice had ruled that the United States must cease and desist immediately from all acts designed to strengthen military and paramilitary activities against Nicaragua. He maintained that it was a question not merely of putting the decision of the Court into effect, but of respect for and compliance with fundamental principles and elementary norms of international law on which the United Nations was based. The Court's judgment had not been respected, which, particularly in the context of other developments related to the area, prompted Bulgaria to share the deep concern of Nicaragua's Minister for Foreign Affairs and other delegations regarding the serious consequences of non-compliance with the decisions of the International Court of Justice.

The representative of Ghana noted that the request by Nicaragua that the Council enforce the judgment of the International Court of Justice was unprecedented, but was based on the juridical foundation enabled by Article 94, paragraph 2, of the Charter, and his delegation found the

⁵²S/18250, OR, 41st yr., Suppl. for July-Sept. 1986.

request to be in order. His delegation also shared the view that such consideration by the Council should concentrate on the facts as they impinged upon international law. The representative of Ghana declared that the judgment by the Court was of an historic nature, not only because of its momentous elaboration of the fundamental tenets of customary international law upon which the whole corpus of inter-state relations rested, but also because it represented a veritable voice of reason and objectivity in a world that had become accustomed to the use of violence to secure unilateral settlement of disputes. The Court, he recalled, had painstakingly appraised the evidence available to it and taken meticulous care not to prejudice the interests of the absent party, the United States, as it was required to do under Article 53 of its Statute. Its judgment was therefore widely concurred in and respected. Of particular significance to Ghana was that inherent in the Court's decision was a clear statement of what constituted right and wrong in inter-state relations. The judgment upheld the principles of the Charter and charted the course that the Council should pursue in its attempt to ensure the maintenance of international peace and security. Lacking the facility of law enforcement agencies to compel respect for its prescriptions, international law relied fundamentally on the goodwill and high sense of responsibility of all States in the discharge of their duties as members of the community of nations. Citing Article 94 of the Charter, the speaker stressed that the decisions of the International Court of Justice represented authoritative declarations that bound the parties in dispute before it. In that context, his Government shared the considered reasoning found in Justice Ruda's separate opinion, which declared that States cannot, as the United States Government sought to do by its letter of 18 January 1985 to the Court, reserve the right to comply with or disregard the Court's decisions. Consequently, Ghana was unable to subscribe to the view that the Court's decision was inapposite by reason of the political nature of the facts before it and impliedly inconsequential in regulating the future conduct of the United States or any country in Central America, in particular with regard to Nicaragua. While there was no question that a State might within its competence terminate its adherence to the compulsory jurisdiction of the International Court of Justice, such action must comply with the time limits established by the Court's procedures and practice, which that State undertook to respect when it accepted the jurisdiction of the Court in the first place. It was therefore difficult for the delegation of Ghana to agree with any assertions that contradicted settled practice in that regard.

Continuing, the representative of Ghana declared that more far-reaching in its practical consequences for the integrity and viability of the Court was the point of view that a State party to a dispute before it could assume unilateral powers and pronounce upon the Court's competence to handle such a dispute. The speaker, citing Article 36, paragraph 6, of the Court's Statute, pointed out that the founders of the United Nations had left determination as to the competence of the Court with respect to its jurisdiction in no doubt. It was difficult to understand what could only be regarded as the ambivalence exhibited by one party to the dispute in its attitude to the Court. The determination of the Court in respect of the obligations of a Member State under international customary law, and in the present case the Treaty of Friendship and Cooperation between the United States and Nicaragua, were clear and unambiguous.

It would be appropriate, therefore, for the Council to urge compliance with the International Court's judgment, for to do otherwise would be to cause the expectations of small States that protection existed under the Charter to be substantially revised. The speaker declared that Article 94, paragraph 2, of the Charter stipulated actions that the Council was entitled to take in the matter. The Council could either make recommendations or take measures to give effect to the judgment. The seriousness of the situation demanded that the Council not shirk its solemn responsibility for upholding the rule of law. Taking into account all the circumstances surrounding the consideration of the complaint, however, the delegation of Ghana hoped that members of the Council would agree that what the Council would like to see now was respect for the Court and its judgment in the present dispute. The speaker added that the Council, in its deliberations on the matter, might wish to note the collective view of the Heads of State or Government of the Movement of Non-Aligned Countries as reflected in their Declaration adopted in Harare.

Speaking in right of reply, the representative of the Union of Soviet Socialist Republics declared that the United States Government had nothing with which to counter the brilliant, juridical line of reasoning presented by the representative of Ghana.

Addressing the 2718th meeting, on 28 October 1986, on the same agenda item, the representative of Spain stated that scrupulous respect for the Charter and the decisions of the International Court of Justice had become the cornerstones not merely of the present juridical system but of relations and coexistence between States. In the present case, both the integrity of international law and the ability of the United Nations to discharge its responsibility for the maintenance of international peace and security were at stake. In the view of the delegation of Spain, it was not the time to enter into legal disquisitions on the competence of the International Court of Justice to hear the case and thus draw hypothetical conclusions about binding jurisdiction. The Court itself had settled the matter rightly in the light of the arguments set forth in the Court's decision and bearing in mind that under Article 36, paragraph 6, of the Court's Statute, which was binding upon both parties involved in the dispute, it was for the Court to decide whether it had jurisdiction. The representative stated that the principles of the Charter and the norms of customary law invoked in the Court's judgment constituted full legal obligations for all States. Furthermore, according to the Statute, the judgment calling for respect for those principles bore the full force of *res judicata*. Compliance with it was a political imperative of the first order, since respect for the foundations of the current international legal order was at issue. It was of the greatest importance that the peace process initiated by Contadora should benefit from respect for international law and not be hampered by the introduction of doubts about a judgment that all had accepted and whose applicability all had proclaimed.

Speaking before the same meeting of the Council, the representative of the Congo noted that in July 1986 the Council had not been able to adopt a consensus resolution on the judgment of the Court. He expressed the hope that the Council would now be able to agree on elements that could easily win general agreement, if only to preserve the opportunities for peace in accordance with the rules and usages of international law and the full symbolic value of

the Charter of the United Nations and the Statute of the International Court of Justice in the world of today.

The following speaker, the representative of Honduras, declared that the request brought by Nicaragua pursuant to Article 94 of the Charter was closely linked to the grave situation unfortunately obtaining in Central America and accordingly any decision taken by the Council in response to Nicaragua's request would inevitably have an impact on that crisis. For that reason, the Foreign Ministry of Honduras had instructed his delegation to draw the attention of the members of the Council and of the international community to the fact that, by raising the matter for discussion, Nicaragua was simply using the present forum and the highest judicial organ with the United Nations system for its own political ends with a clear propagandist intent, to the detriment of the prestige and dignity of the International Court of Justice. The speaker drew a parallel between the present attempt by the Nicaraguan Government and the suits it had brought before the International Court of Justice against Honduras and Costa Rica when it alleged that both countries were involved in activities that in fact originated in and occurred within Nicaraguan territory and were carried out by Nicaraguans. His Government did not merely disagree with the use of the Court for propagandistic purposes by any particular country but in the specific case, it condemned that attitude because it represented a further stumbling block placed by Nicaragua in the way of the peace process in Central America. The speaker asserted that, in resorting to other bodies, Nicaragua was impeding the Contadora process and had damaged the prestige of the highest court in the world. It was the view of Honduras that, in one way or another, the Council should put an end to the attempts by Nicaragua to use the Council and the Court in order to project an image that did not reflect the facts experienced by its people.

The representative of the Syrian Arab Republic stated that the complaint by Nicaragua related to the obligation on the part of Member States to abide by the judgments of the highest international judicial authority, the International Court of Justice. He referred to the Declaration of the Eighth Conference of Heads of State or Government of the Movement of Non-Aligned Countries held in Harare relating to the decision of the International Court of Justice. He added that the text of Article 94 of the Charter stated clearly that it was possible to resort to the Security Council when a Member failed to abide by a judgment of the Court. The Council should therefore decide on what steps should be taken to ensure that the judgment was executed. His Government urged the members of the Council to assume their full responsibilities to defend international legality and to constrain the United States to comply with the judgment of 27 June 1986.

The representative of Democratic Yemen asserted that, rather than comply with the judgment of the International Court of Justice, the United States had increased its interference in the internal affairs of Nicaragua. He stressed that Nicaragua had submitted its complaint against the United States to the International Court of Justice in accordance with Chapter VI of the United Nations Charter and relevant provisions in the Statute of the Court. The negative United States position with regard to that judgment was contrary to the position of Central America and also obstructed the efforts of the Contadora Group. His Government called upon the Security Council to prevail upon the United States

to accept the judgment so that a deterioration of the situation in Central America might be averted. The appeal to the United States to respect the decisions of the Court reflected the aspirations of the international community to preserve international peace and security and would facilitate efforts to establish peace and security in Central America.

The following speaker, the representative of the Islamic Republic of Iran, stressed that in the absence of a law enforcement agency for international law, the attitude of the permanent members of the Security Council towards the role of the Organization was of great significance, with respect for the judgments of the International Court of Justice in particular being of crucial importance. Regrettably, the United States was the best example of violators of international law as well as of the decisions of the Court. The basic question therefore was not the filing of a complaint against the United States in The Hague or in the Security Council, but whether, with that kind of attitude, there was really any future for international law or for the Organization. The decision the Council would be making was of very great importance to the whole Organization. The delegation of the Islamic Republic of Iran had been following the consultations and negotiations relating to the draft resolution⁵³ and knew, very sadly, how the victimized nations were pressured to make concessions simply because their adversary was an arrogant Power and a permanent member of the Council. The entire body of the United Nations was waiting to see how the Council would treat the International Court of Justice. The international community should condemn the illegal actions and irresponsible practices and policies of a permanent member of the Council towards its neighbour. The Council's decision would demonstrate whether its present members were going to destroy the United Nations or to revive, refresh and energize the Organization.

Thereafter, the President of the Council called attention to the draft resolution before the Council submitted by the delegations of the Congo, Ghana, Madagascar, Trinidad and Tobago and the United Arab Emirates.⁵³ The relevant paragraphs of the draft resolution read:

The Security Council,

...

Aware that, under the Charter of the United Nations, the International Court of Justice is the principal judicial organ of the United Nations and that each Member undertakes to comply with the decision of the Court in any case to which it is a party,

Considering that Article 36, paragraph 6, of the Statute of the Court provides that "In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court",

Taking note of the judgment of the International Court of Justice of 27 June 1986 in the case of "Military and Paramilitary Activities in and against Nicaragua",

Having considered the events that have taken place in and against Nicaragua after the said judgment, in particular, the continued financing by the United States of military and other activities in and against Nicaragua,

...

1. *Urgently calls for full and immediate compliance with the judgment of the International Court of Justice of 27 June 1986 in the case of Military and Paramilitary Activities in and against Nicaragua in conformity with the relevant provisions of the Charter;*

⁵³*ibid.*, *Suppl. for Oct.-Dec. 1986*, S/18428.

2. Requests the Secretary-General to keep the Council informed on the implementation of this resolution.

Speaking before the vote, the representative of Thailand declared that Article 94, paragraph 1, of the Charter contained a solemn undertaking by every State Member of the United Nations to comply with the decision of the International Court of Justice in any case to which it was a party. Noting the position of the United States on the competence and jurisdiction of the Court, the speaker stressed that it was a fact that in the determination of the Court, the United States was considered a party to the case in question. While Nicaragua had relied on Article 94, paragraph 2, of the Charter to request the Council to convene the present meeting, the Council, in so convening, had not *ipso facto* recognized that a party had indeed failed to perform the obligations incumbent upon it under the judgment at issue. Moreover, the Council was faced with a dilemma explicit in Article 94, paragraph 2, which was that the Council might make recommendations or decide upon measures under that provision only if it considered that a party had failed to perform its obligations under a judgment of the Court, a determination that was intrinsically legal in nature. That might be one of the reasons why the Article had not been invoked heretofore. In the speaker's view, the Council's initial concern should be to assist by practical means the process of achieving a peaceful settlement of the problem, bearing in mind its implications for the peace and security of all the countries in Central America. He asserted that the judgment of 27 June 1986 might constitute a central pillar, but it was not necessarily the only one needed to support possible action by the Council. There were certain legal principles, in particular the principle of non-intervention, which were generally recognized and were valid, with or without any elaboration by the Court. Indeed, the Court had recognized those principles as customary international law. At that stage, the delegation of Thailand believed it to be more constructive for the Council to attempt practical measures to assist the Contadora and the Support Groups. Therefore, without having to rely on Article 94, the Council could still play a useful role at that juncture. On the other hand, the representative cautioned, overreliance on Article 94 at that stage would prove counterproductive. To enhance its effectiveness in maintaining international peace and security, the Council should look for practical measures to bring about the desired results, especially in view of the fact that it had recently failed to adopt a draft resolution on a similar subject. Therefore, Thailand found that the draft resolution before the Council,⁵³ based as it was on Article 94, posed an unresolved dilemma for the Council, which, in the opinion of the Thai delegation, could have been asked to take more appropriate action in pursuit of a peaceful settlement. It was with regret, therefore, that Thailand would abstain on the draft resolution.

Speaking before the vote, the representative of the United States, announcing his intention to vote against the draft resolution, stated that the Council members had heard States that did not themselves accept the compulsory jurisdiction of the International Court of Justice denounce the United States for not accepting that which they themselves did not accept. He asserted that what was at stake was most emphatically not simply a legal question, despite Nicaragua's strenuous efforts to pretend otherwise. The international community could not sidestep the reality of the situation in Central America by hiding behind a decision of

the International Court of Justice, much less a decision that the Court had neither the jurisdiction nor competence to render. It did not suffice to claim, as some had done, that the Court must have had jurisdiction because Article 36, paragraph 6, of its Statute says that the Court may decide disputes concerning that jurisdiction. He declared that no court, not even the International Court of Justice, had the legal power to assert jurisdiction where no basis existed for that jurisdiction. The language and negotiating history of the Charter of the United Nations and the International Court of Justice, as well as the consistent interpretation of those instruments by the Court, the Security Council and Member States, made abundantly clear that the Court's claim of jurisdiction and competence in the present case was without foundation in law or fact. Approval by the Council of a resolution that simply ignored those fatal defects in Nicaragua's position before the Council would not serve the cause of peace in Central America. The draft resolution before the Council sought to present, in the guise of support for the 27 June 1986 decision of the Court, a one-sided picture of the situation in Central America.

The representative of China stated his view that the judgment of the International Court of Justice should be respected by the countries concerned.

The Council then proceeded to vote on the draft resolution,⁵⁴ which received 11 votes to 1, with 3 abstentions, and was not adopted owing to the negative vote of a permanent member of the Security Council.

Addressing the Council after the vote, the representative of Denmark stated that his country remained convinced of the important role of the International Court of Justice in the peaceful settlement of disputes and of the necessity for Member States to accept the Court's verdicts. As one of the few countries to have accepted the compulsory jurisdiction of the Court with no understandings or reservations, it was the view of Denmark that it would be appropriate if more Member States did likewise. It was Denmark's firm belief in, and support for, the principles of international justice that the Court represented that had led it to vote in favour of the draft resolution.

Also speaking after the vote, the representative of the United Kingdom of Great Britain and Northern Ireland stated that compliance by the parties with the decisions of the International Court of Justice was a clear Charter obligation, but that it was nothing less than presumptuous for Nicaragua to call for selective application of the Charter in that case. That was not respect for the Charter, but taking advantage of it for narrow political ends. While his delegation did not challenge the draft resolution on legal grounds, it was unable to support a draft resolution that failed to take account of the wider political factors and failed to acknowledge that Nicaragua had largely brought its troubles upon itself. His delegation therefore had abstained.

Speaking next, the representative of France asserted that the draft resolution contained questionable references to the judgment of 27 June 1986, both on matters of substance and on the Court's role, and for that reason his delegation had been obliged to abstain.

Also speaking after the vote, the representative of Ghana expressed regret that the Council had been unable to act in

⁵⁴Ibid.

favour of the judgment of the International Court of Justice and thereby underpin the Charter. Although the decision taken by the Council was legal, it was a paradigm of what could constitute regression unless the world community acted together and in good faith to contain the threat to international peace and security in Central America.

The representative of Nicaragua then stated that in the debate the United States had called into question the validity of the Court's judgment and the respect that was due to its findings. Nicaragua had the right and the duty to continue to use all the machinery of the United Nations for the peaceful settlement of disputes.

****Part V**

****RELATIONS WITH THE MILITARY STAFF COMMITTEE**

Chapter VII

**PRACTICE RELATIVE TO RECOMMENDATIONS TO THE GENERAL ASSEMBLY
REGARDING MEMBERSHIP IN THE UNITED NATIONS**

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INTRODUCTORY NOTE

The present chapter follows the format adopted for previous *Supplements*. The Council received no applications for admission and thus there was neither consideration nor decision taken by it in the period from 1 January 1985 to 31 December 1988. As in previous *Supplements*, part I would have set forth in tabular form applications for admission, consideration thereof and decisions taken by the Council. Parts II to VI would have reflected the procedures employed by the Council in the consideration of applications. Part VII deals with practices relating to the applicability of Articles 5 and 6 of the Charter.

During the period under review, the Council did not adopt new rules of procedure or amend the existing rules relating to the admission of new members.

Part I

TABLE OF APPLICATIONS AND OF ACTIONS TAKEN THEREON BY THE SECURITY COUNCIL AND THE GENERAL ASSEMBLY, 1985-1988

NOTE

The data in the previous volumes of the *Repertoire* were not supplemented by additional material during the period under review. However, the table in previous volumes should be consulted for an explanation of their organization. Further, the modifications in the table introduced in the earlier *Supplements* are to be maintained.

In connection with applications pending on 1 January 1985 (table D below) the Council had before it a note¹ dated 1 July 1987 circulating a letter of the same date from the observer of the Democratic People's Republic of Korea addressed to the President of the Council transmitting the text of a memorandum dated 22 June from the Ministry of Foreign Affairs of the Democratic People's Republic of Korea. The Council also had before it a note² by the President of the Security Council circulating the text of a letter dated 17 August from the observer of the Republic of Korea addressed to the President of the Council and its enclosure.

On the one hand, the Democratic People's Republic of Korea contended that the attempt to facilitate the simultaneous entry of the two Koreas into the United Nations was an "injustice" and that, since the question of Korea's membership in the United Nations was inseparable from the cause of national reunification, such an action would perpetuate the division of the country. The Democratic People's Republic of Korea further stressed that the question of United Nations membership was by its nature a question that must be discussed first within the two Koreas and that, if the question was brought to the United Nations by any State before the North and the South reached an agreement, it would be an infringement on the principle of national self-determination as well as a violation of Article 2, paragraph 7, of the Charter.

On the other hand, the Republic of Korea maintained that it had special claims to United Nations membership

on grounds that the country's birth and early history were inseparable from the actions of the Organization. The Republic of Korea recalled that it had been seeking its rightful place in the United Nations since it had first applied for membership in January 1949, but that, while the General Assembly had repeatedly determined that the Republic of Korea was fully qualified for membership,³ its quest for United Nations membership had been frustrated by the exercise of the veto by one of the permanent members of the Security Council. The Republic of Korea further maintained that the admission of both Koreas to the United Nations would increase opportunities for dialogue and cooperation between them, thereby enhancing chances for peace and unification in Korea, and that, therefore, the Republic of Korea was not opposed to North Korea's membership in the United Nations. The Republic of Korea also stressed that, contrary to the assertion by North Korea, membership of one or both Koreas would bridge the division between the two parts of Korea through peaceful dialogue and cooperation in the framework of the United Nations.

There were also a number of other notes by the President of the Council circulating letters from the Democratic People's Republic of Korea and the Republic of Korea containing passing references to the question of membership and reflecting the respective positions of the two parts of Korea along the lines described above.⁴ However, none of the letters sought explicitly to renew the pending applications of the Koreas, nor did the Council consider the matter during the period under review.

³The following General Assembly resolutions were cited: 296 G (IV) of 22 November 1949, 1017 A (XI) of 28 February 1957 and 1144 A (XII) of 25 October 1957.

⁴For the relevant texts, see S/17483 (Democratic People's Republic of Korea), *OR, 40th yr., Suppl. for July-Sept. 1985*; S/19026 (Republic of Korea), *OR, 42nd yr., Suppl. for July-Sept. 1987*; S/19040 (Democratic People's Republic of Korea), *ibid.*; S/19094 (Democratic People's Republic of Korea), *ibid.*; S/19272 (Democratic People's Republic of Korea), *OR, 42nd yr., Suppl. for Oct.-Dec. 1987*; S/20028 (Republic of Korea), *OR, 43rd yr., Suppl. for July-Sept. 1988*.

¹S/18958, enclosure, *OR, 42nd yr., Suppl. for July-Sept. 1987*.

²S/19054, enclosure, *ibid.*

- **A. APPLICATIONS RECOMMENDED BY THE SECURITY COUNCIL**
- **B. APPLICATIONS THAT FAILED TO OBTAIN A RECOMMENDATION**
- **C. DISCUSSION OF THE QUESTION IN THE SECURITY COUNCIL, 1985-1988**

D. APPLICATIONS PENDING ON 1 JANUARY 1985

<i>Applicant</i>	<i>Date of application</i>	<i>Document</i>
Republic of Korea	19 January 1949	S/1238, <i>OR</i> , 4th yr. <i>Suppl. for Feb. 1949</i>
Democratic People's Republic of Korea	9 February 1949	S/1247, <i>ibid.</i>

- **E. APPLICATIONS SUBMITTED BETWEEN 1 JANUARY 1985 AND
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- **F. VOTES IN THE SECURITY COUNCIL ON DRAFT RESOLUTIONS AND AMEND-
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- **G. VOTES IN THE GENERAL ASSEMBLY ON DRAFT RESOLUTIONS CONCERNING
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IN THE UNITED NATIONS, 1985-1988**

****Part II**

**CONSIDERATION OF THE ADOPTION OR AMENDMENT OF
RULES 58-60 OF THE PROVISIONAL RULES OF PROCEDURE**

****Part III**

PRESENTATION OF APPLICATIONS

****Part IV**

**REFERENCE OF APPLICATIONS TO THE COMMITTEE ON
THE ADMISSION OF NEW MEMBERS**

****Part V**

**PROCEDURES IN THE CONSIDERATION OF APPLICATIONS
WITHIN THE SECURITY COUNCIL**

****Part VI**

**THE ROLE OF THE GENERAL ASSEMBLY AND
THE SECURITY COUNCIL**

Part VII

**PRACTICES RELATIVE TO THE APPLICABILITY OF
ARTICLES 5 AND 6 OF THE CHARTER**

NOTE

In accordance with Article 5 of the Charter, a Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. Article 6 stipulates that a

Member of the United Nations which has persistently violated the principles of the Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.

During the period under review, the Security Council neither took nor considered any measures involving Articles 5 or 6 of the Charter.

There were, however, three occasions when Article 5 was referred to implicitly and when measures were suggested in fulfilment of the Charter provision during the Council's consideration of the situation in the Arab occupied territories.⁵

There were also three instances in which there were explicit references to Article 6 in connection with the Council's consideration of agenda items relating to South Africa.⁶

Furthermore, there were a few occasions where Article 6 was referred to implicitly in connection with the Council's consideration of various agenda items dealing with South Africa.⁷

⁵For implicit references to Article 5 in connection with the consideration of the situation in the occupied Arab territories, see S/PV.2644, p. 18 (PLO), and p. 37 (Syrian Arab Republic); and S/PV.2645, pp. 34 and 35 (Libyan Arab Jamahiriya).

⁶For explicit references to Article 6 in connection with the consideration of the complaint by Angola against South Africa, see S/PV.2597, p. 12 (Madagascar); S/PV.2616, p. 27 (Madagascar); and, in connection with the situation in southern Africa, S/PV.2686, p. 12 (Madagascar).

⁷For implicit references to Article 6 in connection with the consideration of the situation in Namibia, see S/PV.2587, p. 10 (Libyan Arab Jamahiriya); S/PV.2758, p. 32 (Angola); in connection with the question of South Africa, S/PV.2602, p. 22 (Syrian Arab Republic); in connection with the complaint by Angola against South Africa, S/PV.2606, pp. 12 and 13 (Angola); and, in connection with the situation in southern Africa, S/PV.2657, p. 18 (Libyan Arab Jamahiriya).

Chapter VIII

**CONSIDERATION OF QUESTIONS UNDER THE COUNCIL'S RESPONSIBILITY FOR
THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY**

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INTRODUCTORY NOTE

The principles underlying the organization and presentation of the material found in chapters VIII-XII of this *Supplement* are the same as for the previous volumes of the *Repertoire*. Those volumes should be consulted for a full statement of such principles.

Chapter VIII contains the chain of proceedings on the substance of each of the questions included in part I of the report of the Security Council to the General Assembly, entitled "Questions considered by the Security Council under its responsibility for the maintenance of international peace and security." The range of questions may be deemed to fall under chapters VI and VII of the Charter. Ancillary material from the *Official Records* bearing on relevant Articles of the Charter is presented in chapters X-XII. References to the ancillary material are given at the appropriate points in the entries for each question in this chapter.

As an outline of the proceedings of the Council in respect of the questions included in its agenda, chapter VIII constitutes a framework within which the ancillary legal and constitutional discussion recorded in chapters X-XII may be considered. The chapter is, therefore, an aid to the examination of the deliberations of the Council expressly related to the provisions of the Charter within the context of the chain of proceedings on the agenda item.

The questions are dealt with in the chronological order of their inclusion in the agenda of the Council.¹

Those questions which had been included in the Council's agenda before the period under review are presented in the order in which the Council resumed their considera-

tion.² They are: the situation in the Middle East; the situation between Iran and Iraq; the question of South Africa; the situation in Namibia; the situation in Cyprus; the complaint by Angola against South Africa; the Middle East problem, including the Palestinian question; the complaint by Lesotho against South Africa; the situation in the occupied Arab territories; and the situation concerning Western Sahara.

The framework of the material for each question is provided by the succession of affirmative and negative decisions within the purview of this chapter. Decisions related to the subject matter of chapters I-VI of the *Repertoire* are, as a rule, omitted as not relevant to the purpose of this chapter or of the ancillary chapters X-XII. The decisions are entered in uniform manner. Affirmative decisions are entered under a heading indicative of the content of the decision, and negative decisions are entered under a heading indicative solely of the origin of the proposal or draft resolution. Affirmative decisions have been reproduced in full as constitutive of the practice of the Council, while negative decisions are indicated in summarized form. Where the negative decision relates to a draft resolution in connection with which discussion has taken place concerning the application of the Charter, the text of the relevant parts of the draft resolution will in most instances be found in chapters X-XII.

As in the previous volumes of the *Repertoire*, an analytical table of measures adopted by the Council arranged broadly by type of measure has been included as part I of chapter VIII. This table should be regarded as of the nature of an index to chapter VIII; and no constitutional significance should be attached to the headings. In certain instances main headings and subheadings have been added, deleted or modified in order to adjust the table to the recent changes in the nature of the measures adopted by the Council.

¹For a tabulation of the data on submission, see chap. X, part III. As indicated in the editorial note, the questions included in the agenda of the Council during the years 1985-1988 appear under conventional short titles.

²See chapter II, "Agenda", part IV, B (1b), of the present *Supplement*.

Part I

ANALYTICAL TABLE OF MEASURES ADOPTED BY THE SECURITY COUNCIL

NOTE

As in the previous volumes of the *Repertoire*, the entries in this tabulation are restricted to a reference to the question, the date of the decision and the serial number of the decision. Preambular references are not included except where related to determination of the nature of the question.

I. Preliminary measures for the elucidation of fact

Encouragement to the Secretary-General to carry out investigations in response to allegations brought to his attention by any Member State concerning the possible use of chemical weapons

The situation between Iran and Iraq
Decision of 26 August 1988 (res. 620 (1988)), para. 2

II. Determination of the nature of the question

A. Existence of a breach of the peace

The situation between Iran and Iraq
Decision of 20 July 1987 (res. 598 (1987)), preamble

B. A threat to, or an endangering of, international peace and security

The situation between Iran and Iraq
Decision of 24 February 1986 (res. 582 (1986)), preamble
Decision of 8 October 1986 (res. 588 (1986)), preamble

Complaint by Angola against South Africa

Decision of 20 June 1985 (res. 567 (1985)), para. 1
Decision of 20 September 1985 (res. 571 (1985)), preamble, para. 1
Decision of 7 October 1985 (res. 574 (1985)), preamble, para. 1
Decision of 6 December 1985 (res. 577 (1985)), preamble
Decision of 25 November 1987 (res. 602 (1987)), preamble

C. Acts or policies having wider implications for international peace and security

The question of South Africa
Decision of 13 June 1986, President's statement, para. 1

The situation in Namibia
Decision of 19 June 1985 (res. 566 (1985)), preamble

The situation in southern Africa
Decision of 13 February 1986 (res. 581 (1986)), preamble

D. A threat to, or an endangering of, the security of a region

The situation between Iran and Iraq
Decision of 16 January 1987, President's statement, para. 2

The situation in Namibia
Decision of 19 June 1985, (res. 566 (1985)), preamble

The situation in southern Africa
Decision of 13 February 1988 (res. 581 (1988)), preamble

E. A threat to, or an endangering of, peace and security in a region

The situation between Iran and Iraq
Decision of 15 March 1985, President's statement, para. 1
Decision of 21 March 1986, President's statement, para. 5
Decision of 14 May 1987, President's statement, para. 4

Letter dated 1 October 1985 from the Permanent Representative of Tunisia to the United Nations addressed to the President of the Security Council
Decision of 4 October 1985 (res. 573 (1985)), preamble

Complaint by Lesotho against South Africa
Decision of 30 December 1985 (res. 580 (1985)), preamble

The situation in southern Africa

Decision of 13 February 1988 (res. 581 (1988)), preamble

F. An aggravation of tensions, or of a threat to security, in a region

The situation between Iran and Iraq

Decision of 16 January 1987, President's statement, para. 2

The question of South Africa

Decision of 13 June 1986, President's statement, para. 1

The situation in southern Africa

Decision of 13 February 1986 (res. 581 (1986)), preamble
Statement by the President of the Security Council (in connection with the incident of 20 June 1988)

Decision of 24 June 1988, President's statement, para. 5

G. A situation having grave or adverse consequences for endeavours to achieve peace in a region

The situation in the occupied Arab territories

Decision of 22 December 1987 (res. 605 (1987)), preamble

Decision of 26 August 1988, President's statement, para. 3

The situation in southern Africa

Decision of 16 March 1988 (res. 610 (1988)), preamble
Decision of 17 June 1988 (res. 615 (1988)), preamble

H. An act of aggression against, or a violation of, the sovereignty and territorial integrity of a country

Complaint by Angola against South Africa

Decision of 20 June 1985 (res. 567 (1985)), para. 1
Decision of 20 September 1985 (res. 571 (1985)), para. 1
Decision of 7 October 1985 (res. 574 (1985)), para. 1
Decision of 6 December 1985 (res. 577 (1985)), para. 2
Decision of 25 November 1987 (res. 602 (1987)), preamble, paras. 1, 2

Letter dated 17 June 1985 from the Permanent Representative of Botswana to the United Nations addressed to the President of the Security Council

Decision of 21 June 1985 (res. 568 (1985)), para. 1

Letter dated 1 October 1985 from the Permanent Representative of Tunisia to the United Nations addressed to the President of the Security Council

Decision of 4 October 1985 (res. 573 (1985)), preamble

Complaint by Lesotho against South Africa

Decision of 30 December 1985 (res. 580 (1985)), preamble, para. 1

Letter dated 19 April 1988 from the Permanent Representative of Tunisia to the United Nations addressed to the President of the Security Council

Decision of 25 April 1988 (res. 611 (1988)), preamble, para. 1

I. A violation of the sovereignty, independence and territorial integrity of a country

Statement by the President of the Security Council (in connection with the incident of 20 June 1988)

Decision of 24 June 1988, President's statement, para. 1

J. The violation of international humanitarian law and other laws of armed conflict

The situation between Iran and Iraq

Decision of 22 December 1986, President's statement, para. 3

Decision of 14 May 1987, President's statement, para. 4
Decision of 20 July 1987, (res. 598 (1987)), preamble

- K. The use of chemical weapons in violation of the Geneva Protocol of 1925
- The situation between Iran and Iraq
 - Decision of 21 March 1986, President's statement, para. 3
 - Decision of 14 May 1987, President's statement, para. 2
 - Decision of 20 July 1987 (res. 598 (1987)), preamble
 - Decision of 9 May 1988 (res. 612 (1987)), preamble, para. 2
 - Decision of 26 August 1988 (res. 620 (1988)), preamble, para. 1
- L. Policies or practices which violate fundamental human rights
- The question of South Africa
 - Decision of 16 April 1987, President's statement, para. 2
 - The situation in Namibia
 - Decision of 21 August 1987, President's statement, para. 2
 - The situation in the occupied Arab territories
 - Decision of 22 December 1987 (res. 605 (1987)), para. 1
 - Decision of 26 August 1988, President's statement, para. 2
 - The situation in southern Africa
 - Decision of 16 April 1987, President's statement, para. 2
- M. The taking of hostages and abductions as offences of grave concern to the international community, having severe adverse consequences for the rights of the victims and for the promotion of friendly relations and cooperation among States
- Letter dated 16 December 1985 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council
 - Decision of 18 December 1985 (res. 579 (1985)) preamble
- N. Apartheid as the root cause of the situation in South Africa or in the region
- Complaint by Lesotho against South Africa
 - Decision of 30 December 1985 (res. 580 (1985)), preamble
 - The question of South Africa
 - Decision of 16 April 1987, President's statement, para. 3
 - The situation in southern Africa
 - Decision of 16 April 1987, President's statement, para. 3
 - Statement by the President of the Security Council (in connection with the incident of 20 June 1988)
 - Decision of 24 June 1988, President's statement, para. 6
- III. Injunctions to Governments and authorities involved in disputes and situations**
- A. Call for cessation of hostilities, military operations, armed attacks or other acts of aggression
- The situation between Iran and Iraq
 - Decision of 15 March 1985, President's statement, para. 2
 - Decision of 25 April 1985, President's statement, para. 4
 - Decision of 24 February 1986 (res. 582 (1986)), para. 3
 - Decision of 20 July 1987 (res. 598), para. 1
 - Decision of 8 August 1988, President's statement, para. 4
 - The situation in Namibia
 - Decision of 21 August 1987, President's statement, para. 4
 - Complaint by Angola against South Africa
 - Decision of 20 June 1985 (res. 567 (1985)), para. 3
 - Decision of 20 September 1985 (res. 571 (1985)), para. 3
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 - Decision of 6 December 1985 (res. 577 (1985)), para. 4
 - Decision of 25 November 1987 (res. 602 (1987)), para. 4
 - Letter dated 17 June 1985 from the Permanent Representative of Botswana to the United Nations addressed to the President of the Security Council
 - Decision of 21 June 1985 (res. 568 (1985)), para. 3
- Complaint by Lesotho against South Africa
 - Decision of 30 December 1985 (res. 580 (1985)), para. 7
- Statement by the President of the Security Council (in connection with the incident of 20 June 1988)
 - Decision of 24 June 1988, President's statement, para. 5
- B. Call to desist from acts violating the sovereignty and territorial integrity of a State
- Complaint by Angola against South Africa
 - Decision of 20 June 1985 (res. 567 (1985)), para. 3
 - Decision of 20 September 1985 (res. 571 (1985)), para. 3
 - Decision of 7 October 1985 (res. 574 (1985)), para. 3
 - Complaint by Lesotho against South Africa
 - Decision of 30 December 1985 (res. 580 (1985)), para. 7
- C. Call to refrain from the use or threat of force
- Letter dated 1 October 1985 from the Permanent Representative of Tunisia to the United Nations addressed to the President of the Security Council
 - Decision of 4 October 1985 (res. 573 (1985)), para. 2
 - The situation in southern Africa
 - Decision of 13 February 1986 (res. 581 (1986)), para. 2
- D. Call for cessation of violence against civilians
- The situation in the Middle East
 - Decision of 24 May 1985, President's statement, para. 2
 - Decision of 31 May 1985 (res. 564 (1985)), para. 1
 - The situation between Iran and Iraq
 - Decision of 5 March 1985, President's statement
 - Decision of 16 March 1988, President's statement, para. 4
- E. Call to desist from acts that lead to the escalation of a conflict
- The situation between Iran and Iraq
 - Decision of 16 March 1988, President's statement, para. 4
- F. Cessation or avoidance of violent acts
- The situation in the Middle East
 - Decision of 6 June 1986, President's statement, para. 4
 - Decision of 2 December 1986, President's statement
 - Decision of 8 December 1986 (res. 592 (1986)), para. 5
 - Decision of 19 March 1987, President's statement, para. 3
 - Complaint by Lesotho against South Africa
 - Decision of 30 December 1985 (res. 580 (1985)), para. 7
- G. Call on States not to allow its territory to be used as a springboard for attacks against neighbouring countries
- Complaint by Lesotho against South Africa
 - Decision of 30 December 1985 (res. 580 (1985)), para. 7
- H. Call for the withdrawal of armed forces
- The situation in the Middle East
 - Decision of 23 September 1986 (res. 587 (1986)), para. 7
 - Decision of 31 October 1986, President's statement, para. 7
 - The situation between Iran and Iraq
 - Decision of 24 February 1986 (res. 582 (1986)), para. 3
 - Decision of 20 July 1987 (res. 598 (1987)), para. 1
 - Complaint by Angola against South Africa
 - Decision of 20 June 1985 (res. 567 (1985)), para. 3
 - Decision of 20 September 1985 (res. 571 (1985)), para. 3
 - Decision of 7 October 1985 (res. 574 (1985)), para. 3
 - Decision of 6 December 1985 (res. 577 (1985)), para. 4
 - Decision of 25 November 1987 (res. 602 (1987)), para. 4
- I. Call to observe a ceasefire
- The situation in the Middle East
 - Decision of 13 February 1987, President's statement, para. 2
 - The situation between Iran and Iraq
 - Decision of 24 February 1986 (res. 582 (1986)), para. 3
 - Decision of 20 July 1987 (res. 598 (1987)), para. 1
 - Decision of 8 August 1988, President's statement, para. 3

- J. Call for the respect of the territorial integrity of States not parties to hostilities
The situation between Iran and Iraq
Decision of 21 March 1986, President's statement, para. 6
Decision of 22 December 1986, President's statement, para. 3
- K. Call for the cessation of the illegal occupation or administration of a Territory
The situation in Namibia
Decision of 21 August 1987, President's statement, para. 6
Decision of 29 September 1988, President's statement, para. 3
- L. Call for restraint by the parties
The situation in the Middle East
Decision of 24 May 1985, President's statement, para. 4
Decision of 6 June 1986, President's statement, para. 4
Decision of 2 December 1986, President's statement
Decision of 6 December 1986 (res. 592 (1986)), para. 5
The situation between Iran and Iraq
Decision of 8 August 1988, President's statement, para. 4
Statement by the President
Decision of 30 December 1985, President's statement, para. 3
The situation in the occupied Arab territories
Decision of 22 December 1987 (res. 605 (1987)), para. 4
- M. Call to refrain from taking any action inconsistent with a party's obligations
Statement by the President
Decision of 30 December 1985, President's statement, para. 3
- N. Call for strict observance of the Geneva Protocol of 1925
The situation between Iran and Iraq
Decision of 25 April 1985, President's statement, para. 3
Decision of 21 March 1986, President's statement, para. 4
Decision of 14 May 1987, President's statement, para. 3
Decision of 9 May 1988 (res. 612 (1988)), paras. 1, 3
- O. Desistance from policies and practices in violation of the Fourth Geneva Convention of 1949
The situation in the occupied Arab territories
Decision of 22 December 1987 (res. 605 (1987)), para. 3
- P. Obligation of all States in whose territory hostages or abducted persons are held urgently to take all appropriate measures to secure their safe release
Letter dated 16 December 1985 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council
Decision of 18 December 1985 (res. 579 (1985)), para. 3
- Q. Call to refrain from the use of mercenaries
The situation in southern Africa
Decision of 13 February 1986 (res. 581 (1986)), para. 2
- R. Call for cessation of violence against, or repression of, a people
The situation in Namibia
Decision of 21 August 1987, President's statement, para. 4
The situation in southern Africa
Decision of 13 February 1986 (res. 581 (1986)), para. 8
- S. Call to rescind an action determined by the Council to be legally invalid
The situation in Namibia
Decision of 3 May 1985, President's statement, para. 5
Decision of 19 June 1985 (res. 566 (1985)), para. 5
- T. Call to rescind a state of emergency or related measures
The question of South Africa
Decision of 26 July 1985 (res. 569 (1985)), para. 3
Decision of 13 June 1986, President's statement, para. 2
Decision of 16 April 1987, President's statement, para. 2
The situation in southern Africa
Decision of 13 February 1986 (res. 581 (1986)), para. 8
- U. Call to rescind a death sentence or related charges
The question of South Africa
Decision of 12 March 1985 (res. 560 (1985)), para. 4
Decision of 20 August 1985, President's statement, para. 3
Decision of 17 October 1985, President's statement, para. 4
Decision of 16 March 1988 (res. 610 (1988)), para. 1
Decision of 17 June 1988 (res. 615 (1988)), para. 1
Decision of 23 November 1988 (res. 623 (1988)), para. 3
- V. Call for the immediate or unconditional release of all political detainees
The question of South Africa
Decision of 12 March 1985 (res. 560 (1985)), paras. 3, 4
Decision of 21 August 1985, President's statement, para. 3
Decision of 13 February 1986 (res. 581 (1986)), para. 8
Decision of 13 June 1986, President's statement, para. 2
Decision of 16 April 1987, President's statement, para. 3
The situation in Namibia
Decision of 21 August 1987, President's statement, para. 3
- W. Call to refrain from deporting civilians from occupied territories
The situation in the occupied Arab territories
Decision of 5 January 1988 (res. 607 (1988)), para. 2
Decision of 14 January 1988 (res. 608 (1988)), paras. 1, 2
Decision of 26 August 1988, President's statement, para. 2
- IV. Measures in connection with injunctions to be taken by the Governments and authorities directly involved in hostilities**
- A. To safeguard civilian lives
The situation in the Middle East
Decision of 13 February 1987, President's statement, para. 4
Decision of 19 March 1987, President's statement, para. 3
- B. To alleviate human suffering resulting from acts of violence
The situation in the Middle East
Decision of 31 May 1985 (res. 564 (1985)), para. 3
Decision of 2 December 1986, President's statement
- C. To facilitate the provision of humanitarian assistance to civilians
The situation in the Middle East
Decision of 31 May 1985 (res. 564 (1985)), para. 3
Decision of 2 December 1986, President's statement
Decision of 13 February 1987, President's statement, paras. 2, 3
Decision of 19 March 1987, President's statement, para. 2
- D. To ensure the safety of all personnel providing humanitarian assistance to civilians
The situation in the Middle East
Decision of 31 May 1985 (res. 564 (1985)), para. 3
- E. To release and repatriate prisoners of war
The situation between Iran and Iraq
Decision of 24 February 1986 (res. 582 (1986)), para. 4
Decision of 20 July 1987 (res. 598 (1987)), para. 3
- F. To release any person detained in violation of the Fourth Geneva Convention of 1949
The situation in the Middle East
Decision of 8 December 1986 (res. 592 (1986)), para. 4

- G. To ensure the return of civilians deported from occupied territories
The situation in the occupied Arab territories
Decision of 14 January 1988 (res. 608 (1988)), para. 1
Decision of 26 August 1988, President's statement, para. 2
- H. To abide by the Fourth Geneva Convention of 1949
The situation in the Middle East
Decision of 8 December 1986 (res. 592 (1986)), para. 3
The situation in the occupied Arab territories
Decision of 22 December 1987 (res. 605 (1987)), para. 3
Decision of 5 January 1988 (res. 607), para. 3
- I. To respect the right of free navigation and commerce, and the operation of offshore installations
The situation between Iran and Iraq
Decision of 22 December 1986, President's statement, para. 3
- J. To pay or receive compensation for damage suffered as a result of an aggressive act
Complaint by Angola against South Africa
Decision of 20 September 1985 (res. 571 (1985)), para. 6
Decision of 6 December 1985 (res. 577 (1985)), para. 7
Letter dated 17 June 1985 from the Permanent Representative of Botswana to the United Nations addressed to the President of the Security Council
Decision of 21 June 1985 (res. 568 (1985)), para. 5
Letter dated 26 September 1985 from the Permanent Representative of Botswana to the United Nations addressed to the President of the Security Council
Decision of 30 September 1985 (res. 572 (1985)), para. 4
Letter dated 1 October 1985 from the Permanent Representative of Tunisia to the United Nations addressed to the President of the Security Council
Decision of 4 October 1985 (res. 573 (1985)), para. 4
Complaint by Lesotho against South Africa
Decision of 30 December 1985 (res. 580 (1985)), para. 2
- V. Measures in connection with injunctions to be taken by other Governments and authorities**
- A. To refrain from any action which would undermine the independence, territorial integrity and sovereignty of a State
Complaint by Angola against South Africa
Decision of 25 November 1987 (res. 602 (1987)), para. 6
- B. To refrain from any act which might lead to a further escalation and widening of a conflict
The situation between Iran and Iraq
Decision of 24 February 1986 (res. 582 (1986)), para. 7
Decision of 20 July 1987 (res. 598 (1987)), para. 5
- C. To refrain from carrying out, supporting or promoting any action against a State which might impede the peace objectives of a regional group
Letter dated 6 May 1985 from the Permanent Representative of Nicaragua to the United Nations addressed to the President of the Security Council
Decision of 10 May 1985 (res. 562 (1985)), para. 3
- D. To exercise utmost restraint
The situation between Iran and Iraq
Decision of 24 February 1986 (res. 582 (1986)), para. 7
Decision of 20 July 1987 (res. 598 (1987)), para. 5
- E. To strictly control the export to parties in a conflict of chemical products serving for the production of chemical weapons
The situation between Iran and Iraq
Decision of 9 May 1988 (res. 612 (1988)), para. 4
Decision of 26 August 1988 (res. 620 (1988)), para. 3
- F. To exert pressure on a Government:
- To comply with the Charter
Complaint by Angola against South Africa
Decision of 20 September 1985 (res. 571 (1985)), para. 8
 - To respect the sovereignty and territorial integrity of a neighbouring State
Complaint by Angola against South Africa
Decision of 20 September 1985 (res. 571 (1985)), para. 8
 - To desist from all acts of aggression against neighbouring States
Complaint by Angola against South Africa
Decision of 20 September 1985 (res. 571 (1985)), para. 8
The situation in southern Africa
Decision of 13 February 1986 (res. 581 (1986)), para. 5
- G. To take measures to dissuade or prevent a country from resorting to acts of aggression
Letter dated 1 October 1985 from the Permanent Representative of Tunisia to the United Nations addressed to the President of the Security Council
Decision of 4 October 1985 (res. 573 (1985)), para. 3
Letter dated 19 April 1988 from the Permanent Representative of Tunisia to the United Nations addressed to the President of the Security Council
Decision of 25 April 1988 (res. 611 (1988)), para. 2
- H. To fully implement an arms embargo
Complaint by Angola against South Africa
Decision of 20 September 1985 (res. 571 (1985)), para. 4
Decision of 7 October 1985 (res. 574 (1985)), para. 5
- I. To adopt appropriate voluntary measures against a State
The question of South Africa
Decision of 26 July 1985 (res. 569 (1985)), para. 6
The situation in Namibia
Decision of 19 June 1985 (res. 566 (1985)), para. 14
- J. To use influence and take urgent measures to save the lives of condemned civilians
The question of South Africa
Decision of 16 March 1988 (res. 610 (1988)), para. 2
Decision of 17 June 1988 (res. 615 (1988)), para. 2
- K. To ensure respect for the Fourth Geneva Convention of 1949
The situation in the occupied Arab territories
Decision of 26 August 1988, President's statement, para. 4
- L. To repudiate, or refrain from recognizing, the establishment of a so-called interim government in a Territory
The situation in Namibia
Decision of 3 May 1985, President's statement, para. 4
Decision of 19 June 1985 (res. 566 (1985)), para. 4
- M. To observe the international rules and practices concerning the safety of civil aviation
Letter dated 5 July 1988 from the Acting Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council
Decision of 20 July 1988 (res. 616 (1988)), para. 4
- N. To provide assistance:
- Necessary to a State
Letter dated 17 June 1985 from the Permanent Representative of Botswana to the United Nations addressed to the President of the Security Council
Decision of 21 June 1985 (res. 568 (1985)), para. 9
 - To strengthen the defence capacity of certain States
Complaint by Angola against South Africa
Decision of 20 September 1985 (res. 571 (1985)), para. 5
Decision of 7 October 1985 (res. 574 (1985)), para. 6
Decision of 6 December 1985 (res. 577 (1985)), para. 6

3. To facilitate reconstruction of a State's economic infrastructure
Complaint by Angola against South Africa
Decision of 6 December 1985 (res. 577 (1985)), para. 8
 4. To strengthen the capacities of States to receive, maintain and protect refugees
Complaint by Lesotho against South Africa
Decision of 30 December 1985 (res. 580 (1985)), para. 5
The situation in southern Africa
Decision of 13 February 1986 (res. 581 (1986)), para. 10
 5. In fields identified in the report of a subsidiary body
Letter dated 26 September 1985 from the Permanent Representative of Botswana to the United Nations addressed to the President of the Security Council
Decision of 30 September 1985 (res. 572 (1985)), para. 5
 - O. To increase moral and material assistance to a people
The situation in Namibia
Decision of 19 June 1985 (res. 566 (1985)), para. 2
- VI. Measures for settlement**
- A. Compliance with the purposes and principles of the Charter of the United Nations
The situation between Iran and Iraq
Decision of 15 March 1985, President's statement, para. 2
Complaint by Lesotho against South Africa
Decision of 30 December 1985 (res. 580 (1985)), paras. 6, 7
 - B. Compliance with other instruments of international law
Complaint by Lesotho against South Africa
Decision of 30 December 1985 (res. 580 (1985)), para. 6
 - C. Pacific settlement of disputes endorsed or recommended
The situation in the Middle East
Decision of 6 June 1986, President's statement, para. 4
Decision of 8 December 1986 (res. 592 (1986)), para. 5
Decision of 13 February 1987, President's statement, para. 4
Decision of 19 March 1987, President's statement, para. 3
The situation between Iran and Iraq
Decision of 15 March 1985, President's statement, para. 2
Decision of 25 April 1985, President's statement, para. 4
Decision of 24 February 1986 (res. 582 (1986)), para. 5
Decision of 22 December 1986, President's statement, para. 2
Decision of 16 January 1987, President's statement, para. 5
The question of South Africa
Decision of 16 April 1987, President's statement, para. 3
The situation in Namibia
Decision of 29 September 1988, President's statement, para. 6
Letter dated 6 May 1985 from the Permanent Representative of Nicaragua to the United Nations addressed to the President of the Security Council
Decision of 10 May 1985 (res. 562 (1985)), para. 4
Complaint by Lesotho against South Africa
Decision of 22 December 1987 (res. 605 (1987)), para. 5
The situation in the occupied Arab territories
Decision of 22 December 1987 (res. 605 (1987)), para. 5
 - D. Agreement by the Council to employ appropriate measures available under the Charter when considering international disputes, threats to the peace, breaches of the peace and acts of aggression
United Nations for a better world and the responsibility of the Security Council in maintaining international peace and security
Decision of 26 September 1985, President's statement, para. 6
 - E. Procedures of pacific settlement endorsed or recommended
 1. Direct negotiations
The situation between Iran and Iraq
Decision of 8 August 1988, President's statement, para. 3
The question of South Africa
Decision of 16 April 1987, President's statement, para. 4
Letter dated 6 May 1985 from the Permanent Representative of Nicaragua to the United Nations addressed to the President of the Security Council
Decision of 10 May 1985 (res. 562 (1985)), para. 4
 2. Good offices, mediation or conciliation
The situation between Iran and Iraq
Decision of 24 February 1986 (res. 582 (1986)), para. 5
Decision of 20 July 1987 (res. 598 (1987)), para. 4
The situation in Cyprus
Decision of 20 September 1985, President's statement, para. 3
 3. Resort to regional agencies or arrangements
Letter dated 6 May 1985 from the Permanent Representative of Nicaragua to the United Nations addressed to the President of the Security Council
Decision of 10 May 1985 (res. 562 (1985)), para. 2
 4. Examination of all aspects of a conflict
The situation between Iran and Iraq
Decision of 25 April 1985, President's statement, para. 5
 5. Normalization of relations
Letter dated 6 May 1985 from the Permanent Representative of Nicaragua to the United Nations addressed to the President of the Security Council
Decision of 10 May 1985 (res. 562 (1985)), para. 4
Complaint by Lesotho against South Africa
Decision of 30 December 1985 (res. 580 (1985)), para. 3
 6. Utilization of established channels of communication
Complaint by Lesotho against South Africa
Decision of 30 December 1985 (res. 580 (1985)), para. 3
 - F. A Security Council resolution as the only basis for a peaceful settlement of a conflict or problem
The situation between Iran and Iraq
Decision of 24 December 1987, President's statement, para. 3
Decision of 16 March 1988, President's statement, para. 6
The situation in Namibia
Decision of 3 March 1985, President's statement, para. 3
Decision of 19 June 1985 (res. 566 (1985)), para. 9
 - G. Eradication of apartheid as the only basis for the solution of the situation in South Africa and consequent steps to be taken
The question of South Africa
Decision of 26 July 1985 (res. 569 (1985)), para. 5
Decision of 21 August 1985, President's statement, para. 4
Decision of 16 April 1987, President's statement, para. 3
Complaint by Lesotho against South Africa
Decision of 30 December 1985 (res. 580 (1985)), para. 8
The situation in southern Africa
Decision of 13 February 1986 (res. 581 (1986)), paras. 7, 7(a), 7(b), 7(c)
Statement by the President of the Security Council (in connection with the incident of 20 June 1988)
Decision of 24 June 1988, President's statement, para. 6
 - H. Respect for the territorial integrity of States or for the sanctity of international borders
The situation between Iran and Iraq
Decision of 14 May 1987, President's statement, para. 6

- The situation in southern Africa
Decision of 13 February 1986 (res. 581 (1986)), para. 3
- I. Respect for the sovereignty and territorial integrity of a State
Complaint by Angola against South Africa
Decision of 20 June 1985 (res. 567 (1985)), para. 3
Decision of 20 September 1985 (res. 571 (1985)), para. 3
- J. Respect for the sovereignty, independence and territorial integrity of a State
The situation in the Middle East
Decision of 24 May 1985, President's statement, para. 3
Decision of 31 May 1985, President's statement, para. 2
Decision of 6 June 1986, President's statement, para. 3
- K. Respect for the sovereignty, airspace, independence and territorial integrity of a State
Complaint by Angola against South Africa
Decision of 7 October 1985 (res. 574 (1985)), para. 3
Decision of 6 December 1985 (res. 577 (1985)), para. 4
Decision of 25 November 1987 (res. 602 (1987)), para. 4
- L. Reaffirmation of the right of a State, in accordance with relevant provisions of the Charter, to take all measures necessary to defend and safeguard its sovereignty, territorial integrity and independence
Complaint by Lesotho against South Africa
Decision of 7 October 1985 (res. 574 (1985)), para. 4
- M. Release of hostages or abducted persons
The situation in the Middle East
Decision of 29 July 1988 (res. 618 (1988)), para. 2
Letter dated 16 December 1985 from the Permanent Representative of the United States to the United Nations addressed to the President of the Security Council
Decision of 18 December 1985 (res. 579 (1985)), para. 2
Statement by the President of the Security Council in connection with hostage-taking and abduction
Decision of 28 January 1987, President's statement
- N. Trial of those responsible for deliberate and indiscriminate killings
Statement by the President
Decision of 30 December 1985, President's statement, para. 2
- VII. Provisions bearing on specific issues relating to the settlement**
- A. Enunciation or affirmation of principles governing settlement
1. Support for the territorial integrity, sovereignty and independence of a State
The situation in the Middle East
Decision of 17 April 1985 (res. 561 (1985)), para. 2
Decision of 17 October 1985 (res. 575 (1985)), para. 2
Decision of 18 April 1986 (res. 583 (1986)), para. 2
Decision of 18 July 1986 (res. 586 (1986)), para. 2
Decision of 15 January 1987 (res. 594 (1987)), para. 2
Decision of 31 July 1987 (res. 599 (1987)), para. 2
Decision of 29 January 1988 (res. 609 (1988)), para. 2
Decision of 29 July 1988 (res. 617 (1988)), para. 2
 2. Reaffirmation of the sovereignty and inalienable right of States freely to decide their own political, economic and social systems, to develop their international relations according to their people's interests free from outside interference, subversion, direct or indirect coercion or threats of any kind
Letter dated 6 May 1985 from the Permanent Representative of Nicaragua to the United Nations addressed to the President of the Security Council
Decision of 10 May 1985 (res. 562 (1985)), para. 1
 3. Affirmation of the legitimacy of the struggle by a people
 - (a) For a united, non-racial and democratic State
The question of South Africa
Decision of 12 March 1985 (res. 560 (1985)), para. 5
(b) Against an illegal occupation
The situation in Namibia
Decision of 19 June 1985 (res. 566 (1985)), para. 2
(c) For the total elimination of apartheid
The question of South Africa
Decision of 13 June 1986, President's statement, para. 4
4. Affirmation that the Fourth Geneva Convention of 1949 is applicable to certain occupied territories
The situation in the occupied Arab territories
Decision of 8 December 1986 (res. 592 (1986)), para. 1
Decision of 22 December 1987 (res. 605 (1987)), para. 2
Decision of 5 January 1988 (res. 607 (1988)), para. 1
Decision of 26 August 1988, President's statement, para. 4
5. Reaffirmation of the primary or direct responsibility of the United Nations over a Territory
The situation in Namibia
Decision of 3 May 1985, President's statement, para. 6
Decision of 21 August 1987, President's statement, para. 5
Decision of 30 October 1987 (res. 601), para. 2
6. Declaration that the independence of a Territory cannot be held hostage to the solution of issues alien to a fundamental Security Council resolution
The situation in Namibia
Decision of 19 June 1985 (res. 566 (1985)), para. 8
7. Conviction that only with genuine political support from all interested States will the peace efforts of a regional group prosper
Letter dated 6 May 1985 from the Permanent Representative of Nicaragua to the United Nations addressed to the President of the Security Council
Decision of 10 May 1985 (res. 562 (1985)), para. 2
8. Reaffirmation of the right of all States to receive refugees and give sanctuary
Letter dated 17 June 1985 from the Permanent Representative of Botswana to the United Nations addressed to the President of the Security Council
Decision of 21 June 1985 (res. 568 (1985)), para. 6
Complaint by Lesotho against South Africa
Decision of 30 December 1985 (res. 580 (1985)), para. 4
The situation in southern Africa
Decision of 13 February 1986 (res. 581 (1986)), para. 6
9. Consideration that a State is entitled to appropriate redress and compensation for any material damage it has suffered
Complaint by Angola against South Africa
Decision of 20 June 1985 (res. 567 (1985)), para. 4
- B. Censuring illegal legislative and administrative measures and declaring them null and void
The situation in Namibia
Decision of 3 May 1985, President's statement, para. 4
Decision of 19 June 1985 (res. 566 (1985)), para. 4
- C. Rejection or repudiation by the Council of:
 1. The practice of "hot pursuit"
Letter dated 17 June 1985 from the Permanent Representative of Botswana to the United Nations addressed to the President of the Security Council
Decision of 21 June 1985 (res. 568 (1985)), para. 4
 2. Any unilateral action leading towards an internal settlement outside a Security Council resolution
The situation in Namibia
Decision of 19 June 1985 (res. 566 (1985)), para. 4
 3. Linking the independence of a Territory to irrelevant and extraneous issues

- The situation in Namibia
Decision of 19 June 1985 (res. 566 (1985)), para. 7
- D. Deprecation or condemnation of:
1. Invasions, armed attacks or other acts of violence or aggression

The situation in the Middle East
Decision of 23 September 1986 (res. 587 (1986)), para. 1

Complaint by Angola against South Africa
Decision of 20 June 1985 (res. 567 (1985)), para. 1
Decision of 20 September 1985 (res. 571 (1985)), para. 1
Decision of 7 October 1985 (res. 574 (1985)), para. 1
Decision of 6 December 1985 (res. 577 (1985)), para. 2
Decision of 25 November 1987 (res. 602 (1987)), para. 1

Letter dated 17 June 1985 from the Permanent Representative of Botswana to the United Nations addressed to the President of the Security Council
Decision of 21 June 1985 (res. 568 (1985)), para. 1

Letter dated 1 October 1985 from the Permanent Representative of Tunisia to the United Nations addressed to the President of the Security Council
Decision of 4 October 1985 (res. 573 (1985)), para. 1

Complaint by Lesotho against South Africa
Decision of 30 December 1985 (res. 580 (1985)), para. 1

Letter dated 19 April 1988 from the Permanent Representative of Tunisia to the United Nations addressed to the President of the Security Council
Decision of 25 April 1988 (res. 611 (1988)), para. 1

Statement by the President of the Security Council (in connection with the incident of 20 June 1988)
Decision of 24 June 1988, President's statement, para. 3
 2. Continuation of escalation of conflict or violence

The situation between Iran and Iraq
Decision of 24 February 1986 (res. 582 (1986)), paras. 1, 2
Decision of 21 March 1986, President's statement, para. 5
Decision of 14 May 1987, President's statement, para. 4
Decision of 16 March 1988, President's statement, para. 3

The situation in southern Africa
Decision of 13 February 1986 (res. 581 (1986)), para. 3
 3. The use of chemical weapons

The situation between Iran and Iraq
Decision of 25 April 1985, President's statement, para. 2
Decision of 21 March 1986, President's statement, para. 3
Decision of 14 May 1987, President's statement, para. 2
Decision of 9 May 1988 (res. 612 (1988)), para. 2
Decision of 26 August 1988 (res. 620 (1988)), para. 1
 4. Deaths, injuries or brutalities

The situation in the Middle East
Decision of 8 December 1986 (res. 592 (1986)), para. 2

The question of South Africa
Decision of 12 March 1985 (res. 560 (1985)), para. 1
Decision of 26 July 1985 (res. 569 (1985)), para. 2
Decision of 21 August 1985, President's statement, para. 3

The situation in Namibia
Decision of 21 August 1987, President's statement, para. 2

Statement by the President
Decision of 9 October 1985, President's statement, para. 1

Complaint by Lesotho against South Africa
Decision of 30 December 1985 (res. 580 (1985)), para. 1

The situation in the occupied Arab territories
Decision of 22 December 1987 (res. 605 (1987)), para. 1
 5. Attacks against civilian targets and cities

The situation between Iran and Iraq
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 6. Hijacking

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 7. Acts of terrorism

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 8. Acts of hostage-taking and abduction

Letter dated 16 December 1985 from the Permanent Representative of the United States to the United Nations addressed to the President of the Security Council
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 9. The initial acts which gave rise to a conflict

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 10. Assistance contributing to the destabilization of independent States

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 11. Acts of provocation and harassment

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 13. Violation or disregard of international law

The situation between Iran and Iraq
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Decision of 22 December 1986, President's statement, para. 3

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 14. Threats to perpetuate acts of aggression

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 15. Utilization of international territory as a springboard for perpetrating armed attacks

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 16. Delay in withdrawing troops from another State

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 17. Illegal entry of State officials into another State's territory

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 18. The system of apartheid

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19. Establishment of a state of emergency
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20. Repressive acts, policies or measures
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22. Violation of human rights
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24. Disregard for a people's inalienable rights to self-determination and genuine independence
The situation in Namibia
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25. Installation of a so-called interim government in an illegally occupied Territory
The situation in Namibia
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26. Failure to heed repeated appeals from the international community
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- E. Warning to a Government that it will be held fully responsible for any violence, bloodshed, loss of life, injury and damage to property which may result from acts of repression and intimidation
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- F. Indignation expressed by the Council at:
1. A further decree based on a state of emergency
The question of South Africa
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 2. A resort to deliberate violence against members of a United Nations force
The situation in the Middle East
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 3. Support which attacks against a United Nations force may receive
The situation in the Middle East
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- G. Concern, alarm or distress expressed by the Council over:
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United Nations for a better world and the responsibility of the Security Council in maintaining international peace and security
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 2. Intensification of hostilities or violence
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 3. Aggravation, worsening or deterioration of a situation
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The situation in the occupied Arab territories
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 4. Widening of a conflict, or risk of its extension to other States
The situation between Iran and Iraq
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 5. Continuation of a conflict or serious situation between two States
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 6. Loss of life and destruction caused by armed attacks
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 10. Refugee camps not having received the necessary humanitarian assistance
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 11. Death sentences
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12. A continuing policy of deportations
The situation in the occupied Arab territories
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 13. A people's not yet having attained self-determination and independence
The situation in Namibia
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The question of South Africa
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 16. A further decree issued under a state of emergency
The question of South Africa
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- H. Support or welcome expressed by the Council for:
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The situation in Cyprus
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 2. The readiness of a liberation movement to sign and observe a ceasefire agreement
The situation in Namibia
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 3. The massive united resistance of an oppressed people against apartheid
The question of South Africa
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 4. A State's support for the just and legitimate struggle of a people
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 5. The support of neighbouring States for freedom and justice in another State
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- I. Note taken by the Council of:
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 2. A liberation movement's expressed readiness to sign and observe a ceasefire agreement
The situation in Namibia
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The situation between Iran and Iraq
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The situation in Namibia
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 5. The intention of State authorities to deploy a regular army unit to work in close liaison with a United Nations force
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- VIII. Measures to promote the implementation of resolutions**
- A. Notice of possible action under Chapter VII of the Charter
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- B. Measures to obtain compliance
1. Measures to enforce and strengthen a mandatory arms embargo recommended
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The situation in the Middle East
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- Statement by the President of the Security Council on the occasion of the fortieth anniversary of the first meeting of the Security Council and the inauguration on 1 January 1986 of the International Year of Peace
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3. Need for full compliance with, or implementation of, a Council resolution stressed
The situation between Iran and Iraq
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4. Expression of the Council's determination or commitment that a resolution be implemented, or that its implementation be reviewed
The situation between Iran and Iraq
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5. Decision to meet again as necessary to consider further steps to ensure compliance with a Council resolution
The situation between Iran and Iraq
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6. Expression of the Council's commitment to work with the Secretary-General in developing his plan for implementing a Council resolution
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7. Decision to pursue consultations with the parties and the Secretary-General to find an end to a conflict
The situation between Iran and Iraq
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8. Support expressed for the mission of the Secretary-General under his mandate from the Council
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The situation in Namibia
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The situation in Namibia
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- C. Requests or authorizations of the Secretary-General to promote the implementation of resolutions:
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- Decision of 31 July 1987 (res. 599 (1987)), para. 5
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- The situation between Iran and Iraq
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- Letter dated 17 June 1985 from the Permanent Representative of Botswana to the United Nations addressed to the President of the Security Council
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4. To monitor or examine implementation of a resolution or developments in a situation
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5. To recommend means for ensuring the safety of civilians
 The situation in the occupied Arab territories
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6. To report to the Council on the holding of a referendum
 The situation concerning Western Sahara
 Decision of 20 September 1988 (res. 621 (1988)), para. 2
7. To give the matter of assistance his continued attention
 Letter dated 26 September 1985 from the Permanent Representative of Botswana to the United Nations addressed to the President of the Security Council
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8. To undertake or continue appropriate efforts
 The situation between Iran and Iraq
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- The situation in Namibia
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- D. Establishment or employment of a United Nations force
1. Decision to establish or dispatch a United Nations force
 The situation between Iran and Iraq
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 The situation between Iran and Iraq
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3. Call for the assistance of Member States in the steps necessary for the emplacement of a United Nations force
 The situation in Namibia
 Decision of 29 September 1988, President's statement, para. 7
4. Reaffirmation of the mandate, terms of reference or general guidelines of a United Nations force
 The situation in the Middle East
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5. Call for full implementation of the mandate of a United Nations force
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Decision of 29 July 1988 (res. 617 (1988)), para. 4
6. Authorization to the Secretary-General to study, or take measures with regard to, the deployment or security of a United Nations force
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7. Security measures for a United Nations force noted or approved
The situation in the Middle East
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11. Request to the Secretary-General to continue efforts to expedite the reimbursement of funds advanced by countries contributing to a United Nations force
The situation in the Middle East
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12. Call for all Member States to assume their financial responsibilities towards a United Nations force
The situation in the Middle East
Decision of 31 October 1986, President's statement, para. 4
- E. Establishment or employment of other subsidiary organs
1. Authorization to the Secretary-General to appoint, establish or dispatch:
- (a) A special representative
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- (b) A commission, mission or team of experts
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- F. Call for cooperation with United Nations organs or subsidiary bodies:
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Decision of 17 April 1985 (res. 561 (1985)), para. 3
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Decision of 18 April 1986 (res. 583 (1986)), para. 3
Decision of 18 July 1986 (res. 586 (1986)), para. 3
Decision of 23 September 1986 (res. 587 (1986)), para. 6
Decision of 31 October 1986, President's statement, para. 7
Decision of 15 January 1987 (res. 594 (1987)), para. 3
Decision of 31 July 1987 (res. 599 (1987)), para. 3
Decision of 29 January 1988 (res. 609 (1988)), para. 3
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- The situation in Cyprus
Decision of 14 June 1985 (res. 565 (1985)), para. 3
Decision of 12 December 1985 (res. 578 (1985)), para. 3
Decision of 13 June 1986 (res. 585 (1986)), para. 3
Decision of 11 December 1986 (res. 593 (1986)), para. 3
Decision of 12 June 1987 (res. 597 (1987)), para. 3
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- G. Requests for information from subsidiary organs on requirements
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Decision of 21 June 1985 (res. 568 (1985)), para. 8
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Decision of 17 April 1985 (res. 561 (1985)), para. 5
Decision of 21 May 1985 (res. 563 (1985)), para. (c)
Decision of 31 May 1985 (res. 564 (1985)), para. 4
Decision of 17 October 1985 (res. 575 (1985)), para. 5
Decision of 21 November 1985 (res. 576 (1985)), para. (c)
Decision of 18 April 1986 (res. 583 (1986)), para. 5
Decision of 29 May 1986 (res. 584 (1986)), para. (c)
Decision of 18 July 1986 (res. 586 (1986)), para. 5
Decision of 4 September 1986, President's statement, para. 5
Decision of 23 September 1986 (res. 587 (1986)), para. 9
Decision of 26 November 1986 (res. 590 (1986)), para. (c)
Decision of 8 December 1986 (res. 592 (1986)), para. 6
Decision of 15 January 1987 (res. 594 (1987)), para. 5
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Decision of 31 July 1987 (res. 599 (1987)), para. 5
Decision of 25 November 1987 (res. 603 (1987)), para. (c)
Decision of 29 January 1988 (res. 609 (1988)), para. 5
Decision of 31 May 1988 (res. 613 (1988)), para. (c)
Decision of 29 July 1988 (res. 617 (1988)), para. 5
Decision of 30 November 1988 (res. 624 (1988)), para. (c)
- The situation between Iran and Iraq
Decision of 24 February 1986 (res. 582 (1986)), para. 6
Decision of 8 October 1986 (res. 588 (1986)), para. 2
Decision of 20 July 1987 (res. 598 (1987)), paras. 2, 6, 9
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Decision of 28 November 1986 (res. 591 (1986)), para. 14
- The situation in Namibia
Decision of 19 June 1985 (res. 566 (1985)), para. 15
Decision of 30 October 1987 (res. 601 (1987)), para. 7
- Letter dated 6 May 1985 from the Permanent Representative of Nicaragua to the United Nations addressed to the President of the Security Council
Decision of 10 May 1985 (res. 562 (1985)), para. 5
- The situation in Cyprus
Decision of 14 June 1985 (res. 565 (1985)), para. 2
Decision of 12 December 1985 (res. 578 (1985)), para. 2
Decision of 13 June 1986 (res. 585 (1986)), para. 2
Decision of 11 December 1986 (res. 593 (1986)), para. 2
Decision of 12 June 1987 (res. 597 (1987)), para. 2
Decision of 14 December 1987 (res. 604 (1987)), para. 2
Decision of 15 June 1988 (res. 614 (1988)), para. 2
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- Complaint by Angola against South Africa
Decision of 20 June 1985 (res. 567 (1985)), para. 5
Decision of 20 September 1985 (res. 571 (1985)), para. 7
Decision of 7 October 1985 (res. 574 (1985)), para. 7
Decision of 6 December 1985 (res. 577 (1985)), para. 9
Decision of 25 November 1987 (res. 602 (1987)), para. 5
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Decision of 13 February 1986 (res. 581 (1986)), para. 11
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Decision of 31 October 1988 (res. 622 (1988)), para. 2
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- C. Decision to meet in the event of non-compliance with Council resolutions
- Complaint by Angola against South Africa
Decision of 7 October 1985 (res. 574 (1985)), para. 8
- D. Decision to keep a situation under review
- The situation in the Middle East
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Decision of 22 December 1987 (res. 605 (1987)), para. 7
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- The question of South Africa
Decision of 12 March 1985 (res. 560 (1985)), para. 7
Decision of 26 July 1985 (res. 569 (1985)), para. 9
Decision of 28 November 1986 (res. 591 (1986)), para. 15
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Decision of 30 October 1987 (res. 601 (1987)), para. 8
- Letter dated 6 May 1985 from the Permanent Representative of Nicaragua to the United Nations addressed to the President of the Security Council
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- Complaint by Angola against South Africa
Decision of 20 June 1985 (res. 567 (1985)), para. 6
Decision of 20 September 1985 (res. 571 (1985)), para. 9
Decision of 7 October 1985 (res. 574 (1985)), para. 9
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- Letter dated 17 June 1985 from the Permanent Representative of Botswana to the United Nations addressed to the President of the Security Council
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- The situation in southern Africa
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Part II

1. LETTER DATED 28 JANUARY 1985 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF CHAD TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

By a letter dated 25 January 1985 addressed to the President of the Security Council,¹ the representative of Chad requested the President to convene an urgent meeting of the Security Council to resume consideration of the complaint against the Libyan Arab Jamahiriya made by the Government of Chad on 2 August 1983.² The letter informed the Council of Libya's continuing interference in the internal affairs of Chad, namely, the military occupation of 550,000 square kilometres of Chadian territory in violation of the Charters of the Organization of African Unity (OAU) and the United Nations, which constituted aggression against the sovereignty and territorial integrity of Chad. The letter noted that the Government of the Libyan Arab Jamahiraya refused to follow the terms of the statement of the President of the Security Council issued on 6 April 1983³ calling for both countries to discuss their differences and to settle them by peaceful means. In addition, the letter stated that the investigation of the foiled terrorist attack on the President of Chad established Libyan involvement.

By a letter dated 28 January 1985,⁴ the representative of Chad repeated his request to convene the Security Council as a matter of urgency in order to consider the serious situation prevailing in his country aggravated by a plot aimed at the physical elimination of the President of Chad.

By a letter dated 28 January 1985,⁵ the representative of the Libyan Arab Jamahiriya denied allegations of interference, acts of hostility or assassination attempts. Those allegations, according to him, were aimed at diminishing the importance of the legitimate Government of Chad, established under the Lagos Agreement and endorsed by OAU, which exercises its authority over the northern part of the country. The letter stated that Libya was endeavouring in all international and regional forums to restore peace in

Chad, where civil war was going on; it supported the conciliation conference in Addis Ababa at the request of the Chairman of OAU, as well as the Brazzaville meeting convened by the President of the Congo to reconcile the warring Chadian parties. He indicated that it was the rebellious clique supported by American imperialism and reactionary forces of the region who refused to attend those meetings. The letter expressed the hope that the Security Council would not waste its time and be distracted from its serious concerns.

At its 2567th meeting, on 30 January 1985, the Council included the item in the agenda. The President, invited, at their request, the representatives of Chad and the Libyan Arab Jamahiriya to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure. The President also announced his decision to authorize the presentation of documents on videotape.

At the same meetings, the Minister of Foreign Affairs and Cooperation of Chad gave an extensive background of the Chad-Libya dispute with references to historical treaties and United Nations resolutions. He attributed the existing state of the conflict to the annexationist aims of the Tripoli regime against Chad and the rest of Africa in general. He described his country as poor, hard hit by famine and drought, but determined to oppose aggression under the leadership of the President. He considered that the Libyan Arab Jamahiriya had resorted to terrorism after numerous failures in the war with Chad. The speaker summarized the results of an inquiry by the Chadian Security Services of the Libyan involvement in the foiled attempt to assassinate the President and other members of the Government. The representative appealed to the States Members of the United Nations to condemn the criminal plot and alerted all nations that Chad and its Government were not the only target of Libyan international terrorists, in fact, there were at least 14 other sophisticated explosive devices of the same kind that had been used in Chad still in circulation. He referred to the debate on state terrorism held at the request of the Union of Soviet Socialist Republics and under

¹S/16906.

²S/15902.

³S/15688.

⁴S/16911.

⁵S/16912.

the aegis of the First Committee during the thirty-ninth session of the General Assembly and expressed the hope that by providing that information, on the assassination, the Government of Chad would have made its contribution to the efforts of the international community. The Minister presented the disarmed weapon for examination by the Members of the Council and a videotape featuring a simulation of the terrorist act as well as brochures containing photographs.⁶

The representative of the Libyan Arab Jamahiriya reiterated the position expressed in the above-mentioned letter,⁷ that there was no logical justification for the convening of the Council, but—following the statement of the representative of Chad—he found it necessary to make certain observations. He rejected all allegations against his country and argued that there was no Libyan presence whatsoever on Chadian territory. The only forces stationed in the northern part of Chad were those of the legitimate Government of National Unity. He appraised the request for the meeting of the Council as an attempt on the part of the “rebel regime” in Chad to slander the Libyan Arab Jamahiriya; to belittle the military importance of the Government of National Unity; to justify obtaining more weapons and foreign mercenaries; and to mislead world public opinion. The speaker recounted his version of the issue, seeing President Hussein Habré as the main source of trouble owing to his refusal to accept any agreements, including the latest, namely, the Lagos Agreement of August 1979, that had been signed by 11 Chadian parties and had led to the formation of the Government recognized by OAU. He described the situation in Chad as civil war that had resulted in the elimination of many people and prompted some to seek asylum. He stated that Mr. Habré had impeded all efforts at conciliation initiated by leaders of some African countries. He observed that it was not surprising that “such

a Government” faced resistance from the Chadian people and that there had been an attempt on the “rebel’s” life. He also noted that the Libyan Arab Jamahiriya had a special relationship with Chad, being linked to its people by historical, geographical, cultural and spiritual ties, and gave an account of Libyan endeavours to achieve reconciliation in Chad. At the same time he emphasized that Libya intended to preserve the unity of its own soil, whatever the price. He referred to the “so-called Aouzou Strip” as an integral part of the Libyan Arab Jamahiriya inherited from Italian colonialism and indicated as such on the map attached to the report of the United Nations Commission in Libya.⁷ The representative considered that the only solution to the conflict in Chad was to seek national reconciliation in accordance with the Lagos Accord, under the supervision of the OAU, with the participation of all the parties that signed that Accord.⁸

The President of the Security Council reminded the representative of the Libyan Arab Jamahiriya that the complaint under consideration came from the internationally recognized Government of Chad and that its legitimacy could not be challenged in the Council. He referred to the recommendations of the Council regarding settlement of the dispute between Chad and the Libyan Arab Jamahiriya, made at the request of that Government, in the statement made by the President of the Security Council on 6 April 1983.⁹

The representative of Chad denied all allegations and noted that the international community had been given an opportunity to judge for itself.¹⁰

The representative of the Libyan Arab Jamahiriya affirmed that Libya did not recognize and never would recognize the “government of insurgency” in Chad.¹⁰

⁷OR, 5th session of the General Assembly, Suppl. No. 15.

⁸S/PV.2567, pp. 22-30.

⁹Ibid., p. 30.

¹⁰Ibid., p. 31.

⁶S/PV.2567, pp. 6-18.

2. THE SITUATION IN THE MIDDLE EAST

Decision of 12 March 1985 (2573rd meeting): rejection of a draft resolution

By a letter dated 25 February 1985 addressed to the President of the Security Council,¹ the representative of Lebanon requested an urgent meeting of the Council to consider the continuing acts of aggression and practices of the Israeli occupying forces in southern Lebanon, the Western Bekaa and the Rashaya district.

At its 2568th meeting, on 28 February 1985, the Security Council included the letter in its agenda. Following the adoption of the agenda, the Council decided to invite the following, at their request, to participate in the discussion without the right to vote: at the 2568th meeting, the representatives of Israel, Lebanon, Qatar and the Syrian Arab Republic;² at the 2570th meeting, the representatives of Algeria, India and the Islamic Republic of Iran;³ at the 2572nd meeting, the representatives of Algeria, Cuba,

Democratic Yemen, the German Democratic Republic, the Islamic Republic of Iran, Jordan, the United Arab Emirates, Vietnam and Yugoslavia;⁴ at the 2573rd meeting, the representatives of Bangladesh, Cyprus, Czechoslovakia, Indonesia, Nicaragua, Pakistan, Poland, Saudi Arabia, Senegal and the Sudan.⁵ At its 2568th meeting, the Council also extended an invitation under rule 39 of the Council’s provisional rules of procedure to Mr. Clovis Maksoud,⁶ the Permanent Observer for the League of Arab States. At its 2572nd meeting, the Council decided by a vote and in accordance with its previous practice to invite the representative of the PLO to participate in the deliberations without the right to vote.⁷ The Council considered the item at its 2568th, 2570th, 2572nd and 2573rd meetings, on 28 February and 7, 11 and 12 March 1985.

⁴See S/PV.2572.

⁵See S/PV.2573.

⁶See S/PV.2568; for further details, see chap. III of the present Supplement.

⁷For the vote (10 to 1, with 4 abstentions), see S/PV. 2572; for further details, see chap. III of the present Supplement.

¹S/16983.

²See S/PV.2568.

³See S/PV.2570.

At the 2568th meeting, on 28 February 1985, the representative of Lebanon reminded the Council of the Lebanese complaint six months earlier and of the failure of the Council to adopt a resolution, which, he said, had opened the way to Israel to persist in its practices and to feel released of its international commitments to the Charter of the United Nations, the Declaration of Human Rights or other conventions, in particular the 1949 Fourth Geneva Convention. The representative of Lebanon hoped that the Council, in view of the continuation of the Israeli practices, would adopt a clear resolution calling on Israel to put an end to the military operations and practices and to implement the Council's resolutions. He accused Israel of causing the failure of the Naqoura talks, which had been called for by the Secretary-General in order to obtain full Israeli withdrawal followed by arrangements for the achievement of security and stability. He then offered a detailed account of Israeli acts and practices in the area against the Lebanese population. In conclusion he requested that the Council: (a) express deepest concern at the Israeli military operations and practices in the areas of occupied Lebanon; (b) demand that Israel cease immediately those acts and operations; (c) condemn Israel and denounce its activities and practices; (d) reaffirm the importance of implementation of previous Council resolutions; (e) reaffirm provisions of the 1949 Fourth Geneva Convention and its applicability to territories occupied by Israel in Lebanon; (f) reaffirm that Israel must be committed to respect the aforementioned conventions and (g) affirm respect for Lebanon's sovereignty, independence and integrity.⁸

At the same meeting, the representative of Qatar referred to resolution 509 (1982), which called for the withdrawal of Israel to the international borders of Lebanon, and stated that the Council would not have been considering another Lebanese complaint had Israel implemented that and other Council resolutions. He affirmed the legitimate right of the Lebanese people to resist Israeli occupation, stated that the situation in southern Lebanon threatened peace and security and called upon the Council to end the Israeli occupation by adopting a resolution compelling Israel to respect the Charter, the Universal Declaration of Human Rights and other international instruments, especially the 1949 Fourth Geneva Convention. In conclusion, he said that the new resolution must include provisions that would end Israel's disregard of Council resolutions.⁹

Also at the same meeting, the representative of Israel stated that the Government of Lebanon had the duty, under international law, to prevent its territory from being used for attacks against another State and that the State under such attacks had the right to take appropriate self-defence measures to protect its territories and citizens. He said that Israel had acted in that spirit and that it would continue to act to defend itself. He called upon the Government of Lebanon to exercise sovereignty over its territories and to stop the use of its territories for terrorist attacks against Israel.¹⁰

The representative of the Syrian Arab Republic referred to the failure of the Council to adopt a resolution the last time it had considered a similar Lebanese complaint.¹¹ He

called upon the Council to condemn Israel's acts and practices in southern Lebanon. He stated that those acts were serious violations of articles 32, 33, 49, 53 and 55 of the 1949 Fourth Geneva Convention and that the Council must take the necessary measures in accordance with the provisions of the Charter and international law. He called upon the Council to shoulder its responsibility and to take all measures to eliminate acts of aggression against Lebanese territory.¹²

The representative of the United States of America stated that recourse to a Council resolution, which, he believed, would be one-sided, would not achieve the common objective of confirming the authority of the Government of Lebanon over its entire territory. He stated that his Government supported an orderly and rapid Israeli withdrawal from southern Lebanon and that the best way to achieve such an objective was to support a practical approach through the United Nations initiative to hold military-to-military talks between Lebanon and Israel at Naqoura.¹³

At the same meeting, statements were made by Egypt, France and the Ukraine. Israel, Lebanon and the Syrian Arab Republic also spoke in exercise of the right of reply.

At the 2570th meeting, on 7 March 1985, the President (Madagascar) drew the attention of the Security Council to the text of a draft resolution submitted by Lebanon.¹⁴

At the same meeting the representative of Yugoslavia, speaking on behalf of the Movement of Non-Aligned Countries, stated that occupation did not bestow any rights on the occupier and that the occupier had but one duty: to withdraw. He added that there could be no justification for any act that limited or threatened the territorial integrity, independence and sovereignty of another State. He stated that no country could strengthen its security by using force against another or by occupying foreign territory, and that no matter what an aggressor or occupier claimed, resistance to occupation and aggression was legitimate and justified.¹⁵

The representative of India affirmed that it was appropriate that the Security Council, which was entrusted under the Charter with primary responsibility for the maintenance of international peace and security, should take upon itself the task of finding ways and means of ameliorating the serious situation, which could have wider repercussions for peace and stability in the region. He reiterated the call of the Coordinating Bureau of the Non-Aligned Countries of 6 March 1985 for the speedy implementation of Council resolutions 508 (1982) and 509 (1982) in order to ensure the withdrawal of Israeli forces from all Lebanese territories.¹⁶

The representative of the Union of Soviet Socialist Republics called for the immediate implementation of previous Council resolutions, and emphasized that the implementation of the Council's resolutions was a matter of principle, if there were a desire for it to effectively perform the functions entrusted to it under the Charter.¹⁷

The representative of Denmark reiterated the need for speedy and total Israeli withdrawal and urged all parties to show the utmost restraint. He welcomed the negotiating

⁸See S/PV.2568.

⁹*Ibid.*, pp. 18-23.

¹⁰*Ibid.*, pp. 31-37.

¹¹See S/PV.2556.

¹²S/PV.2568, pp. 37-54.

¹³*Ibid.*, pp. 56 and 57.

¹⁴S/17000.

¹⁵S/PV.2570, pp. 18-22.

¹⁶*Ibid.*, pp. 22-27.

¹⁷*Ibid.*, pp. 28-33.

process with the United Nations involvement initiated at Naqoura and the efforts of the Secretary-General in implementation of Council resolution 555 (1984).¹⁸

The representative of the United States of America stated that its goals with regard to Lebanon were (a) withdrawal of all foreign forces; (b) stable and secure Lebanese-Israeli border; and (c) the extension of central government authority over all Lebanese territory, including the south. She added that the United States had repeatedly called on all parties to exercise restraint and urged them to take advantage of the Naqoura process.¹⁹

At the same meeting, the representatives of Lebanon, Algeria, Burkina Faso, the United Kingdom, Australia, the Islamic Republic of Iran and Israel made statements.

At the 2572nd meeting, the representatives of Lebanon, Thailand, China, France, Democratic Yemen, Cuba, the Ukraine, Peru, Madagascar, Jordan, the German Democratic Republic, the United Arab Emirates, Bangladesh and Viet Nam made statements. The representative of the PLO and Mr. C. Maksoud also spoke.

The representative of the United Kingdom of Great Britain and Northern Ireland and the President of the Council spoke on procedural points.

At the 2573rd meeting, on 12 March 1985, the representative of Israel stated that Israel would never accept the principle that it could not defend itself against attacks and would continue to track its attackers back to their havens, confiscate their weapons and thwart their plans to murder Israelis.²⁰

The representative of the Syrian Arab Republic argued that, according to the principles of international law and under Article 51 of the Charter, the right of the Lebanese people to resist Israeli aggression was the natural and the ideal means in the circumstances prevailing in southern Lebanon.²¹

At the same meeting, the President announced his intention to put to the vote the draft resolution that had been submitted by Lebanon.¹⁴ Under the preambular part of the draft resolution, the Security Council would have, *inter alia*, reaffirmed previous resolutions on Lebanon and recalled the relevant provisions of the Universal Declaration of Human Rights and stressed the humanitarian principles of the Fourth Geneva Convention of 1949 and the obligations arising from the regulations annexed to the Hague Convention of 1907. Under the operative part of the draft resolution, the Council would have: (a) condemned Israeli practices and measures against civilians in Southern Lebanon; (b) reaffirmed the need to implement the provisions of previous Council resolutions on Lebanon demanding withdrawal of Israeli forces forthwith and unconditionally to the internationally recognized boundaries of Lebanon; (c) reiterated its call for strict respect for the sovereignty, independence, unity and territorial integrity of Lebanon within its internationally recognized boundaries; (d) affirmed that the provisions of the Fourth Geneva Convention applied to the territories occupied by Israel in southern Lebanon, the Western Bekaa and the Rashaya district; (e) demanded that the Government of Israel, the occupying Power, desist

forthwith from its practices against the civilian population in those areas and immediately lift all restrictions and obstacles to the restoration of normal conditions in those areas in violation of the Fourth Geneva Convention and other norms of international law; (f) requested the Secretary-General to establish a fact-finding mission to report on those Israeli practices and measures in southern Lebanon; and (g) requested the Secretary-General to keep the situation under review, to consult with the Government of Lebanon and to report to the Council as soon as possible.

At the 2573rd meeting, statements were made by the representatives of Cyprus, Indonesia, Nicaragua, Poland, Nigeria, Saudi Arabia, Senegal, Pakistan, the Sudan, Czechoslovakia and Burkina Faso.

The representative of the United States of America, speaking in explanation of vote before the vote, indicated that it would vote against the draft because it was unbalanced. She stated that her delegation would still be ready to support a statement that reflected the dismay of the Council at the escalation of violence in Lebanon; expressed sympathy to the victims of violence; urged restraint of all parties; called on all parties to implement the recommendations of the Secretary-General's report; affirmed the application of the Fourth Geneva Convention to the occupied areas of Lebanon; and reaffirmed the commitment of all to the full restoration of Lebanon's sovereignty, independence, territorial integrity and unity.²²

A statement before the vote was also made by the representative of Trinidad and Tobago.

At the same meeting, the draft resolution was voted upon and received 11 votes to 1, with 3 abstentions; it was not adopted owing to the negative vote of a permanent member of the Council.²³

Decision of 17 April 1985 (2575th meeting): resolution 561 (1985)

At its 2575th meeting, on 17 April 1985, the Security Council included the report of the Secretary-General on the United Nations Interim Force in Lebanon (UNIFIL), of 11 April 1985,²⁴ in its agenda.

The report of the Secretary-General contained an account of developments relating to UNIFIL from 10 October 1984 to 11 April 1985. The Secretary-General noted in his report that the situation in southern Lebanon had deteriorated noticeably in the last six months as a result of increasing confrontation between Israeli forces and Lebanese resistance groups. He believed that the presence of UNIFIL would be essential in those circumstances and he had recommended a six-month extension, taking account of the request of the Government of Lebanon contained in the letter of the Permanent Representative of Lebanon dated 27 March 1985.²⁵

The Secretary-General described in his report the numerous attacks by Lebanese resistance groups against Israel Defence Forces (IDF) positions, including roadside explosions and suicide car-bomb attacks. He also described the increasingly frequent cordon-and-search operations listed

¹⁸*Ibid.*, pp. 41-44.

¹⁹*Ibid.*, pp. 45-52.

²⁰S/PV.2573, pp. 53-58.

²¹*Ibid.*, pp. 60-72.

²²S/PV.2573, pp. 77-82.

²³For the vote, see S/PV.2573; see also chap. IV of the present Supplement.

²⁴S/17093.

²⁵S/17062.

in the report, with a view to preventing, within the limits of UNIFIL means, acts of violence against the population and the destruction of property. The reports also referred to the efforts of UNIFIL to contain the activities of Lebanese irregulars armed and controlled by the IDF.

The report also gave an account of the Naqoura talks. On 31 October 1984, following consultations with the Governments of Lebanon and Israel, the Secretary-General had announced the convocation of a conference of military representatives from the two countries to discuss military aspects relating to the withdrawal of Israeli forces and security arrangements in southern Lebanon in order to implement Council resolution 555 (1984). The talks took place under United Nations auspices at UNIFIL headquarters in Naqoura in November 1984 and lasted into January 1985, but had produced no results. The report also referred to the visit of Mr. Brian Urquhart, Under-Secretary-General for Special Political Affairs, to the UNIFIL headquarters and to the discussions he had held with Lebanese government officials in January and April 1985.

The Secretary-General emphasized the need to establish, under the authority of the Council, conditions in which UNIFIL could function in cooperation with the Lebanese authorities and army. He pointed out that he could not conceal his dismay at the inappropriate situation in which UNIFIL had found itself on various occasions in the past. He stated that there should be a clear understanding that no armed military or paramilitary personnel of any kind be allowed to operate in the area, other than the Lebanese army and UNIFIL, and that all parties and elements publicly declare their support for and cooperation with the Lebanese authorities and UNIFIL.

Following the adoption of the agenda, the President invited the representative of Lebanon, at his request, to participate in the discussion without the right to vote.²⁶ The Council considered the issue at its 2575th meeting, on 17 April 1985.

At the same meeting, the President drew attention to the text of a draft resolution which had been drawn up in the course of the Council's consultations. He put the draft resolution to the vote; it received 13 votes to none, with 2 abstentions, and was adopted as resolution 561 (1985).²⁷ It reads as follows:

The Security Council,

Recalling its resolutions 425 (1978), 426 (1978), 501 (1982), 508 (1982), 509 (1982) and 520 (1982), as well as all its resolutions on the situation in Lebanon,

Having studied the report of the Secretary-General on the United Nations Interim Force in Lebanon of 11 April 1985, and taking note of the observations expressed therein,

Taking note of the letter of the Permanent Representative of Lebanon addressed to the Secretary-General of 27 March 1985,

Responding to the request of the Government of Lebanon,

1. *Decides to extend the present mandate of the United Nations Interim Force in Lebanon for a further interim period of six months, that is, until 19 October 1985;*

2. *Reiterates its strong support for the territorial integrity, sovereignty and independence of Lebanon within its internationally recognized boundaries;*

3. *Re-emphasizes the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978, approved by resolution 426 (1978), and calls upon all parties concerned to cooperate fully with the Force for the full implementation of its mandate;*

4. *Reiterates that the Force should fully implement its mandate as defined in resolutions 425 (1978), 426 (1978) and all other relevant resolutions;*

5. *Requests the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned on the implementation of the present resolution and to report to the Council thereon.*

Decision of 21 May 1985 (2581st meeting): resolution 563 (1985)

At its 2581st meeting on 21 May 1985, the Security Council included the report of the Secretary-General on the United Nations Disengagement Observer Force (UNDOF) of 13 May 1985²⁸ in its agenda.

The report described the activities of UNDOF for the period from 17 November 1984 to 13 May 1985. It noted that the Force had continued to perform its functions effectively, with the cooperation of both parties (the Syrian Arab Republic and Israel), although restrictions on movement and inspection were placed on UNDOF teams in certain areas by both sides. The Secretary-General indicated that during the period under review the situation in the Israel-Syria sector had remained quiet, but that, despite the present quiet in the sector, the situation in the Middle East as a whole continued to be potentially dangerous and was likely to remain so unless and until a comprehensive, just and durable peace settlement covering all aspects of the Middle East problem could be reached, as called for by the Council in its resolution 338 (1973). In the prevailing circumstances, the Secretary-General considered the continued presence of UNDOF in the area to be essential. He therefore recommended that the Council extend the mandate of the Force for a further period of six months, until 30 November 1985, and pointed out that the Governments concerned had given their consent.

At the 2581st meeting, on 21 May 1985, the President drew attention to a draft resolution, which had been prepared in the course of the Council's consultations.²⁹ He then put the draft resolution to the vote. It was adopted unanimously as resolution 563 (1985).³⁰ It reads as follows:

The Security Council,

Having considered the report of the Secretary-General on the United Nations Disengagement Observer Force,

Decides:

(a) *To call upon the parties concerned to implement immediately Security Council resolution 338 (1973);*

(b) *To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 30 November 1985;*

(c) *To request the Secretary-General to submit, at the end of this period, a report on the developments in the situation and the measures taken to implement resolution 338 (1973).*

²⁸S/17177.

²⁹S/17202, adopted without change as resolution 563 (1985).

³⁰For the vote, see S/PV.2581; see also chap. IV of the present Supplement.

²⁶For details, see chap. III of the present Supplement.

²⁷For the vote, see S/PV.2575; see also chap. IV of the present Supplement.

Decision of 21 May 1985: statement by the President

At the same meeting, the President, on behalf of the Security Council, made the following complementary statement regarding resolution 563 (1985):³¹

As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force states, in paragraph 26:

"Despite the present quiet in the Israel-Syria sector, the situation in the Middle East as a whole continues to be potentially dangerous and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached."

That statement of the Secretary-General reflects the view of the Security Council.

The representatives of China, the United States of America, Australia, the United Kingdom of Great Britain and Northern Ireland, France, Denmark and Egypt made statements.

Decision of 24 May 1985: statement by the President

On 24 May 1985, after consultations with the members of the Security Council, the President issued the following statement on behalf of the members of the Council on the situation in Lebanon:³²

The members of the Security Council express their serious concern at the heightened violence in certain parts of Lebanon in the past few days.

They take note of and fully support the statement issued on 22 May 1985 by the Secretary-General, which also refers to the situation in and around the Palestinian refugee camps, and his appeal to all concerned to make every possible effort to put an end to violence involving the civilian population.

They reaffirm that the sovereignty, independence and territorial integrity of Lebanon must be respected.

In response to their humanitarian concern, they strongly appeal for restraint, in order to alleviate the sufferings of civilians in Lebanon.

Decision of 31 May 1985 (2582nd meeting): resolution 564 (1985)

By a letter dated 30 May 1985 addressed to the President of the Security Council,³³ the representative of Egypt requested an urgent meeting of the Council to consider the continued escalation of violence involving the civilian population in and around Beirut, affecting the safety and security of the Palestinians in the refugee camps.

At its 2582nd meeting, on 31 May 1985, the Council included the letter in its agenda. The Council considered the item at the same meeting. Following the adoption of the agenda, the Council decided to invite the following, at their request, to participate in the discussion without the right to vote: the representatives of Lebanon, Malta and the Syrian Arab Republic.³⁴ At the same meeting, the Council decided by vote and in accordance with previous practice to invite the representative of the PLO to participate in the deliberations without the right to vote.³⁴

At the same meeting, the President drew attention to a draft resolution, which had been prepared in the course of

the Council's consultation,³⁵ and put it to the vote; it was adopted unanimously as resolution 564 (1985).³⁶ It reads as follows:

The Security Council,

Recalling the statement made by the President on 24 May 1985 on behalf of the members of the Council on the heightened violence in certain parts of Lebanon,

Alarmed at the continued escalation of violence involving the civilian population, including Palestinians in refugee camps, resulting in grievous casualties and material destruction on all sides,

1. *Expresses anew* its deepest concern at the heavy costs in human lives and material destruction affecting the civilian population in Lebanon, and calls on all concerned to end acts of violence against the civilian population in Lebanon and, in particular, in and around Palestinian refugee camps;

2. *Reiterates* its calls for respect for the sovereignty, independence and territorial integrity of Lebanon;

3. *Calls upon* all parties to take necessary measures to alleviate the suffering resulting from acts of violence, in particular by facilitating the work of United Nations agencies, especially the United Nations Relief and Works Agency for Palestine Refugees in the Near East, and non-governmental organizations, including the International Committee of the Red Cross, in providing humanitarian assistance to all those affected and emphasizes the need to ensure the safety of all the personnel of these organizations;

4. *Appeals* to all interested parties to cooperate with the Lebanese Government and the Secretary-General with a view to ensuring the implementation of this resolution, and requests the Secretary-General to report to the Security Council thereon;

5. *Reaffirms* its intention to continue to follow the situation closely.

After the vote, several representatives made statements. The representative of Egypt summed up the situation in the following way: the need to look for practical means, in accordance with the mandate of the Council, to ensure the protection, security, tranquillity and welfare of the Palestinian people, in the context of the full, unprejudiced, undiminished sovereignty of Lebanon. The representative of Lebanon argued that his Government had opposed the Council's dealing with the situation in and around the Palestinian camps, because that was an internal matter since the camps were located on Lebanese territory. He added that the convening of the Council to consider such a situation constituted blatant interference in Lebanon's internal affairs. He further argued that, in accordance with Article 52 of the Charter, the Council should have encouraged efforts at the regional and internal levels to deal with the situation. The representative of the Union of Soviet Socialist Republics supported the representative of Lebanon by expressing his delegation's regret over the fact that the position of the Government of Lebanon had not been taken into account by those who had initiated the convening of the Council's meeting. The representative of the Syrian Arab Republic stated that, in the light of Lebanon's objection, the convening of the Council on a situation inside Lebanon was in direct contravention of Article 2, paragraph 7, of the Charter.

The representatives of France, Malta, the United States of America and Australia, as well as the representative of the PLO, also spoke.

³¹S/17206.

³²S/17215.

³³S/17228.

³⁴For the vote (10 to 1, with 4 abstentions), see S/PV.2582; for further details, see chap. III of the present *Supplement*.

³⁵S/17232, adopted without change as resolution 564 (1985).

³⁶For the vote, see S/PV.2582; for further details, see chap. IV of the present *Supplement*.

Decision of 17 October 1985 (2623rd meeting): resolution 575 (1985)

At its 2623rd meeting, on 17 October 1985, the Security Council included the report of the Secretary-General on UNIFIL of 10 October 1985³⁷ in its agenda.

The report of the Secretary-General contained an account of developments relating to UNIFIL for the period from 12 April 1985 to 10 October 1985. The Secretary-General noted in his report that the greater part of the UNIFIL area had been relatively quiet since its evacuation by the Israeli forces, while, in contrast, the situation in the "security zone" had been very tense owing to frequent attacks by Lebanese resistance groups on Israeli troops and the Lebanese irregulars associated with them. He was convinced that UNIFIL was an extremely important factor in whatever peace and normality existed in southern Lebanon and that, if UNIFIL were to disappear, the ensuing cycle of violence could well develop into a new and serious international crisis. He therefore concluded that, especially in the light of the request of the Government of Lebanon,³⁸ it was his duty to recommend a further extension of the mandate of UNIFIL for a period of six months. He cautioned, however, that such an extension should not be understood to mean that UNIFIL would be allowed to become an open-ended commitment for the troop-contributing countries and for the United Nations if the requisite conditions for the effective operation of the Force continued to be absent.

The report gave a detailed description of the Israeli plan for a unilateral redeployment of Israeli forces in three phases, which had been announced by the Government of Israel in January 1985. Between February and April 1985, Israeli forces had evacuated several areas, in particular Sidon, Nabatiyah, Bekaa and Tyre. At the end of the second phase, the Israeli forces were redeployed in a strip of land north of the international border extending from the Mediterranean Sea to the Hasbaya area, with a depth varying between about 2 kilometres at its narrowest point and about 10 kilometres at its widest. In accordance with the Israeli plan, that strip of land, which extended into part of the UNIFIL area, was to be maintained as a "security zone" where the "South Lebanese Army (SLA)" and other local militias armed and controlled by the Israeli forces were to function with the latter's backing, after the completion of the third and last phase of the Israeli redeployment. The Secretary-General further observed that, owing to the "security zone" declared by Israel, UNIFIL had not been able to extend its deployment to the international border and that, in the part of its area of deployment that overlaps with the "security zone", UNIFIL found itself confronted with many positions manned by the IDF or the "SLA" or both. The full implementation of Security Council resolution 561 (1985) was therefore not achieved.

The Secretary-General observed in his report that the situation in Lebanon south of the Litani river was not only unsatisfactory but also dangerous. He was convinced that, if the Israeli presence in the "security zone" were to continue for long, violence would inevitably escalate and spread. Making a recommendation to the Council on UNIFIL posed a dilemma to him. On the one hand, he agreed

that the conditions in which UNIFIL could fully perform its functions or completely fulfil its mandate did not exist, and the situation was most likely to deteriorate further. On the other hand, the presence of UNIFIL was important and had contributed to keeping the level of violence limited to some extent. The Secretary-General felt that there was a good chance of re-establishing peace and security in Lebanon south of the Litani if the correct actions were taken by all.

Following the adoption of the agenda, the President invited the representatives of Lebanon and Israel, at their request, to participate in the discussion without the right to vote.²⁶

At the same meeting, the President put to a vote a draft resolution, which had been prepared in the course of the Council's consultations.³⁹ It received 13 votes to none, with 2 abstentions (Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics), and was adopted as resolution 575 (1985).⁴⁰ It reads as follows:

The Security Council,

Recalling its resolutions 425 (1978), 426 (1978), 501 (1982), 508 (1982), 509 (1982) and 520 (1982), as well as all its resolutions on the situation in Lebanon,

Having studied the report of the Secretary-General on the United Nations Interim Force in Lebanon of 10 October 1985 and taking note of the observations expressed therein,

Taking note of the letter of the Permanent Representative of Lebanon addressed to the Secretary-General of 3 October 1985,

Responding to the request of the Government of Lebanon,

1. *Decides* to extend the present mandate of the United Nations Interim Force in Lebanon for a further interim period of six months, that is, until 19 April 1986;
2. *Reiterates* its strong support for the territorial integrity, sovereignty and independence of Lebanon within its internationally recognized boundaries;
3. *Re-emphasizes* the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978, approved by resolution 426 (1978), and calls upon all parties concerned to cooperate fully with the Force for the full implementation of its mandate;
4. *Reiterates* that the Force should fully implement its mandate as defined in resolutions 425 (1978), 426 (1978) and all other relevant resolutions;
5. *Requests* the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned on the implementation of the present resolution and to report to the Security Council thereon.

Following the vote, the representative of China stated that the Israeli authorities should be held responsible for the abnormal situation in southern Lebanon and that the "security zone" set up there by Israel constituted the basic obstacle to the functioning of UNIFIL. He called on the Council to take effective measures to dismantle the "security zone" and to bring about the total withdrawal of Israeli troops from southern Lebanon, allowing the recovery of Lebanese sovereignty over the area and the restoration of international peace and security.

The representative of France stated that UNIFIL was caught between two hostile forces and continued to be prevented, in contravention of Council resolutions, from deploying its personnel up to the international border, as pro-

³⁷S/17557.

³⁸S/17526.

³⁹S/17567.

⁴⁰For the vote, see S/PV.2623; see also chap. IV of the present Supplement.

vided for in the UNIFIL mandate. He underlined the need for comprehensive implementation of Council resolutions 425 (1978) and 427 (1978).

The representative of the Union of Soviet Socialist Republics argued that Israel defiantly refused to implement the resolutions of the Council on southern Lebanon and UNIFIL and that it was well known who was standing behind Israel and who was preventing the Council from ensuring implementation of its resolutions. He stated that the United States of America would do well to bear in mind the fact that such action seriously undermined the Council's prestige and effectiveness.

Statements were also made by the representatives of the United Kingdom of Great Britain and Northern Ireland, Denmark and the United States of America.

The representative of Lebanon reiterated Lebanon's position on the need to implement relevant Council resolutions, the withdrawal of Israeli forces from Lebanese territory and the restoration of Lebanese authority over all Lebanese territory. He called on the Council to assume its responsibility for the maintenance of international peace and security and to ensure the implementation of its resolutions.

The representative of Israel reiterated that Israel's only interest in the Lebanese situation was to ensure the security of its population in the north of Israel against the terrorist attacks they had experienced since the early 1970s owing to the collapse of Lebanon's effective sovereignty and its domination, first by the PLO and then by the Syrian Arab Republic. He asserted that in his Government's view, UNIFIL had no useful role to play and that the only possibility for maintaining security in the area was through the maintenance of the status quo.

Decision of 21 November 1985 (2630th meeting): resolution 576 (1985)

At its 2630th meeting, on 21 November 1985, the Security Council included the report of the Secretary-General on UNDOF of 13 November 1985⁴¹ in its agenda.

The report of the Secretary-General described the activities of UNDOF for the period from 14 May 1985 to 13 November 1985. It noted that UNDOF had continued, with the cooperation of all parties, to fulfil the tasks entrusted to it. The Secretary-General indicated, however, that the problem of restrictions on the freedom of movement still existed. He reiterated that despite the present quiet in the Israel-Syria sector, the situation in the Middle East as a whole continued to be potentially dangerous and was likely to remain so unless and until a comprehensive settlement covering all aspects of the Middle East problem could be reached, as called for by the Security Council in its resolution 338 (1973). In the prevailing circumstances, the Secretary-General considered the continued presence of UNDOF in the area to be essential. Noting that the Governments concerned had given their consent, he recommended that the Council extend the mandate of the Force for a further period of six months, until 31 May 1986.

At the same meeting, the President drew attention to a draft resolution, which had been prepared in the course of the Council's consultations.⁴² He then put the draft resolu-

tion to the vote; it was unanimously adopted as resolution 576 (1985).⁴³ It reads as follows:

The Security Council,

Having considered the report of the Secretary-General on the United Nations Disengagement Observer Force,

Decides:

(a) To call upon the parties concerned to implement immediately Security Council resolution 338 (1973);

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 31 May 1986;

(c) To request the Secretary-General to submit, at the end of this period, a report on the developments in the situation and the measures taken to implement resolution 338 (1973).

At the same meeting, the President, on behalf of the Council, made the following complementary statement regarding resolution 576 (1985):⁴⁴

As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force states, in paragraph 25:

"Despite the present quiet in the Israel-Syria sector, the situation in the Middle East as a whole continues to be potentially dangerous and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached."

That statement of the Secretary-General reflects the view of the Security Council.

Decision of 17 January 1986 (2642nd meeting): rejection of a draft resolution

By a letter dated 6 January 1986 addressed to the President of the Security Council,⁴⁵ the representative of Lebanon requested an urgent meeting of the Council to consider the acts of aggression of the Israeli occupying forces against a number of Lebanese villages in the period between 29 December 1985 and 7 January 1986.

At its 2640th meeting, on 13 January 1986, the Council included the letter in its agenda. Following the adoption of the agenda, the Council decided to invite the following, at their request, to participate in the discussion without the right to vote: the representatives of Lebanon, Israel, the Syrian Arab Republic and the Libyan Arab Jamahiriya;⁴⁶ at the 2641st meeting, the representatives of Qatar and Saudi Arabia; and at the 2642nd meeting, the representative of Morocco.⁴⁶ The Council considered the item at its 2640th and 2642nd meetings, on 13 and 17 January 1986.

At the 2640th meeting, the representative of Lebanon stated that despite the repeated warnings by his Government⁴⁶ and by the Secretary-General,⁴⁷ Israel had escalated its acts of aggression and illegal practices in the south of Lebanon, directly through the IDF or indirectly through the "SLA". He added that, in view of that deliberate escalation, Lebanon had decided to call upon the Council to convene in order to assume its responsibilities and to fulfil its mandate in its capacity as the primary authority charged with preserving international peace and security. He then provided a detailed account of IDF/SLA operations against

⁴²S/17642.

⁴³For the vote, see S/PV.2630; see also chap. IV of the present Supplement.

⁴⁴S/17653.

⁴⁵S/17717.

⁴⁶Ibid.

⁴⁷S/17684.

⁴¹S/17628.

Lebanese villages and towns in the south in the period between 29 December 1985 and 7 January 1986. He argued that the shelling, air raids and naval attacks had preceded the launching of two Katyusha rockets on Qiryat Shemona (in northern Israel), and had coincided with the signing of the agreement between the Lebanese factions to restore Lebanon to normalcy, indicating Israel's premeditated intention to impede the peace process in Lebanon. Israel's rejection of the implementation of Council resolutions calling for total Israeli withdrawal, its insistence on maintaining a "security zone" within Lebanon and its support and manipulation of illegal puppet forces all constituted the direct and main cause for the deteriorating situation in southern Lebanon, which posed a threat to the security of the region and the world at large. He called on the Council to condemn Israel's acts of aggression, to reaffirm the necessity of implementing previous Council resolutions and to call upon Israel to cease its arbitrary practices against the civilian population of southern Lebanon.

At the 2640th and 2642nd meetings, the representatives of the Syrian Arab Republic, the Libyan Arab Jamahiriya, the Congo, Madagascar, Qatar, Saudi Arabia, Bulgaria, Morocco, China and the United Arab Emirates made statements supporting the Lebanese position and arguments. The representative of the Syrian Arab Republic argued that the Council should ensure the implementation of its resolutions on Lebanon by imposing sanctions against Israel in accordance with Chapter VII of the Charter.

At the 2640th meeting, the representative of Israel described the situation in Lebanon as a state of chaos where the Government of Lebanon had lost effective control over the internal situation everywhere in the country. He stated that Lebanon should have requested a meeting of the Council to consider the terrorist actions against Lebanese Jews and others. He added that terrorism in Lebanon was financed and controlled by the Libyan Arab Jamahiriya, the Islamic Republic of Iran and the Syrian Arab Republic, which he called the "occupier of Lebanon". He stated that south Lebanon was relatively the most tranquil part of the country, but it was going to be used as a launching pad for Syria-directed terrorism against Israel and that preventing that from happening was Israel's only interest in south Lebanon. What was needed, he said in conclusion, was a serious dialogue between the parties to enable people on both sides of the border to live in peace. Until Lebanon adopted a similar policy, Israel would continue to do what was necessary to protect its security.

At the same meeting, the representative of the Union of Soviet Socialist Republics also spoke. The representatives of the United States of America and Israel exercised their right of reply.

At the 2642nd meeting, on 17 January 1986, the representative of Denmark stated that his Government had repeatedly warned that the threat or use of force was bound to lead to a further deterioration of the situation in south Lebanon. He reiterated support for the restoration of Lebanon's full sovereignty, independence, unity and territorial integrity and stressed the need of a total Israeli withdrawal. He stated that the "security zone" and the presence of IDF in southern Lebanon, which were contrary to Council resolutions, would not provide Israel with the security it was seeking for its northern population centres.

At the same meeting, the representative of the United Kingdom of Great Britain and Northern Ireland summa-

rized the situation by stating that the Government of Israel held the view that cross-border attacks on its territory from Lebanon were unacceptable and that the members of the Council could not disagree with that. He added that the Council equally could not and did not accept that Israel could flout the Charter of the United Nations by invading and occupying another State or any part of its territory. He stated that the continued Israeli policy of refusal to withdraw from Lebanese territory, allowing for restoration of the authority of the Government of Lebanon as called for by Council resolutions, was tragically misconceived. He concluded by arguing that the Council should not restrict itself to the negative course of condemning those at fault, but should try to take a positive view of the situation through the use of UNIFIL, which was already there.

At the 2640th meeting, the President drew attention to a draft resolution submitted by Lebanon.⁴⁸ At the 2641st meeting, a revised text of the draft resolution was submitted by Lebanon,⁴⁹ and at the 2642nd meeting, the President drew attention to a further revised draft submitted by Lebanon.⁵⁰ At the same meeting, the representative of the United Arab Emirates requested, in accordance with rule 38 of the provisional rules of procedure of the Security Council, that the revised draft resolution submitted by Lebanon be put to the vote. Under the preambular part, the Council would have, *inter alia*, reaffirmed previous relevant resolutions and recalled the relevant provisions of the Universal Declaration of Human Rights and the Fourth Geneva Convention of 12 August 1949. Under the operative part of the draft resolution, the Council would have: (a) strongly deplored the Israeli acts of violence as well as abusive practices and measures against the civilian population in southern Lebanon; (b) reaffirmed the urgent need to implement the provisions of Council resolutions on Lebanon demanding withdrawal of Israeli forces to the internationally recognized borders of Lebanon; (c) reiterated its call for strict respect for the sovereignty, independence, unity and territorial integrity of Lebanon within its internationally recognized borders; (d) demanded that Israel desist forthwith from its practices and measures against the civilian population in southern Lebanon; and (e) decided to keep the situation under review and requested the Secretary-General to report to the Council as appropriate. In its original form, paragraph 1 referred to condemnation of Israeli aggression, practices and measures. In the first revision the same paragraph referred to condemnation of the Israeli acts of aggression as well as abusive practices and measures.

At the 2642nd meeting, statements were made by Denmark, the United Kingdom of Great Britain and Northern Ireland, Morocco, Israel and China.

At the same meeting, the President put the draft resolution to the vote. It received 11 votes to 1, with 3 abstentions, and was not adopted, owing to the negative vote of a permanent member of the Security Council.⁵¹

Prior to the vote, the representative of Australia stated that his delegation would abstain because the draft resolution was not balanced. The representative of the United

⁴⁸S/17730.

⁴⁹S/17730/Rev.1.

⁵⁰S/17730/Rev.2.

⁵¹For the vote, see S/PV.2642; see also chap. IV of the present Supplement.

States declared that, for the same reason, her delegation would vote against it. A statement was also made by France. After the vote the representative of Lebanon responded that the draft resolution was balanced and that to condemn or deplore all acts of violence would equate the aggressor with the national resistance movement.

Decision of 18 April 1986 (2681st meeting): resolution 583 (1986)

At its 2681st meeting, on 18 April 1986, the Security Council included the report of the Secretary-General on UNIFIL of 9 April 1986⁵² in its agenda.

The report contained an account of the developments relating to UNIFIL from 11 October 1985 to 9 April 1986. The Secretary-General noted in his report that the situation in the "security zone" established in southern Lebanon by the IDF with the help of the SLA had considerably deteriorated as a result of the increase in the level of violence between the IDF and SAL on the one hand and the various resistance groups on the other. The Secretary-General argued that despite the fact that the original conditions laid down in resolution 425 (1978) had not been fully met, the presence of UNIFIL would be essential. He had, therefore, recommended a six-month extension, taking account of the request of the Government of Lebanon contained in its letter of 3 April 1986.⁵³

The Secretary-General described in his report the attacks and ambushes launched by armed resistance groups against the IDF and the SLA in the "security zone", as well as the search operations that had been carried out by IDF/SLA personnel in that part of the zone that overlapped the UNIFIL area of deployment. The report provided a comprehensive summary of all the incidents as well as the casualties incurred by the various parties, including UNIFIL. The report stated that during some of these operations, UNIFIL personnel had monitored the situation as closely as possible and had tried to prevent acts of violence against the local population. Throughout the period, UNIFIL had maintained close contact with the Lebanese authorities in Beirut and Lebanese local authorities in the south, as well as with the Israeli military authorities. The report referred briefly to visits that had been paid by Mr. Urquhart, Under-Secretary-General for Special Political Affairs, and by his successor, Mr. Goulding, to UNIFIL headquarters in January and March 1986, during which both officials had held discussions with Lebanese and Israeli officials, as well as with other interested parties.

Although the Secretary-General recommended the extension of the mandate of UNIFIL, he pointed out in his report that the decision facing the Council on whether to extend the mandate was a difficult one and required the Council to make a thorough and careful assessment both of the situation confronting UNIFIL and of the Council's own readiness to fulfil the conditions that had been identified in 1978 as being necessary for the Force to be effective.

Following the adoption of the agenda, the Council invited the representative of Lebanon, at his request, to participate in the discussion without the right to vote.²⁶ The Council considered the item at its 2681st meeting, on 18 April 1986. At the beginning of that meeting, the Presi-

dent drew the Council's attention to the text of a draft resolution that had been prepared during consultations by the Council.⁵⁴

At the same meeting, the representative of the Union of Soviet Socialist Republics stated that the situation required the active cooperation of all who sincerely wanted a reliable defence of the sovereign rights of Lebanon against Israeli encroachment and who saw the importance of the consolidation of international support for the cause of the liberation of Lebanon from Israeli occupation. He announced that his country shared the opinion of Lebanon about the need to retain the presence of UNIFIL in Lebanon and that his delegation had decided to vote in favour of the draft resolution. He declared his country's willingness to take part in the financing of the Force, provided that that decision would not be considered as having a retroactive effect or a recognition of "indebtedness" for preceding years.

The representative of the United Kingdom of Great Britain and Northern Ireland described the statement made by the representative of the Union of Soviet Socialist Republics as marking an important change in Soviet policy and that meant that the Soviet Union was fully in favour of resolution 425 (1978), implying that the Soviet Union would be willing not only to give the Force its full political support and to meet, from then on, its assessed share of the cost of UNIFIL, but also to recognize and pay its assessed shares from previous years.

Before the vote, the President, speaking in his capacity as representative of France, expressed his country's concern at the deterioration of the situation in the field and at the Force's inability to fulfil its complete mandate as defined by Council resolutions 425 (1978) and 426 (1978). He enumerated the objectives of those resolutions as: (a) to confirm the withdrawal of the Israeli forces; (b) to restore international peace and security; and (c) to assist the Government of Lebanon in ensuring the return of its effective authority in the area. He further added that France could no longer accept a virtually automatic renewal of the Force for six months, and that his delegation had suggested a shorter mandate in order to induce the countries concerned to reflect and to consider the situation.

A statement was also made by the representative of the Union of Soviet Socialist Republics.

At the same meeting the draft resolution was voted upon, receiving 15 votes in favour and was adopted unanimously as resolution 583 (1986).⁵⁵ It reads as follows:

The Security Council,

Recalling its resolutions 425 (1978), 426 (1978), 501 (1982), 508 (1982), 509 (1982) and 520 (1982), as well as all its resolutions on the situation in Lebanon,

Having studied the report of the Secretary-General on the United Nations Interim Force in Lebanon of 9 April 1986, and taking note of the observations expressed therein,

Taking note of the letter of the Permanent Representative of Lebanon addressed to the Secretary-General of 1 April 1986,

Responding to the request of the Government of Lebanon,

1. *Decides* to extend the present mandate of the United Nations Interim Force in Lebanon for a further interim period of three months, that is, until 19 July 1986,

⁵²S/17965.

⁵³S/17968.

⁵⁴S/18019, adopted without change as resolution 583 (1986).

⁵⁵See S/PV.2681; see also chap. IV of the present *Supplement*.

2. Reiterates its strong support for the territorial integrity, sovereignty and independence of Lebanon within its internationally recognized boundaries;

3. *Re-emphasizes* the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978, approved by resolution 426 (1978), and calls upon all parties concerned to cooperate fully with the Force for the full implementation of its mandate;

4. *Reiterates* that the Force should fully implement its mandate as defined in resolutions 425 (1978), 426 (1978) and all other relevant resolutions;

5. *Requests* the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned on the implementation of the present resolution and to report to the Council thereon by 19 June 1986.

After the vote, the representative of Australia stated that although the word "peacekeeping" was not mentioned in the Charter, the peacekeeping role had evolved in response to the needs of a world troubled by conflict. He added that the interests of regional peace would be better served by the deployment of UNIFIL in accordance with the mandate that had been conferred on it by the Council.

The representative of Denmark stated that his country fully understood Israel's legitimate concern over the security of the northern borders, but at the same time his country believed that the "security zone" was neither a legitimate nor an effective means of meeting Israel's security concerns and that the security zone not only contravened resolution 425 (1978), but was also likely to build further resentment against Israel among the local population and to encourage use of the area as a base for attacks across its border.

The representative of Lebanon stated that the oft-repeated request for the renewal of the mandate of UNIFIL had not been based on a desire to make the mandate permanent but on other essential reasons, namely: (a) the Force should be enabled to discharge the mandate given it by the Council under its resolutions 425 (1978) and 426 (1978); (b) the presence of the Force in southern Lebanon constituted a commitment by the international community and the Council to Lebanon and its legitimate right to recover its sovereignty and authority over its entire territory; and (c) the presence of UNIFIL in southern Lebanon was an essential factor for stabilization and the best available option for ensuring peace, stability and security, in the absence of the total implementation of Council resolution 425 (1978) and other relevant resolutions.

Statements were also made by the representatives of Bulgaria, Ghana, the United States of America, the United Kingdom of Great Britain and Northern Ireland, Lebanon, the Union of Soviet Socialist Republics and France.

Decision of 29 May 1986 (2687th meeting): resolution 584 (1986)

At its 2687th meeting, on 29 May 1986, the Security Council included the report of the Secretary-General on UNDOF of 14 May 1986 in its agenda.⁵⁶

The report of the Secretary-General described the activities of UNDOF for the period from 14 November 1985 to 14 May 1986. The Secretary-General noted that UNDOF continued, with the cooperation of all parties, to fulfil the tasks entrusted to it by the Council in its resolutions 350 (1974).

However, the problem of restrictions on the freedom of movement of the Force still existed. Despite the prevailing quiet in the Israel-Syria sector, the situation in the Middle East as a whole continued to be potentially dangerous and was likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem could be reached, as called for by Council resolution 338 (1973). The Secretary-General considered the continued presence of UNDOF in the area to be essential. He therefore recommended that the Council extend the mandate of the Force for a further period of six months, until 30 November 1986, and pointed out that both Israel and the Syrian Arab Republic had agreed to the extension.

At the same meeting, the President drew attention to a draft resolution, which had been prepared in the course of the Council's consultations.⁵⁷ He then put the draft resolution to the vote; it was adopted unanimously as resolution 584 (1986).⁵⁸ It reads as follows:

The Security Council,

Having considered the report of the Secretary-General on the United Nations Disengagement Observer Force,

Decides:

(a) To call upon the parties concerned to implement immediately Security Council resolution 338 (1973);

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 30 November 1986;

(c) To request the Secretary-General to submit, at the end of this period, a report on the developments in the situation and the measures taken to implement resolution 338 (1973).

At the same meeting, the President, on behalf of the Council, made the following complementary statement regarding resolution 584 (1986):⁵⁹

As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force states, in paragraph 25:

"Despite the present quiet in the Israel-Syria sector, the situation in the Middle East as a whole continues to be potentially dangerous and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached."

That statement of the Secretary-General reflects the view of the Security Council.

Decision of 6 June 1986: statement by the President

On 6 June 1986, following consultations, the President of the Security Council issued the following statement on behalf of the members of the Council:⁶⁰

The members of the Security Council are gravely concerned at the continuing intensification of the fighting in Beirut, especially in and around the Palestinian refugee camps, with its high toll of casualties and material destruction.

The members of the Security Council appeal to all concerned to use their influence in bringing about the cessation of the fighting in order to enable the United Nations Relief and Works Agency for Palestine Refugees in the Near East as well as other humanitarian organizations to mount emergency operations for the benefit of the populations concerned, including the Palestinian refugees towards whom the international community has a particular responsibility.

They reaffirm that the sovereignty, independence and territorial integrity of Lebanon must be respected.

⁵⁷S/18109.

⁵⁸See S/PV.2687; see also chap. IV of the present *Supplement*.

⁵⁹S/18111.

⁶⁰S/18138.

⁵⁶S/18061.

The members of the Security Council endorse the Secretary-General's appeal to all parties concerned to exercise utmost restraint and to renew their efforts to end the present bloodshed.

Decision of 18 July 1986 (2699th meeting): resolution 586 (1986)

At its 2699th meeting, of 18 July 1986, the Security Council included the report of the Secretary-General on UNIFIL of 16 July 1986 in its agenda.⁶¹

The report contained an account of developments relating to UNIFIL from 10 April to 10 July 1986. The report stated that, in some parts of the UNIFIL area and the "security zone" maintained by Israel, there had been a decline in the number of violent incidents, while in others the level of hostilities had remained the same or increased. What had remained clear was that the continuing presence of IDF in southern Lebanon, quite apart from being contrary to resolution 425 (1978) and many other decisions of the Council, was not an answer to the problem of international peace and security in the area. The report further argued that the IDF presence had escalated the level of violence. The report gave a list of the incidents that had taken place and the casualties suffered, especially by UNIFIL personnel. It referred briefly to the visits of Mr. Goulding, Under-Secretary-General for Special Political Affairs, to the area in April and May/June, during which he had held discussions with government leaders and senior officials in Lebanon and Israel, as well as other interested parties.

The Secretary-General stated in his report that he still believed that the presence of UNIFIL would be essential. He had, therefore, recommended a six-month extension, taking account of the request of the Government of Lebanon contained in the letter of 7 July 1986.⁶²

Following the adoption of the agenda, the Council invited the representatives of Lebanon and Israel, at their request, to participate in the discussion without the right to vote.⁶³ The Council considered the item at its 2699th meeting, on 18 July 1986.

At the same meeting, the Council voted on a draft resolution that had been prepared in the course of the Council's consultations.⁶³ The draft was adopted unanimously as resolution 586 (1986).⁶⁴ It reads as follows:

The Security Council,

Recalling its resolutions 425 (1978), 426 (1978), 501 (1982), 508 (1982) and 520 (1982), as well as all its resolutions on the situation in Lebanon,

Having studied the report of the Secretary-General on the United Nations Interim Force in Lebanon of 17 June and 10 July 1986 and taking note of the observations expressed therein,

Taking note of the letter of the Permanent Representative of Lebanon addressed to the Secretary-General of 7 July 1986,

Responding to the request of the Government of Lebanon,

1. *Decides* to extend the present mandate of the United Nations Interim Force in Lebanon for a further interim period of six months, that is, until 19 January 1987;

2. *Reiterates* its strong support for the territorial integrity, sovereignty and independence of Lebanon within its internationally recognized boundaries;

3. *Re-emphasizes* the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978, approved by resolution 426 (1978), and calls upon all parties concerned to cooperate fully with the Force for the full implementation of its mandate;

4. *Reiterates* that the Force should fully implement its mandate as defined in resolutions 425 (1978), 426 (1978) and all other relevant resolutions;

5. *Requests* the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned on the implementation of the present resolution and to report to the Security Council thereon.

After the vote, several Council members underlined the useful role played by UNIFIL. The representative of the United Kingdom of Great Britain and Northern Ireland stated that an essential component of any solution to the tense and unhappy situation in southern Lebanon was the completion of the withdrawal of Israeli forces to the international boundary. He added that the Council looked to the Israeli Government to take full account of the Council's unanimous wish to secure a rapid end to the present situation in which Israeli forces, and others controlled by them, occupied Lebanese territory and prevented the exercise of Lebanese sovereignty. The representative of the Union of Soviet Socialist Republics observed that, unfortunately, one could once again conclude that the Council's demands, which had been clearly formulated in UNIFIL's mandate, had remained unfulfilled because of Israel's stubborn refusal to withdraw its troops from the entire territory of Lebanon and that UNIFIL had so far been deprived of any opportunity to carry out functions entrusted to it under resolution 425 (1978). The representative of Lebanon stated that the continued grave and volatile situation in southern Lebanon resulted from Israel's refusal to implement the resolutions of the Council, which called for Israel's complete and unconditional withdrawal from Lebanese territory, the deployment of international forces within internationally recognized borders and the exercise of sovereignty and authority by the Government of Lebanon over all its territories. The representative of Israel stated that although his Government viewed UNIFIL as a positive force because it introduced a measure of stability, his Government was convinced that UNIFIL could not protect northern Israel from attacks across the Lebanese border. He stated that Israel was interested in protecting its northern border, and it took actions against terrorist concentrations and attacks that emanated from southern Lebanon because the Government of Lebanon had no effective control over any parts of its territory, including the south.

The representatives of France and the United States of America also spoke.

Decision of 5 September 1986 (2705th meeting): statement by the President

By a letter of 4 September 1986 addressed to the President of the Security Council,⁶⁵ the representative of France requested an urgent meeting of the Council to consider the deteriorating situation in the area of operation of UNIFIL in southern Lebanon.

At its 2705th meeting, on 5 September 1986, the Council included the letter in its agenda. The Council considered the item at the same meeting. The Council decided to invite

⁶¹S/18164 and Add.1.

⁶²S/18202.

⁶³S/18226, adopted without change as resolution 586 (1986).

⁶⁴See S/PV.2699; see also chap. IV of the present Supplement.

⁶⁵S/18318.

the representative of Lebanon, at his request, to participate in the discussion without the right to vote.⁶⁶

At the same meeting, the Secretary-General stated that the Council was meeting in very difficult and grievous circumstances. He reminded the Council that he had had the opportunity to inform the members of the series of violent incidents that had taken place in the UNIFIL zone between 11 and 22 August 1986, during which two Lebanese and one member of the Irish contingent had been killed and several soldiers of the French contingent had been wounded. He added that, despite UNIFIL efforts to re-establish calm in the region and the cooperation, to that effect, of the Government of Lebanon and leaders of the Amal movement, a serious incident had occurred on 4 September 1986. Three French soldiers had been killed by a remote-control bomb near the village of Joya in the sector of the French contingent. The Secretary-General stated that he had vigorously condemned the cowardly attack and had sent a mission of inquiry to Lebanon headed by Mr. Goulding, Under-Secretary-General for Special Political Affairs. He declared his intention to do everything possible to avoid a recurrence of the recent incidents, to strengthen the security of the members of UNIFIL and to enable the Force to carry out its mandate. He pointed out, however, that UNIFIL could carry out its mandate only if all the parties involved extended to it the required cooperation and if it benefited from the confidence and unreserved support of the Council.

At the same meeting, the President read out the following statement that he had been authorized to make on behalf of the members of the Council following consultations that had been held among the members:⁶⁶

The members of the Security Council express their deep sorrow at the grave and distressing attacks which killed several members of the Irish and French contingents of the United Nations Force in Lebanon. These attacks come after various serious incidents in the recent past, in particular those of 11 and 12 August, in the course of which a number of members of the Force were injured. The members of the Council express their indignation at such resort to deliberate violence, which places in jeopardy the safety of the members of the Force.

They convey their sympathy to the afflicted families and pay tribute to the qualities of composure, courage and self-sacrifice manifested collectively by all the members of UNIFIL, in service of the ideals of peace of the Organization.

Given the worsening of the situation in the zone in which the Force operates, the members of the Security Council consider it essential to adopt with all urgency measures aimed at the effective reinforcement of the security of the members of the Force and request the Secretary-General to undertake all necessary steps to that effect.

The members of the Security Council express their appreciation to the Secretary-General for his immediate dispatch of a mission led by the Under-Secretary-General which is to carry out, in consultation with the Lebanese Government, an in-depth examination of the measures to be taken to enable the Force to carry out its mandate, as laid down in Council resolution 425 (1978), effectively in the necessary conditions of security.

They invite the Secretary-General to submit to the Council, as soon as possible, the report which he will prepare following the mission.

The members of the Council unanimously express their confidence in the Secretary-General and the Commander of the Force in the current difficult circumstances.

The representative of France stated that his delegation had requested an urgent meeting of the Council because of the rapid deterioration of the situation in southern Lebanon

and several serious incidents in which, over a period of one month, members of several contingents of UNIFIL had fallen victim. He noted that, despite persistent efforts, UNIFIL was still not in a position to carry out its mission securely and effectively. He called for the urgent adoption of measures aimed at strengthening the security of all members of UNIFIL. He proposed that a general review be undertaken dealing with all the substantive problems preventing UNIFIL from accomplishing its mission.

The representative of Ghana stated that the major cause of the cycle of violence in the UNIFIL area of operation was the so-called security zone militarily demarcated by Israel and the presence of Israeli-sponsored armed groups in southern Lebanon. He noted that the way to eliminate such tragic incidents was for Israel to withdraw its troops from Lebanon in order to enable UNIFIL to fulfil its mandate. The representative of Lebanon underlined the keenness of his Government to enable UNIFIL to fulfil the mandate that had been entrusted to it under Council resolution 425 (1978). The President stated, in his capacity as the representative of the Union of Soviet Socialist Republics, that it was necessary to assert that it was the Council's direct duty to work for the implementation, as soon as possible, of its resolution 425 (1978) on the basis of which UNIFIL had been created.

Decision of 23 September 1986 (2708th meeting): resolution 287 (1986)

By a letter dated 18 September 1986 addressed to the President of the Security Council,⁶⁷ the representative of France requested an urgent meeting of the Security Council to consider the situation of UNIFIL in the light of the Secretary-General's special report⁶⁸ on the subject of 18 September 1986.

The report of the Secretary-General contained the findings and recommendations of the mission of inquiry led by the Under-Secretary-General for Special Political Affairs, who had been sent by the Secretary-General to southern Lebanon following a series of serious incidents in mid-August and again in early September in the UNIFIL area of deployment, in which three French soldiers had been killed by a remote-control bomb. The report stated that Mr. Goulding had visited the area from 5 to 15 September and had held consultations with the Force Commander and his staff and with the various parties concerned. The report described the conditions under which UNIFIL was operating and the security measures that had already been taken, and gave a detailed account of the incidents of mid-August and early September against UNIFIL contingents as well as incidents involving the IDF and their allies, the SLA.⁶⁹

The Secretary-General pointed out in his report that the mission had reported that many of the dangers to which UNIFIL personnel had been exposed resulted from a discrepancy between its terms of reference and the situation on the ground. The Force was supposed to use its efforts to prevent the recurrence of fighting and to ensure that its area of operations would not be utilized for hostile activities of any kind. The report noted, however, that that requirement had been based on the assumption that Israel would withdraw its forces and that UNIFIL would operate

⁶⁶S/18320.

⁶⁷S/18353.

⁶⁸S/18348.

⁶⁹*ibid.*, paras. 5-10.

with the full cooperation of all the parties concerned. Israel's refusal to withdraw its forces had invalidated that assumption since UNIFIL had come into existence.

The report outlined the various additional security measures that had been adopted to improve the security of UNIFIL personnel, especially the French contingent.⁷⁰ The Secretary-General recognized, however, that UNIFIL was widely dispersed in some 214 positions throughout southern Lebanon and that security measures of the kind described in the report could provide only partial protection against determined attacks. The Governments of Lebanon and the Syrian Arab Republic had expressed to the mission unequivocal support for resolution 425 (1978) and for the continued presence of UNIFIL, and had called for the withdrawal of Israeli forces from southern Lebanon. The Government of Israel had reaffirmed to the mission the position it had previously communicated to the United Nations that the continued Israeli military presence in Lebanon was to ensure the security of northern Israel, a task that UNIFIL could not carry out. They had given the mission no indication that there would be any early change in Israel's position or that they would withdraw their forces in accordance with resolution 425 (1978).

The Secretary-General concluded, after listing all the alternative amendments to the mandate of UNIFIL, that changes in the mandate or terms of reference of UNIFIL would be unlikely to resolve the difficulties encountered by the Force. As regards the means available to the Force, the Secretary-General suggested that some useful changes should be made, including the redeployment of UNIFIL. It should also be consolidated by having fewer, stronger and better located positions and through the supply of armoured personnel carriers to two battalions in order to give them better protection while on the move. As regards armament, the Force Commander recommended that UNIFIL should not be provided with weapons heavier than the ones it had at that time. Despite the intolerable situation facing UNIFIL, the Secretary-General stated in his report that he could not recommend to the Council the withdrawal of the Force as its presence was still essential. He reiterated that the solution lied in complete withdrawal of Israeli forces from Lebanese territory and the deployment of UNIFIL to the international frontier. He recommended that the members of the Council should take urgent action to unblock the impasse and make substantial progress towards implementation of resolution 425 (1978), thus ensuring the security of UNIFIL personnel.

At its 2706th meeting, on 19 September 1986, the Council included the letter and the report of the Secretary-General in its agenda. The Council considered the item at its 2706th, 2707th and 2708th meetings, on 19, 22 and 23 September 1986. It decided to invite the representatives of Israel, Lebanon and the Syrian Arab Republic, at their request, to participate in the discussion without the right to vote.²⁶ At its 2708th meeting, the Council also extended an invitation under rule 39 of the Council's provisional rules of procedure to the Permanent Observer for the League of Arab States to participate in the discussion without the right to vote.²⁶

At the 2706th meeting, the Secretary-General briefed the Council on the latest incidents in southern Lebanon, intro-

duced his special report and underlined the main recommendations in the report. The representative of France made statements.

At the 2707th meeting, on 22 September 1986, the representative of Israel described the report of the Secretary-General as unbalanced and as distorting the true picture of the situation in southern Lebanon. He argued that the real culprit in the violent attacks against UNIFIL were Hezbollah and its backers in the Islamic Republic of Iran and the Syrian Arab Republic, and not Israel. He asserted that Israel would not withdraw from the "security zone" as it had been the only stable defence against attacks from southern Lebanon.

At the same meeting, the representative of Lebanon stated that, while insisting on the need for the adoption of the report of the Secretary-General to ensure the safety of UNIFIL and of effective measures to enable it to fulfil its mandate, he called upon all members of the Council to take a unanimous decision so that they might not individually or collectively bear the responsibility of the failure of that most important peacekeeping operation.

A statement was made by Mr. Clovis Maksoud.

The representative of the United Kingdom of Great Britain and Northern Ireland stated that the Security Council was confronting an extremely complicated situation. He believed that the central issue confronting the Council was the call contained in paragraph one of resolution 425 (1978) for strict respect for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries. He noted that the Council should reaffirm that paragraph and should work to bring it about. It was necessary not only for the Government of Israel, but also for other Governments, to act as had been called for in resolution 425 (1978) in order to give effect to paragraph 1 of that resolution.

At the same meeting, speaking in exercise of the right of reply, the representative of the Syrian Arab Republic stated that he did not need to clarify what had already been clear in the report: that what was happening in southern Lebanon was the result of the continued Israeli occupation of Lebanese territory, in contravention of resolution 425 (1978). He called upon the Council to force Israel to implement that resolution and to withdraw its forces beyond the internationally recognized borders.

The right of reply was exercised by Israel and Lebanon.

At the 2708th meeting, on 23 September 1986, the President drew attention to the draft resolution submitted by France.⁷¹

The representative of the United Arab Emirates stated that the weakness of the central government in Lebanon could not be a justification for occupation since occupation was illegal regardless of the justification and methods used to maintain it.

The representative of Israel referred to the draft resolution that had been submitted by France and suggested that it should not be adopted. He argued that the draft resolution had not addressed the central problem of the inability of the Government of Lebanon to establish authority or sovereignty over Lebanon's territory; that it had not addressed the responsibility of Hezbollah in the growth of

⁷⁰*ibid.*, paras. 16 and 17.

⁷¹S/18356, adopted as resolution 678 (1986).

terrorism against UNIFIL; and that it had given the Secretary-General an impossible task to perform in 21 days.

The President, speaking in his capacity as the representative of the Soviet Union, stated that the reasons underlying the dangerous situation in southern Lebanon, could be found in Israel's continuing obstinate refusal to withdraw its troops from Lebanese territory. He accused the United States of backing Israel, thus preventing the aggressor from being called to heel, and preventing the implementation of the Council decisions.

A further statement was also made by Mr. Clovis Mak-soud.

Before the vote statements were made by the representatives of the United Kingdom, China, Denmark, Bulgaria, Australia and Ghana.

At the same meeting, the draft resolution was voted upon, receiving 14 votes in favour with 1 abstention (United States of America), and was adopted as resolution 587 (1986),⁷² the text of which reads as follows:

The Security Council,

Recalling its resolutions 425 (1978) and 426 (1978), as well as its resolutions 511 (1982), 519 (1982) and 523 (1982) and all the resolutions relating to the United Nations Interim Force in Lebanon,

Recalling the mandate entrusted to the Force by resolution 425 (1978) and the guidelines of the Force set forth in the report of the Secretary-General dated 19 March 1978 and approved in resolution 426 (1978),

Further recalling its resolutions 508 (1982), 509 (1982) and 520 (1982), as well as all its other resolutions relating to the situation in Lebanon,

Solemnly reaffirming that it firmly supports the unity, territorial integrity, sovereignty and independence of Lebanon within its internationally recognized boundaries,

Deeply grieved over the tragic loss of human life and indignant at the harassment and attacks to which the soldiers of the Force are being subjected,

Recalling in this connection the statement made on 5 September 1986 by the President of the Council on its behalf,

Expressing its concern at the new obstacles to the freedom of movement of the Force and at the threats to its security,

Noting with regret that the Force, whose mandate has been renewed for the twenty-first time, has so far been prevented from fulfilling the task entrusted to it,

Recalling its resolutions 444 (1979), 450 (1979), 459 (1979), 474 (1980), 483 (1980) and 488 (1981), in which it expressed its determination, in the event of continuing obstruction of the mandate of the Force, to examine practical ways and means to secure full and unconditional implementation of resolution 425 (1978),

Emphasizing its conviction that this deterioration of the situation constitutes a challenge to its authority and its resolutions,

1. *Condemns in the strongest terms the attacks committed against the United Nations Interim Force in Lebanon;*
2. *Expresses indignation at the support which such criminal actions may receive;*
3. *Pays homage to the courage, spirit of discipline and composure of the soldiers of the Force;*
4. *Takes note of the report of the Secretary-General prepared after the recent mission by his representative in the region, particularly the paragraphs relating to the security of the Force and the withdrawal of Israeli military forces from southern Lebanon;*
5. *Takes note of the preliminary security measures decided on by the Secretary-General and requests him to take any further measures*

needed to enhance the security of the men of the Force in their peace mission;

6. *Urges all the parties concerned to cooperate unreservedly with the force in the fulfilment of its mandate;*

7. *Again calls for an end in southern Lebanon to any military presence which is not accepted by the Lebanese authorities;*

8. *Requests the Secretary-General to make the necessary arrangements for a deployment of the Force to the southern border of Lebanon, and solemnly calls on all the parties concerned to cooperate in the achievement of that objective;*

9. *Requests the Secretary-General to report to it within twenty-one days on the application of this resolution.*

After the vote, the representative of the United States explained that they had abstained in the vote because the draft resolution had focused exclusively on the redeployment of UNIFIL to the southern borders of Lebanon, ignoring the critical factor that had prevented the fulfilment of the Force's mandate: the absence of agreement among the parties concerned on security arrangements that would have protected their respective interests. He asserted that it was not Israel that was killing and wounding the soldiers of UNIFIL and that the resolution adopted did not reflect that fact.

Decision of 31 October 1986 (2719th meeting): statement by the President

Pursuant to Security Council resolution 587 (1986) of 23 September 1986 which had requested the Secretary-General to report to the Council within 21 days on its implementation, the Council met on 31 October to consider the Secretary-General's report.⁷³

The Secretary-General observed in his report that attacks against UNIFIL personnel during the period covered (18 September–13 October 1986) had markedly decreased and that no further lives had been lost. The report, nevertheless, gave a detailed account of the few incidents that had taken place, including attacks on the French contingent, the operations of the IDF and SLA, as well as clashes between various armed groups in southern Lebanon. It also gave an account of the implementation of UNIFIL security measures and procedures as proposed in the Secretary-General's previous report⁷⁴ as well as the financial requirements to implement all those proposals. The report also described the Secretary-General's efforts to implement the request included in paragraph 8 of Security Council resolution 587 (1986) that he make all the necessary arrangements for the deployment of UNIFIL to the southern border of Lebanon. The Secretary-General reported that the Israeli authorities had informed him that at that time Israel could not agree to complete the withdrawal of its forces from Lebanese territory, but it remained ready to give serious consideration to concrete proposals by the United Nations that would take into account their concern over the security of their northern border. The Lebanese authorities had, on the other hand, reaffirmed their insistence on the immediate withdrawal of Israeli forces from all Lebanese territories in accordance with Council resolution 425 (1978). They had further restated that if such withdrawal were achieved they would ensure that there would be no return to the situation that had existed in southern Lebanon before 1982.

⁷³S/18396.

⁷⁴S/18487.

⁷²S/PV.2708; see also chap. IV of the present Supplement.

At its 2719th meeting, on 31 October 1986, the Security Council included the Secretary-General's report in its agenda and considered the item at the same meeting. The President (United Arab Emirates) was authorized, after consultations among members, to make the following statement on behalf of the members of the Council.⁷⁵

The members of the Security Council have noted with appreciation the report submitted by the Secretary-General in conformity with Security Council resolution 587 (1986) requesting him to take any further measures needed to enhance the security of the men of the United Nations Interim Force in Lebanon and to make the necessary arrangements for a deployment of the Force to the southern border of Lebanon.

They express their gravest concern that the basic objectives of Council resolution 425 (1978) have not been achieved.

The members of the Council take note of the consultations initiated by the Secretary-General with the parties concerned and others with a view to the implementation of the mandate of the Force. While they regret that the consultations aimed at implementing resolution 425 (1978) have thus far failed to yield practical results, the members of the Council request the Secretary-General actively to pursue his contacts.

They note the new security measures decided upon since the adoption of the resolution. They request the Secretary-General to suggest any other steps he may deem necessary for increased security in connection with the movements of the Force indispensable for the fulfilment of its mandate. They approve the proposals submitted by the Secretary-General in his report and his intention to seek the approval of the General Assembly for necessary budgetary appropriation. In that connection, they call on all countries to assume their financial responsibilities towards the Force and on the Secretary-General to continue his efforts to expedite the reimbursement of the advances of funds made by the contributor countries.

They note with interest the instructions given by the Secretary-General to the Commander of the Force to keep under continuous review all the possibilities of varying the size and deployment of contingents if that would strengthen their security without jeopardizing the effectiveness of the Force. They request the Secretary-General to study these possibilities in consultation with the contributing countries and to put appropriate measures into effect.

In that regard, they have noted with satisfaction the intention expressed by the Lebanese authorities to deploy a regular unit of their army in the zone of the Force to work in close liaison with it in accordance with the provisions of resolution 425 (1978).

Once again, the members of the Security Council urge all the parties concerned to give full support to the Force in the fulfilment of its mandate and also call for an end to any military presence in southern Lebanon which is not accepted by the Lebanese authorities. They call on the Secretary-General to intensify his efforts to secure the full and effective implementation of resolution 425 (1978).

Decision of 26 November 1986 (2722nd meeting): resolution 590 (1986) and statement by the President

At its 2722nd meeting, on 26 November 1986, the Security Council included the report of the Secretary-General on UNDOF dated 12 November 1986⁷⁶ in its agenda.

The report described the activities of UNDOF for the period from 15 May to 12 November 1986. The Secretary-General noted in his report that UNDOF had continued to perform its functions effectively, with the cooperation of the parties concerned. During the period covered, the situation in the Israel-Syria sector had remained quiet and there had been no serious incidents. The report also gave a detailed account of the composition, rotation, deployment and the activities of the Force. The Secretary-General

noted that the continued presence of UNDOF in the area was essential and he had, therefore, recommended that the Council extend the mandate of the Force for a further period of six months, until 31 May 1987. He indicated that both Syria and Israel had given their consent to the proposed extension.

At the same meeting, the Council voted on a draft resolution that had been prepared in the course of the Council's consultations.⁷⁷ It was adopted unanimously as resolution 590 (1986).⁷⁸ It reads as follows:

The Security Council,

Having considered the report of the Secretary-General on the United Nations Disengagement Observer Force,

Decides:

(a) To call upon the parties concerned to implement immediately Security Council resolution 338 (1973);

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 31 May 1987;

(c) To request the Secretary-General to submit, at the end of this period, a report on the developments in the situation and the measures taken to implement resolution 338 (1973);

Following the adoption of resolution 590 (1986), the President was authorized to make the following complementary statement on behalf of the Council:⁷⁹

As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force states, in paragraph 24:

Despite the present quiet in the Israel-Syria sector, the situation in the Middle East as a whole continues to be potentially dangerous and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached.

That statement of the Secretary-General reflects the view of the Security Council.

Decision of 2 December 1986: statement by the President

On 2 December 1986, following consultations, the President issued the following statement on behalf of the members of the Security Council:⁸⁰

The members of the Security Council, mindful of the sovereignty, independence and territorial integrity of Lebanon, express their serious concern at the current escalation of violence there, affecting the civilian population in and around the Palestinian refugee camps. The members of the Council appeal to all concerned to exercise restraint in order to end these acts of violence. They also appeal to all concerned to take necessary measures to alleviate the suffering of the civilian population. They urge all concerned to facilitate the efforts of all United Nations agencies, particularly the United Nations Relief and Works Agency for Palestine Refugees in the Near East, as well as non-governmental organizations, to provide humanitarian assistance.

Decision of 15 January 1987 (2731st meeting): resolution 594 (1987)

At its 2731st meeting, on 15 January 1987, the Security Council included the report of the Secretary-General on UNIFIL of 12 January 1987⁸¹ in its agenda.

The report of the Secretary-General and its addendum gave a detailed account of the activities of UNIFIL in the six-month period from 18 July 1986 to 19 January 1987.

⁷⁵S/18481, adopted without change as resolution 590 (1986).

⁷⁶See S/PV.2722; see also chap. IV of the present *Supplement*.

⁷⁷S/18487.

⁷⁸S/18492.

⁸¹S/18581 and Corr.1 and Add.1.

⁷⁵S/18439.

⁷⁶S/18453.

The report also gave a detailed account of the redeployment of the Force that had been necessitated by the violent incidents of August and September 1986, in particular after the bulk of the French infantry battalion had been repatriated in mid-December 1986. The report listed the attacks against UNIFIL positions by the IDF, SLA and the various armed resistance groups and the casualties incurred, as well as the clashes between the Amal movement and Palestinians in and around refugee camps.

The Secretary-General noted in his report that the period under review had been a very difficult one for UNIFIL. He stated that Israel's determination to maintain its "security zone" had provoked equally determined resistance from various armed groups in Lebanon and that UNIFIL had been seriously affected by that conflict. The Secretary-General added that his efforts to achieve progress towards implementation of Council resolution 425 (1978) had again proved unsuccessful. He pointed out that the position of the parties (Israel, Lebanon and Syria) had not changed at all. He argued that despite lack of progress and despite all the problems UNIFIL faced, it nevertheless remained an important element of stability in southern Lebanon and that its withdrawal would create a critical vacuum and would lead to even greater conflict. He recommended that the Council accept the request of the Government of Lebanon that the Force's mandate be extended for a period of 6 months and 12 days (until 31 July 1987). He concluded by stating that he felt obliged to emphasize two further points of great importance: (a) if the Council accepted his recommendation it would be essential that all in a position to help should make every possible effort to work for the fulfilment of the UNIFIL mandate; and (b) if the UNIFIL situation continued to deteriorate, the Council might consider whether it would be right to ask the troop-contributing governments to keep UNIFIL in being.

At its 2731st meeting, on 15 January 1987, the Council decided to invite, at their request, the representatives of Lebanon, Ireland and Israel to participate in the discussion without the right to vote.

At the same meeting, the Council voted on a draft resolution that had been prepared in the course of the Council's consultations.⁸² The draft resolution was adopted unanimously as Council resolution 594 (1987).⁸³ It reads as follows:

The Security Council,

Recalling its resolutions 425 (1978), 426 (1978), 501 (1982), 508 (1982) and 520 (1982), as well as all its resolutions on the situation in Lebanon,

Having studied the report of the Secretary-General on the United Nations Interim Force in Lebanon of 12 January 1987, and taking note of the observations expressed therein,

Taking note of the letter dated 6 January 1987 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General,

Responding to the request of the Government of Lebanon,

1. *Decides* to extend the present mandate of the United Nations Interim Force in Lebanon for a further interim period of six months, that is, until 31 July 1988;

2. *Reiterates* its strong support for the territorial integrity, sovereignty and independence of Lebanon within its internationally recognized boundaries;

3. *Re-emphasizes* the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978, approved by resolution 426 (1978), and calls upon all parties concerned to cooperate fully with the Force for the full implementation of its mandate;

4. *Reiterates* that the Force should fully implement its mandate as defined in resolutions 425 (1978), 426 (1978) and all other relevant resolutions;

5. *Requests* the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned on the implementation of the present resolution and to report to the Security Council thereon.

Following the vote, representatives of several delegations made statements. The representative of France indicated that his Government agreed with the observations contained in the Secretary-General's report, in particular those concerning the implementation of resolution 425 (1978), and that France considered that UNIFIL continued to be an important element of stability in the region. The representative of the United Kingdom of Great Britain and Northern Ireland stated that it was a matter of concern that no progress had been made in the implementation of resolution 425 (1978). He pointed out his agreement with the Secretary-General that the main problem continued to be Israel's refusal to complete its withdrawal from Lebanon and its retention of a "security zone" in southern Lebanon.

The representative of Israel reiterated his Government's position that it had no territorial claims on Lebanon and was solely concerned with maintaining the security of its northern border and preventing terrorist attacks from Lebanon. He confirmed that Israel remained strongly committed to working with any party in Lebanon that genuinely sought peace and tranquillity on both sides of the border. He further remarked that some believed that the solution simply lied with Israel abandoning its security arrangements in southern Lebanon while UNIFIL deployed southwards to the international border, but there was no indication that such a scenario would have prevented the intensification of terrorist attacks against Israel from southern Lebanon. He suggested that the efforts to solve the problems of UNIFIL should be based on the acceptance of the principles of trial periods and a stage-by-stage approach, beginning with an immediate and total ceasefire in the entire area for a period of at least six months. He added that once those principles were accepted and implemented by the parties concerned it would then be possible to negotiate the territorial and binding concept of a permanent solution along the lines envisaged in resolutions 242 (1967) and 388 (1973).

The representative of Lebanon called upon the Council and its members, collectively and individually, to undertake prompt and effective endeavours to implement resolutions 425 (1978) and 426 (1978), as well as all other resolutions. He stated that while Israel bore a direct responsibility for obstructing the task of UNIFIL, the Council had the fundamental responsibility to enable the Force to carry out its mission by removing the impediments facing it. He stated that if Israel continued its obstructionist stand, it would be incumbent upon the Council to consider practical ways and means to secure the full and unconditional implementation of its resolutions.

⁸²S/18597, adopted as resolution 594 (1987).

⁸³For the vote, see S/PV.2731; see also chap. IV of the present Supplement.

Statements were also made by the representatives of the United Kingdom of Great Britain and Northern Ireland, Japan, the Federal Republic of Germany, Italy, the Union of Soviet Socialist Republics, the United States of America, Ireland, Argentina and Venezuela.

Decision of 13 February 1987: statement by the President

On 13 February 1987, after consultations, the President made the following statement on behalf of the members of the Security Council:⁸⁴

The members of the Security Council, mindful of the sovereignty, independence and territorial integrity of Lebanon, express their profound concern at the continued escalation of violence in certain parts of Lebanon, affecting the civilian population, particularly in and around Palestinian refugee camps.

Deeply alarmed by the tragic suffering undergone by the civilian population, particularly inside the Palestinian refugee camps, they call on the parties concerned to observe an immediate ceasefire and to permit access to these camps for humanitarian purposes.

They also urgently appeal to all concerned to facilitate the efforts of various Governments and United Nations agencies, including the United Nations Relief and Works Agency for Palestine Refugees in the Near East as well as non-governmental organizations, to provide critically needed humanitarian assistance.

Recalling their previous statements they reiterate their call for a speedy return to peace and a situation of normalcy and for the safeguarding of civilian lives in Lebanon.

Decision of 19 March 1987: statement by the President

On 19 March 1987, after consultations, the President made the following statement on behalf of the members of the Security Council:⁸⁵

The members of the Security Council, mindful of the sovereignty, independence and territorial integrity of Lebanon, note with profound concern that, in spite of their previous statements, the Palestinian refugee camps in Lebanon have not been receiving the necessary humanitarian assistance and that the situation in those camps remains critical.

Alarmed by the suffering of the civilian population in the camps, they therefore again urge all parties concerned urgently to facilitate the efforts of various United Nations agencies, particularly the United Nations Relief and Works Agency for Palestine Refugees in the Near East, as well as any other humanitarian assistance aimed at distributing food and medical supplies in the Palestinian refugee camps in Lebanon and, thus, at fulfilling a critically needed mission.

Recalling their previous statements, they reiterate their call for a speedy end to violence in and around the Palestinian refugee camps in Lebanon and a return to a durable peace and a situation of normalcy and for the safeguarding of civilian lives.

Decision of 29 May 1987 (2748th meeting): resolution 596 (1987) and statement by the President

At its 2748th meeting, on 18 May 1987, the Security Council included the Report of the Secretary-General on UNDOF of 18 May 1987⁸⁶ in its agenda.

The report described the activities of UNDOF for the period from 13 November 1986 to 17 May 1987. It also gave a detailed account of the deployment, logistics and financial aspects of the Force, as well as its functions in the maintenance of the ceasefire between Israel and Syria and its supervision of the Agreement on Disengagement with regard to the areas of separation and limitation. The report referred briefly to the implementation of Council resolu-

tion 338 (1973) and stated that the Secretary-General had continued to maintain contacts on the matter with the parties and the interested Governments.⁸⁷

The report indicated that, during the period under review, the situation in the Israel-Syria sector had remained quiet and that the Force had continued to perform its functions effectively, with the cooperation of the parties. It further noted that despite that quiet, the situation in the Middle East as a whole continued to be potentially dangerous, unless and until a comprehensive settlement covering all aspects of the Middle East problem could be reached. The Secretary-General considered the continued presence of UNDOF in the area to be essential. He, therefore, recommended that the Council extend the mandate of the Force for a further period of six months, until 30 November 1987. He noted that the Governments of the Syrian Arab Republic and Israel had given their assent to the proposed extension.

At its 2748th meeting, on 29 May 1987, the Council voted on a draft resolution that had been prepared in the course of the Council's consultations.⁸⁸ The draft resolution was adopted unanimously as resolution 596 (1987).⁸⁹ It reads as follows:

The Security Council,

Having considered the report of the Secretary-General on the United Nations Disengagement Observer Force,

Decides:

(a) To call upon the parties concerned to implement immediately Security Council resolution 338 (1973);

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 30 November 1987;

(c) To request the Secretary-General to submit, at the end of this period, a report on the developments in the situation and the measures taken to implement resolution 338 (1973).

Following the adoption of the resolution on the renewal of the mandate of UNDOF, the President made the following complementary statement on behalf of the Council:⁹⁰

As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force states, in paragraph 24:

"Despite the present quiet in the Israel-Syria sector, the situation in the Middle East as a whole continues to be potentially dangerous and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached."

That statement of the Secretary-General reflects the view of the Security Council.

Decision of 31 July 1987 (2751st meeting): resolution 599 (1987)

At its 2751st meeting, on 31 July 1987, the Security Council included the report of the Secretary-General on UNIFIL dated 24 July 1987⁹¹ in its agenda.

The report of the Secretary-General contained a detailed account of developments relating to UNIFIL for the period from 12 January to 24 July 1987. The report stated that the situation in the UNIFIL area had remained essentially un-

⁸⁴S/18691.

⁸⁵S/18756.

⁸⁶S/18868.

⁸⁷For further details, see the report of the Secretary-General on the situation in the Middle East (A/41/768-S/18427).

⁸⁸S/18881, adopted without change as resolution 596 (1987).

⁸⁹For details of the vote, see 2748; see also chap. IV of the present Supplement.

⁹⁰S/18885.

⁹¹S/18990.

changed and that Israel continued to maintain its "security zone", which was manned by the IDF and the so-called "South Lebanon Army" (SLA). The report included a detailed account of violent incidents and operations in the area between armed resistance groups and the IDF and SLA, as well as cases when UNIFIL had been affected by those hostilities. The report listed incidents where UNIFIL personnel were attacked or harassed and the casualties incurred.

The Secretary-General noted in his report that the situation in southern Lebanon remained highly unstable. He further noted that the refusal of Israel to withdraw completely and its insistence on maintaining the "security zone" continued to thwart efforts to start a process to restore international peace and stability in the area. The report indicated that the security measures and the new operating procedures that had been introduced by the Force Commander had contributed significantly to the decline in casualties. The Secretary-General appealed once more to all those involved in the hostilities in southern Lebanon to treat UNIFIL and its personnel with the respect due to those sent on a mission of peace.

The Secretary-General stated that the positions of the Governments involved had not changed. He observed that since there had been no change in the position of the Government of Israel, it had again proved impossible to make progress towards implementation of Council resolution 425 (1978). He added that the assassination of Prime Minister Rashid Karami of Lebanon in June 1987 had proved a major setback to the hopes expressed in his last report on UNIFIL that progress would be made towards national reconciliation in Lebanon.

The Secretary-General noted in conclusion the fact that it remained exceedingly difficult for UNIFIL to carry out its task of preventing hostile activity and restoring international peace and security without finding itself in confrontation with one or more of the parties. He referred to the request of the Government of Lebanon to extend the mandate of UNIFIL since the Force remained an essential element of stability in the area. He further stated that for the reasons he had given in previous reports and to avoid a vacuum, he recommended that the Council accept the Lebanese authorities' request and renew the mandate of UNIFIL for a further period of six months (until 31 January 1988).

Following the adoption of the agenda, the Council decided to invite the representatives of Lebanon and Israel, at their request, to participate in the discussion without the right to vote.

At the same meeting, the President put to the vote a draft resolution that had been prepared in the course of the Council's consultations.⁹² It was adopted unanimously as resolution 599 (1987).⁹³ It reads as follows:

The Security Council,

Recalling its resolutions 425 (1978), 426 (1978), 501 (1982), 508 (1982), 509 (1982) and 520 (1982), as well as all its resolutions on the situation in Lebanon,

Having studied the report of the Secretary-General on the United Nations Interim Force in Lebanon of 24 July 1987, and taking note of the observations expressed therein,

Taking note of the letter dated 16 July 1987 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General,

Responding to the request of the Government of Lebanon,

1. *Decides* to extend the present mandate of the United Nations Interim Force in Lebanon for a further interim period of six months, that is, until 31 January 1988;

2. *Reiterates* its strong support for the territorial integrity, sovereignty and independence of Lebanon within its internationally recognized boundaries;

3. *Re-emphasizes* the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978, approved by resolution 426 (1978), and calls upon all parties concerned to cooperate fully with the Force for the full implementation of its mandate;

4. *Reiterates* that the Force should fully implement its mandate as defined in resolutions 425 (1978), 426 (1978) and all other relevant resolutions;

5. *Requests* the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned on the implementation of the present resolution and to report to the Security Council thereon.

Following the vote, the representatives of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, France (the President), Lebanon and Israel made statements. The representative of the Soviet Union noted that Israel continued to disregard the demands of the Security Council to withdraw its troops. He argued that the question of guaranteeing the sovereignty and territorial integrity of Lebanon should be considered in the overall context of the attainment of a just and peaceful settlement to the Middle East conflict. He added that the focal point for such a settlement should be a plenipotentiary international conference to be held under United Nations auspices.

The representative of Lebanon, quoting from the Secretary-General's report, argued that it was Israel that was hampering the implementation of resolutions of the Security Council. He reiterated Lebanon's demand that UNIFIL be allowed to implement the Council's resolutions and fully implement the Force's mandate. In response, the representative of Israel stated that Israel had no design on Lebanese territory and that the "security zone" was a temporary arrangement until such time as the Government of Lebanon was able to take effective control of the situation in southern Lebanon and prevent the terrorist attacks against Israel across their common border.

Decision of 25 November 1987 (2769th meeting): resolution 603 (1987)

At its 2769th meeting, on 25 November 1987, the Security Council included the report of the Secretary-General on UNDOF dated 13 November 1987⁹⁴ in its agenda.

The report described the activities of UNDOF for the period from 18 May to 13 November 1987. The Secretary-General stated in his report that UNDOF had continued during that period to perform its functions effectively, with the cooperation of both parties (Israel and Syria). He noted that restrictions on the freedom of movement of the Force still existed, but that the situation in the Israel-Syria sector had remained quiet.

⁹²S/19008.

⁹³See S/PV.2151 and chap. IV of the present Supplement.

⁹⁴S/19263.

The Secretary-General observed that, despite the quiet in the sector, the situation in the Middle East as a whole continued to be potentially dangerous and was likely to remain so unless and until a comprehensive peace settlement covering all aspects of the Middle East problem could be reached, as called for by the Council in resolution 338 (1973). In those circumstances, the Secretary-General considered the continued presence of UNDOF in the area to be essential. He therefore recommended that the Council extend the mandate of the Force for a further period of six months, until 20 May 1988.

At the same meeting, the President drew attention to a draft resolution that had been prepared in the course of the Council's consultations.⁹⁵ He then put the draft resolution to the vote; it was adopted unanimously as resolution 603 (1987).⁹⁶ It reads as follows:

The Security Council,

Having considered the report of the Secretary-General on the United Nations Disengagement Observer Force,

Decides:

(a) To call upon the parties concerned to implement immediately Security Council resolution 338 (1973);

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 31 May 1988;

(c) To request the Secretary-General to submit, at the end of this period, a report on the developments in the situation and the measures taken to implement resolution 338 (1973).

At the same meeting, the President, on behalf of the Council, made the following complementary statement regarding resolution 603 (1987):⁹⁷

As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force states, in paragraph 24:

"Despite the present quiet in the Israel-Syria sector, the situation in the Middle East as a whole continues to be potentially dangerous and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached."

That statement of the Secretary-General reflects the view of the Security Council.

Decision of 18 January 1988 (2784th meeting): rejection of a draft resolution

By a letter dated 7 January 1988 addressed to the President of the Security Council,⁹⁸ the representative of Lebanon requested an urgent meeting of the Security Council to consider Israel's acts of aggression against Lebanon, extending over the period since 15 December 1987.

At its 2782nd meeting, on 15 January 1988, the Council included the letter in its agenda. The Council decided to invite the following, at their request, to participate in the discussion without the right to vote: at the 2782nd meeting, the representatives of Lebanon, Israel, Jordan and Syria;⁹⁹ at the 2783rd meeting, the representatives of Kuwait, Morocco and Saudi Arabia;¹⁰⁰ and at the 2784th meeting, the representative of Mauritania.¹⁰¹ At its 2782nd meeting, the Council also extended an invitation under rule 39 of its

provisional rules of procedure to Mr. Samir Mansouri, the Acting Permanent Observer for the League of Arab States.²⁶ At its 2783rd meeting, the Council decided by a vote and in accordance with its previous practice to invite Mr. Zuhdi Terzi, the representative of the PLO, to participate in the discussion without the right to vote.¹⁰² The Council considered the item at its 2782nd to 2784th meetings, on 15 and 18 January 1988.

At the 2782nd meeting, on 15 January 1988, the representative of Lebanon stated that his country was compelled to request a meeting of the Council to discuss Israel's repeated acts of aggression owing to the failure of the Council to agree in its consultations on a Presidential statement. He further stated that Israel continued to occupy Lebanese territory and had violated the territorial integrity, the airspace and the territorial waters of Lebanon in contravention of the Charter, international law and resolutions of the Council. He then gave a detailed account of Israeli military operations in southern Lebanon in the two weeks preceding the Council's meeting. He described the acts of shelling, bombardments and air raids against Lebanese villages and towns, and the naval and land siege, in particular against Sidon, Tyre and Yohmor. He referred to the Secretary-General's report of 4 December 1987,¹⁰³ which stated that Israel had constructed roads and built fences in southern Lebanon, giving itself the right to act to change the international border and to occupy territory. He argued that the pretext of maintaining security was a smokescreen for Israel's designs regarding Lebanese territory and waters. In conclusion, he called upon the Council to deplore and condemn the Israeli acts of aggression, to make Israel halt such acts and to implement Council resolutions demanding its withdrawal, to make Israel stop encroaching upon land across the border and to normalize the situation on the border.

Several speakers made statements supporting the Lebanese arguments and demands: Jordan (on behalf of the Group of Arab States);¹⁰⁴ Syria, Saudi Arabia, Algeria and LAS;¹⁰⁵ Yugoslavia, the PLO, Morocco, Kuwait (on behalf of OIC), Senegal and Mauritania.¹⁰⁶ The representative of Morocco wondered why Israel was so anxious to undermine the authority of UNIFIL and to discredit the Council's main function, namely, maintaining international peace and security. He stated that the General Assembly had identified the way to solve the Lebanese problem through settling the Middle East conflict in an international conference to guarantee the right to peaceful existence of all peoples in the region.

At the 2782nd to 2784th meetings, the representatives of Argentina, Nepal, Senegal, Zambia and the United Kingdom of Great Britain and Northern Ireland also spoke. A statement was also made by Mr. Mansouri.

At the 2782nd meeting, the President drew attention to a draft resolution submitted by Algeria, Argentina, Nepal, Senegal, Yugoslavia and Zambia.¹⁰⁷ Under the preambular part of the draft resolution, the Council would have, *inter alia*, reaffirmed previous resolutions on Lebanon, noted

⁹⁵S/19296.

⁹⁶See S/PV.2769 and chap. IV of the present *Supplement*.

⁹⁷S/19301.

⁹⁸S/19415.

⁹⁹See S/PV.2782.

¹⁰⁰See S/PV.2783.

¹⁰¹See S/PV.2784.

¹⁰²For the vote (10 to 1, with 4 abstentions), see S/PV.278; for further details, see chap. III of the present *Supplement*.

¹⁰³S/19318.

¹⁰⁴See S/PV.2782.

¹⁰⁵See S/PV.2783.

¹⁰⁶See S/PV.2784.

¹⁰⁷S/19434.

with great concern the deterioration of the situation in southern Lebanon as a result of Israeli attacks and other measures, and expressed deep concern over the encroachment of land and the setting up of fences affecting the internationally recognized boundaries of Lebanon. Under the operative part of the draft resolution, the Council would have: (a) strongly deplored the repeated Israeli attacks against Lebanese territories and all other measures and policies against the civilian population; (b) strongly requested that Israel cease all acts of encroachment of land, construction of roads and setting up of fences that violate the border, and any attempts to occupy or change the status of Lebanese territory or to impede the return of the effective authority of the Government of Lebanon in sovereign Lebanese territory; (c) reaffirmed its call for strict respect for the sovereignty of Lebanon, its independence, unity and territorial integrity within its internationally recognized boundaries; and (d) reaffirmed the urgent need to implement the provisions of Council resolutions on Lebanon that demanded Israeli withdrawal to the internationally recognized boundaries.

At the 2783rd meeting, on 18 January 1988, the representative of Israel argued that Lebanese sovereignty was not violated by Israel but by Syria, Iran and the PLO, who were either occupying Lebanese territory or financing and controlling armed groups. He further stated that all three would join in one mission: to use Lebanon's territory as a base for terrorist attacks against Israel. Israel had no choice but to defend itself, he argued. Since the Council was condoning all Arab attacks against Israel and condemning any Israeli countermeasures, it was not the place for a serious discussion of the problems in South Lebanon and in Lebanon in general.

At the 2784th meeting, on 18 January 1988, the representative of the Union of Soviet Socialist Republics stated that Lebanon had been quite justified in placing the matter before the Council since Israel continued to occupy Lebanese territory and was refusing to put an end to its intervention in the internal affairs of Lebanon, as had been clearly demanded by Council resolutions. He stated that the Soviet Union viewed the question of guaranteeing the sovereignty and territorial integrity of Lebanon in the overall context of efforts to achieve a peaceful settlement in the Middle East through the convening of an international conference on the Middle East.

At the same meeting, the representative of Brazil stated that only through unqualified compliance with Council resolutions could peace and stability return to Lebanon. He strongly deplored the recent Israeli attacks against Lebanese territory and all other measures and practices employed against Lebanon's civilian population. The representative of the United Kingdom of Great Britain and Northern Ireland (the President) stated that his Government deplored Israel's actions in southern Lebanon, but equally deplored the continuing cycle of violence in the area, including the use of Lebanese territory for armed attacks against Israel.

Also at the same meeting, the President put the draft resolution to a vote; it received 13 votes to 1, with 1 abstention, and was not adopted owing to the negative vote of a permanent member of the Council.¹⁰⁸

¹⁰⁸See S/PV.2784; for details, see chap. IV of the present *Supplement*.

Following the vote a statement was made by the representative of the United States of America.

Decision of 29 January 1988 (2788th meeting): resolution 609 (1988)

At its 2788th meeting, on 29 January 1988, the Security Council included the report of the Secretary-General on UNIFIL of 22 January 1988¹⁰⁹ in its agenda.

The report of the Secretary-General contained a detailed account of developments relating to UNIFIL for the period from 25 July 1987 to 22 January 1988. The report noted that the situation in the UNIFIL area had remained essentially unchanged. Israel had continued to maintain in southern Lebanon its "security zone", manned by the IDF and the "SLA". The report also contained a detailed description of the armed clashes that took place during the period between armed resistance groups and the IDF/SLA. It also described the various operations against UNIFIL positions and personnel and the casualties suffered. The report referred to the limited redeployments of the IDF/SLA within the "security zone", the most important of which was the evacuation by the IDF/SLA of two positions on Tallet Hugban, one of which was occupied by UNIFIL while it could not occupy the other as it had been heavily mined by the IDF.

The Secretary-General observed once again that despite efforts at all levels, UNIFIL had been prevented from making further progress towards implementing fully the objective of Council resolution 425 (1978), which remained valid. According to the Israeli authorities, the report stated, the "security zone" was a temporary arrangement governed by Israeli security concerns in the light of the situation existing in southern Lebanon and the rest of the country. Israel maintained that in those prevailing circumstances, it could not allow the redeployment of UNIFIL to the border as there was no central government in Beirut able to exercise effective authority throughout the area and UNIFIL was not able to assume such responsibility. The Secretary-General observed here that UNIFIL could not implement its mandate successfully without the full cooperation of the Israeli authorities.

The Secretary-General argued that during the period under review, the level of violence in southern Lebanon had been limited to some extent, in particular because of the presence of UNIFIL. He argued once more that although UNIFIL had not been able to implement fully the mandate entrusted to it by the Council, the Force was undoubtedly an extremely important factor in whatever peace and normality existed in southern Lebanon. The Secretary-General felt he was obliged, therefore, to support the request of the Government of Lebanon for a further extension of UNIFIL mandate for a further period of six months.¹¹⁰ UNIFIL, he asserted, was an important mechanism for conflict control in a very volatile situation, which, without the Force, could quickly escalate into a wider conflict.

At the same meeting, the President put to the vote a draft resolution that had been prepared in the course of the Council's consultations.¹¹¹ It was adopted unanimously as resolution 609 (1988)¹¹² and reads as follows:

¹⁰⁹S/19445.

¹¹⁰S/19440.

¹¹¹S/19461.

¹¹²See S/PV.2788 and chap. IV of the present *Supplement*.

The Security Council,

Recalling its resolutions 425 (1978) and 426 (1978) of 19 March 1978, 501 (1982) of 25 February 1982, 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982 and 520 (1982) of 17 September 1982, as well as all its resolutions on the situation in Lebanon,

Having studied the report of the Secretary-General on the United Nations Interim Force in Lebanon of 22 January 1988, and taking note of the observations expressed therein,

Taking note of the letter dated 20 January 1988 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General,

Responding to the request of the Government of Lebanon,

1. *Decides* to extend the present mandate of the United Nations Interim Force in Lebanon for a further interim period of six months, that is, until 31 July 1988;

2. *Reiterates* its strong support for the territorial integrity, sovereignty and independence of Lebanon within its internationally recognized boundaries;

3. *Re-emphasizes* the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978, approved by resolution 426 (1978), and calls upon all parties concerned to cooperate fully with the Force for the full implementation of its mandate;

4. *Reiterates* that the Force should fully implement its mandate as defined in resolutions 425 (1978), 426 (1978) and all other relevant resolutions;

5. *Requests* the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned on the implementation of the present resolution and to report to the Council thereon.

Decision of 10 May 1988 (2814th meeting): rejection of a draft resolution

By a letter dated 5 May 1988 addressed to the President of the Security Council,¹¹³ the representative of Lebanon requested an urgent meeting of the Council to consider the Israeli act of aggression against Lebanon that started on 2 May 1988 in the form of a two pronged invasion penetrating more than 20 kilometres into Lebanese territory.

At its 2811th meeting, on 6 May 1988, the Council included the letter in its agenda. The Council decided to invite the following, at their request, to participate in the discussion without the right to vote: at the 2811th meeting, the representatives of Lebanon, Israel, Jordan, Kuwait, the Libyan Arab Jamahiriya, Saudi Arabia, the Syrian Arab Republic and Tunisia;²⁶ and at the 2813th meeting: the representatives of Bahrain, Qatar and Somalia.²⁶ At its 2811th meeting, the Council also decided to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Clovis Maksoud, Permanent Observer for the League of Arab States.²⁶ At its 2814th meeting, on 10 May 1988, the Council decided by a vote and in accordance with its previous practice, to invite Mr. Zuhdi Terzi, representative of the PLO, to participate in the deliberations without the right to vote.¹¹⁴ The Council considered the item at its 2811th, 2813th and 2814th meetings, on 6, 9 and 10 January 1988.

Also at the 2811th meeting, the representative of Lebanon briefed the Council on the details of the Israeli attack on Lebanon. He stated that, on 2 May 1988, large contingents of the Israeli army had crossed Lebanon's southern international border, passing through the so-called "security zone", and penetrating 20 kilometres deep into Leba-

nese territory along two axes. The first axis had been east of the Litani River, including Argoub/Hasbaiya region, reaching the town of Ain Aata and Lebbaya. He further stated that the invasion of the eastern axis had been accompanied by patrol units of the Israeli navy along the coast between Sidon and Tyre, as well as by air raids over the area up to the suburbs of Beirut. On the second axis, west of the Litani River, the Israeli army had undertaken an intensive, concentrated bombardment of the villages of Maidoun, Ain Atini, Magdousha and the dam on Lake Karoun. He stated that the Israeli invasion was a flagrant violation of the sovereignty of Lebanon and was an act that flouted the Charter, international laws and norms and Council resolutions on southern Lebanon. He argued that any act of aggression against the sovereignty of any State was an act of aggression against international peace and security and that the Council had been entrusted with the maintenance of peace and security. He demanded that the Council: (a) ensure immediate withdrawal of the Israeli invasion forces from all Lebanese territory; (b) prevent Israel from repeating its acts of aggression; (c) condemn the Israeli invasion; (d) implement Council resolutions; and (e) enable UNIFIL to implement the mission entrusted to it by Council resolutions 425 and 426 (1978).

Several speakers addressed the Council during its deliberations on the item, repeating the arguments and supporting the demands of Lebanon: Jordan, the Syrian Arab Republic, Japan and Saudi Arabia at the 2811th meeting; the Libyan Arab Jamahiriya, Argentina, Nepal, China, Yugoslavia, Zambia, the Union of Soviet Socialist Republics, Brazil, Senegal, Italy, Tunisia and Qatar at the 2813th meeting; and Somalia, Kuwait, the PLO, Bahrain, Algeria and the representative of LAS at the 2814th meeting. All these speakers expressed strong indignation at Israel's disregard of the norms of international conduct and urged Israel to respect the territorial integrity and sovereignty of Lebanon. The representative of the Libyan Arab Jamahiriya called on the Council to punish severely the aggressor in keeping with the Charter.¹¹⁵ The Permanent Observer for LAS argued that if Member States of the United Nations proclaimed their commitment to the national unity, integrity and sovereignty of Lebanon, then it behoved them to do everything within their power morally, diplomatically and even through deterrent measures, such as sanctions, to impose upon the Israelis the need to comply with the relevant Council resolutions.

At the same meeting, the representative of Israel stated that Israel had no territorial claims with regard to Lebanese territory and that the arrangements on Israel's northern border were designed solely to protect, defend and ensure the security of Israel's northern population centres against attacks emanating from Lebanese territory. Referring to Lebanon, the representative of Israel argued that a Government that could not prevent the abuse of its own sovereignty by terrorist groups could not then invoke that same principle of sovereignty to prevent the legitimate exercise of self-defence.

During the discussion, statements were also made by France and the Federal Republic of Germany. Mr. Maksoud also spoke.

¹¹³S/19861.

¹¹⁴For the vote (10 to 1, with 4 abstentions) see S/PV.2814; for further details, see chap. III of the present *Supplement*.

¹¹⁵See S/PV.2813, p. 11.

At the 2813th meeting, on 9 January 1988, the President drew attention to a six-Power draft resolution.¹¹⁶ Under the preambular part of the draft resolution, the Council would have, *inter alia*, reaffirmed previous resolutions on the situation in southern Lebanon, expressed deep concern over the occupation of Lebanese territory by Israeli forces and by the recent Israeli actions, causing heavy casualties, displacement of civilian population and destruction of houses and property. Under its operative part the Council would have: (a) condemned the recent invasion by Israeli forces of southern Lebanon; (b) repeated its calls for the immediate withdrawal of all Israeli forces from Lebanese territory and for the cessation of all acts that violated the sovereignty of Lebanon; (c) reaffirmed its calls for the strict respect for the sovereignty of Lebanon, its independence, unity and territorial integrity; (d) reaffirmed the urgent need to restore international peace and security through the implementation of Council resolutions on Lebanon, in particular 425 (1978) and other resolutions; (e) requested the Secretary-General to continue consultations with all parties involved implementing relevant Council resolutions and to report to the Council; and (f) decided to keep the situation under review.

At the 2814th meeting, on 10 January 1988, speaking before the vote, the representative of the United Kingdom of Great Britain and Northern Ireland referred to the "cycle of violence" in the area and stated that attacks and counter-attacks were both unacceptable and undermined the stability of the area and the chances of achieving peace and security, but the recent Israeli action was not only a violation of Lebanon's sovereignty but also a disproportionate response. He urged Israel to complete its withdrawal in accordance with Council resolution 425 (1978).

At the same meeting, the draft resolution was put to the vote and received 14 votes to 1. It was not adopted owing to the negative vote of a permanent member of the Security Council.¹¹⁷

Following the vote, the representative of the United States of America argued that armed Palestinian elements, supported by Hezbollah and other groups, had made repeated attempts in the preceding four months to enter Israel from Lebanon to carry out violent attacks, and for that reason the United States could not accept a resolution that did not acknowledge the well-known fact that hostile acts against Israel were originating in Lebanon.

Decision of 31 May 1988 (2815th meeting): resolution 613 (1988)

At its 2815th meeting, on 31 May 1988, the Security Council included the report of the Secretary-General on UNDOF of 20 May 1988¹¹⁸ in its agenda.

The report described the activities of UNDOF for the period from 14 November 1987 to 20 May 1988. The Secretary-General noted that UNDOF had continued to perform its functions effectively, with the cooperation of both parties (Israel and Syria). He further stated that restrictions on the freedom of movement of the Force still

existed, but that the situation in the Israel-Syria sector had remained quiet.

The Secretary-General observed that, despite the present quiet in the sector, the situation in the Middle East as a whole continued to be potentially dangerous and was likely to remain so unless and until a comprehensive peace settlement covering all aspects of the Middle East problem could be reached, as called for by the Council in resolution 338 (1973). In those circumstances, the Secretary-General considered the continued presence of UNDOF in the area to be essential. He therefore recommended that the Council extend the mandate of the Force for a further period of six months, until 30 November 1988.

At the same meeting, the President drew attention to a draft resolution that had been prepared in the course of the Council's consultations.¹¹⁹ The draft resolution was adopted unanimously as resolution 613 (1987).¹²⁰ It reads as follows:

The Security Council,

Having considered the report of the Secretary-General on the United Nations Disengagement Observer Force,

Decides:

(a) To call upon the parties concerned to implement immediately Security Council resolution 338 (1973) of 22 October 1973;

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 30 November 1988;

(c) To request the Secretary-General to submit, at the end of this period, a report on the developments in the situation and the measures taken to implement resolution 338 (1973).

At the same meeting, the President, on behalf of the Council, made the following complementary statement regarding resolution 613 (1987):¹²¹

As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force states, in paragraph 24:

"Despite the present quiet in the Israel-Syria sector, the situation in the Middle East as a whole continues to be potentially dangerous and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached."

That statement of the Secretary-General reflects the view of the Security Council.

Decision of 29 July 1988 (2822nd meeting): resolution 617 (1988) and resolution 618 (1988)

At its 2822nd meeting, on 29 July 1988, the Security Council decided to include the report of the Secretary-General on UNIFIL of 25 July 1988¹²² in its agenda.

The report contained an account of the activities of UNIFIL and the situation in its area of operation since 27 January 1988. The report noted that the situation had remained essentially unchanged. Israel had continued to control in southern Lebanon an area manned by the IDF as the SLA, including parts of the UNIFIL area of operation. Resistance groups had continued to launch frequent operations against the IDF and the SLA, while the IDF/SLA had continued to fire from their positions or when on patrol and had launched retaliatory attacks or shelling against Lebanese villages. The Secretary-General reported that it had

¹¹⁶S/19868, submitted by Algeria, Argentina, Nepal, Senegal, Yugoslavia and Zambia.

¹¹⁷See S/PV.2814; for details, see chap. IV of the present Supplement.

¹¹⁸S/19895.

¹¹⁹S/19911.

¹²⁰See S/PV.2815 and chap. IV of the present Supplement.

¹²¹S/19912.

¹²²S/20053.

not been possible to make further progress towards attaining the objectives set out in Council resolution 425 (1978). The priorities of the parties concerned had also remained unchanged, leading to a continued presence of Israeli forces in southern Lebanon and the continuation of acts of resistance. He noted that while Israel had a legitimate interest in preventing its territory from being attacked from the territory of a neighbouring country, he did not think that that interest was legitimately served by maintaining Israeli military forces in Lebanon, thus infringing on Lebanon's sovereignty and territorial integrity. The Secretary-General concluded by stating that although the situation remained unsatisfactory, he felt obliged to recommend that the Council accept the Lebanese Government's request¹²³ and renew the Force's mandate for a further period of six months.

At the same meeting, the President drew attention to two draft resolutions on the item.¹²⁴ The first draft resolution was adopted unanimously as resolution 617 (1988).¹²⁵ It reads as follows:

The Security Council,

Recalling its resolutions 425 (1978) and 426 (1978) of 19 March 1978, 501 (1982) of 25 February 1982, 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982 and 520 (1982) of 17 September 1982, as well as all its resolutions on the situation in Lebanon,

Having studied the report of the Secretary-General on the United Nations Interim Force in Lebanon of 25 July 1988, and taking note of observations expressed therein,

Taking note of the letter dated 13 July 1988 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General,

Responding to the request of the Government of Lebanon,

1. *Decides* to extend the present mandate of the United Nations Interim Force in Lebanon for a further interim period of six months, that is, until 31 January 1989;

2. *Reiterates* its strong support for the territorial integrity, sovereignty and independence of Lebanon within its internationally recognized boundaries;

3. *Re-emphasizes* the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978, approved by resolution 426 (1978), and calls upon all parties concerned to cooperate fully with the Force for the full implementation of its mandate;

4. *Reiterates* that the Force should fully implement its mandate as defined in resolutions 425 (1978), 426 (1978) and all other relevant resolutions;

5. *Requests* the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned on the implementation of the present resolution and to report to the Security Council thereon.

At the same meeting, the second draft resolution was also adopted unanimously, as resolution 618 (1988).¹²⁵ It reads as follows:

The Security Council,

Taking note of paragraph 23 of the Secretary-General's report on the United Nations Interim Force in Lebanon concerning the abduction of Lieutenant-Colonel William Richard Higgins, a military observer of the United Nations Truce Supervision Organization serving with the Force,

Recalling the Secretary-General's special report on the United Nations Interim Force in Lebanon,

Recalling also its resolution 579 (1985) of 18 December 1985, which, *inter alia*, condemned unequivocally all acts of hostage-taking and abduction and called for the immediate release of all hostages and abducted persons wherever and by whomever they are being held,

1. *Condemns* the abduction of Lieutenant-Colonel Higgins;

2. *Demands* his immediate release;

3. *Calls upon* Member States to use their influence in any way possible to promote the implementation of the present resolution.

Decision of 14 December 1988 (2832nd meeting): rejection of a draft resolution

By a letter dated 9 December 1988 addressed to the President of the Security Council,¹²⁶ the representative of Lebanon requested an urgent meeting of the Security Council to consider the aggression against Lebanon's territories by Israeli naval, air and land forces on 9 December 1988.

At its 2832nd meeting, on 14 December 1988, the Council included the letter in its agenda and considered the item. At the same meeting, the Council decided to invite, at their request, the representatives of Lebanon and Israel to participate in the discussion without the right to vote.¹²⁶ The President drew attention to the six-Power draft resolution¹²⁷ that was before the Council, as well as to the letter from the representative of Lebanon¹²⁸ detailing the Lebanese complaint on the Israeli attack against the town of Na'imah and the monastery on the hills overlooking that town, as well as the Shuwayfat-Sa'diyat-Bi'wirta triangle, which was only 20 kilometres south of Beirut.

The representative of Lebanon recounted some of the details of the Israeli attacks contained in his letter and stated that Israel had accustomed all to daily violations of Lebanese sovereignty. He added that while Lebanese sovereignty was Lebanon's responsibility, it was also the responsibility of the Council. In the absence of a firm action on the part of the Council, he said, Israel would intensify its military operations against Lebanon. He further stated that Israel, since its establishment in the heart of the Middle East, had consistently pursued a policy of aggression and had considered resistance to its aggression and occupation as terrorism. He argued that, despite repeated assertions, Israel's continued occupation of part of Lebanese territory was the clearest evidence of its ambitions with regard to the territory and water resources of Lebanon, and that constituted a direct threat to peace and security in the Middle East and the world. He therefore called upon the Council to condemn Israel for its acts of aggression, compel it to implement Council resolutions and ensure its withdrawal from Lebanon.

The representative of Israel asserted that his country had no territorial claims with regard to any Lebanese territory, but was only defending and ensuring the security of its population from repeated attacks emanating from Lebanese territory. He added that Israel had no conflict with the Government or the people of Lebanon, but had, however, a conflict with those who had subverted Lebanese legiti-

¹²³S/20014.

¹²⁴S/20069, prepared in the course of Council's consultations, and S/20070 submitted by Argentina, France, Italy, Nepal, the Union of Soviet Socialist Republics and the United States of America.

¹²⁵See S/PV.2822; see also chap. IV of the present *Supplement*.

¹²⁶S/20318.

¹²⁷S/20322, submitted by Algeria, Argentina, Nepal, Senegal, Yugoslavia and Zambia; not adopted owing to a negative vote by a permanent member.

¹²⁸S/20317.

macy for their own ends, particularly the PLO and its factions. He stated that the Council should note that the presence of armed terrorists in Lebanon was the root cause of the problem and should condemn it rather than condemn those who defended themselves from acts of terrorism.

The representative of Senegal read out a statement in his capacity as the coordinator of the non-aligned countries members of the Council. The statement asserted that the group was firmly convinced that violation of the territorial integrity, national sovereignty and independence of a State posed grave threats to international peace and security. The group, he added, condemned the Israeli aggression against Lebanon and believed it should not be tolerated and should arouse an appropriate reaction from the Council. The statement called upon the Council to adopt the draft resolution submitted by the non-aligned group.

The representatives of France, Italy and Brazil condemned the Israeli attack on Lebanon and called for the implementation of Council resolutions in order to preserve the sovereignty and territorial integrity of Lebanon.

At the same meeting, the non-aligned draft resolution was put to the vote. Under the preambular part of the draft resolution, the Council would, *inter alia*, have reaffirmed past resolutions on the situation in Lebanon; noted with grave concern the continuing deterioration of the situation in southern Lebanon and the repeated Israeli attacks and practices against the civilian population; been deeply concerned with the recent attack against Lebanese territory by Israel. Under the operative part, the Council would have (a) strongly deplored the recent Israeli attack; (b) strongly requested that Israel cease immediately all attacks; (c) reaffirmed its call for strict respect for the sovereignty of Lebanon, its independence, unity and territorial integrity

within its internationally recognized boundaries; (d) reaffirmed the urgent need to implement the provisions of the Council resolutions on Lebanon, in particular 425 (1978) and 426 (1978), and 509 (1982), which demanded that Israel withdraw to the internationally recognized borders; (e) requested the Secretary-General to continue consultations with the parties concerned on the implementation of Council resolutions on Lebanon and to report to the Council; and (f) decided to keep the situation in Lebanon under review.

At the same meeting, the Council voted on the draft resolution by 14 to 1. The draft resolution was not adopted owing to the negative vote of a permanent member of the Security Council.¹²⁹

Following the vote, the representative of the United States of America said that her country remained committed to supporting Lebanon's sovereignty, independence and territorial integrity, and had repeatedly called for the withdrawal of all foreign forces from Lebanon, consistent with Council resolution 425 (1978). She pointed out that her delegation had opposed the draft resolution because it had criticized the actions of one party while ignoring the attacks and reprisals that had originated on the other side of the border. She further stated that in requesting that Israel cease all attacks against Lebanese territory regardless of provocation, the draft resolution would deny to Israel its inherent right to defend itself.

¹²⁹See S/PV.2832; for further details, see chap. IV of the present Supplement.

3. THE SITUATION BETWEEN IRAN AND IRAQ

By a letter dated 24 February 1985,¹ the representative of Iraq requested a meeting of the Security Council to discuss the report of the mission dispatched by the Secretary-General on prisoners of war in Iran and Iraq in January 1985,² at the request of Iraq³ and following consultations with the Governments of both countries.

At its 2569th meeting, on 4 March 1985, the Council included the letter from Iraq in its agenda without objection, and considered the matter in the course of that meeting.

At the same meeting, the Council decided to invite the representatives of Iraq, Jordan, Saudi Arabia and Yemen,

at their request, to participate in the discussion without the right to vote.⁴ The Council also decided to extend an invitation to Mr. Chedli Klibi, Secretary-General of the League of Arab States (LAS), under rule 39 of the provisional rules of procedure.⁵

The Deputy Prime Minister and Minister for Foreign Affairs of Iraq contended that the Iranian authorities were murdering or subjecting to other forms of persecution and torture Iraqi prisoners of war whom the Islamic Republic of Iran believed to be affiliated with political institutions in Iraq. He further accused the Islamic Republic of Iran of employing religious and sectarian methods by dividing prisoners of war according to their religious beliefs, and of launching an intensive psychological campaign to turn them into agents of the Islamic Republic of Iran. His Government's objective in calling for the Council meeting was to find a mechanism to implement the recommendations made in the report on prisoners of war. In this regard, he believed that the Security Council should force the Islamic Republic of Iran to allow the International Committee of the Red Cross (ICRC) to resume its work in the Islamic Republic of Iran, seek the exchange of prisoners who were disabled and sick, followed by those who had been in cap-

¹S/16980.

²S/16962. Since the period covered by the previous volume of the Supplement, the Secretary-General also submitted the following: report of the Secretary-General in pursuance of Security Council resolution 552 (1984), in connection with the letter dated 21 May 1984 from the representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates to the President of the Security Council (S/16877 and Add.1); note by the Secretary-General on the report of the United Nations Team in Tehran concerning an inspection carried out on 7 and 8 January 1985 (S/16897); and note by the Secretary-General on the report of the United Nations Team in Baghdad concerning an inspection carried out on 28 January 1985 (S/16920).

³S/16799.

⁴For details, see chap. III of the present Supplement.

⁵S/PV.2569, p. 3.

tivity longest, and, in the absence of terminating the war, seek the exchange of all remaining prisoners.⁶

The Secretary-General of LAS stated that priority should be given to guaranteeing the rights and dignity of the prisoners of war as a first step towards their prompt release. He suggested that the Security Council adopt a resolution that would speed measures likely to improve the condition of prisoners in accordance with international law and conventions, in particular the Third Geneva Convention, and with the recommendations of the mission's report. He also emphasized that the Council should work to bring about a peaceful settlement, guaranteeing the interests of both parties.⁷

The Deputy Prime Minister and Minister for Foreign Affairs of Yemen endorsed the conclusions of the fact-finding mission and stressed the need, mentioned in the mission's report, for a final settlement of the Iran-Iraq conflict. He asserted that the Council, in accordance with its responsibilities under the Charter, should adopt measures to oblige the Islamic Republic of Iran to seek a peaceful solution to its conflict with Iraq; however, the efforts of the Council and the Secretary-General should not replace those of the Organization of the Islamic Conference (OIC) and members of the Movement of Non-Aligned Countries.⁸

The representative of Saudi Arabia expressed the hope that the mission's report, while shedding light on a painful aspect of the tragic situation between the Islamic Republic of Iran and Iraq, would draw attention to other aspects of the dispute. He called upon the Council to take a clear stand in order to secure the implementation of the mission's recommendations and to preserve the credibility and effectiveness of the respect for international norms and their recognized executive organs, so that the success of that step would open the way to further steps leading to ending the war.⁹

The representative of Jordan, *inter alia*, called upon the Council to adopt the mission's recommendations, to persuade the two parties to commit themselves to their implementation and to create a practical mechanism for their implementation, including a definite timetable for the exchange of all prisoners. He also called upon both parties to cooperate fully with the ICRC in the achievement of that end and to work towards the adoption of a resolution to that effect. He stated that the Security Council, in considering for the first time an issue pertaining to prisoners of war, had a moral and ethical duty vis-à-vis that important issue. Through the adopting of an effective resolution, the Council would render an immense service not only to the prisoners of war but also to the interests of international law and mankind as a whole.¹⁰

The representative of Egypt indicated that the report of the mission had opened the door to a serious discussion of the issue. It was a record replete with individual and collective disasters. He also pointed out that Egypt fully supported Iraq's call for the Security Council to deal with the situation of the prisoners of war and requested the Council to take all the necessary measures to implement the recom-

mendations of the Secretary-General without any delay and put an end to that conflict.¹¹

At the end of the 2569th meeting, the President announced that the next meeting of the Council to continue consideration of the item would be scheduled following consultations with the members of the Council.

Decision of 5 March 1985: statement by the President

On 5 March 1985, following consultations with the members of the Council, the President issued the following statement:¹²

As President of the Security Council, I feel it my duty to express alarm over reports that the Governments of the Islamic Republic of Iran and of Iraq are attacking or preparing to attack civilian areas. I appeal to both Governments to exercise restraint and to continue to honour their undertakings to the Secretary-General, made last June, not to attack civilian targets which, until now, have saved thousands of innocent lives.

Decision of 15 March 1985: statement by the President

On 15 March 1985, following consultations with the members of the Council, the President issued the following statement on behalf of the Council:¹³

The members of the Security Council express their deep concern over the scale of the renewed hostilities in the conflict between Iran and Iraq, which have led to an alarming aggravation of the situation between the two countries, to the detriment of peace and security in the region.

They believe that combatants and civilians will continue to suffer as long as the conflict, which has already imposed great sacrifices on the two countries in terms of human life and material resources, lasts. They emphasize anew the urgent necessity for a cessation of hostilities commencing with the implementation of the moratorium on attacks against purely civilian population centres with a view to finding a peaceful settlement to the conflict in conformity with the Charter of the United Nations and international law and acceptable to both parties.

The members of the Security Council have decided to remain actively seized of the question and to pursue consultations with the two parties and with the Secretary-General with a view to finding an end to this tragic conflict, which has already lasted far too long.

Decision of 25 April 1985 (2576th meeting): statement by the President

At its 2576th meeting, on 25 April 1985, the Council included the report of the Secretary-General on his visit to the Islamic Republic of Iran and Iraq dated 12 April 1985¹⁴ and a letter dated 17 April 1985 from the Secretary-General addressed to the President of the Security Council¹⁵ in its agenda.

In his report, the Secretary-General expressed his dismay that the moratorium on attacks on purely civilian areas had not been observed and that chemical weapons had been used. Moreover, he noted that representatives of the Islamic Republic of Iran had expressed to him their belief that the actions of the Security Council had not been impartial and just. He also declared that his overriding constitutional responsibility under the Charter was to seek to end the conflict and, until that goal was achieved, he was legally obliged under recognized international humanitarian rules to mitigate its effects, in areas such as attacks on civilian population centres, use of chemical weapons, treatment of prisoners of war and safety of navigation and civil

⁶Ibid., pp. 5-11.

⁷Ibid., pp. 12-17.

⁸Ibid., pp. 18-22.

⁹Ibid., pp. 26 and 27.

¹⁰Ibid., pp. 33-35.

¹¹Ibid., pp. 36-38.

¹²S/17004.

¹³S/17036.

¹⁴S/17097.

¹⁵S/17127 and Add.1.

aviation. The Secretary-General also reported the following positions of the two countries. On the one hand, the Islamic Republic of Iran maintained that specific conventions and protocols could not be conditional upon a ceasefire and that it sought a comprehensive cessation of hostilities provided two conditions were met, namely, condemnation of the aggressor and payment of reparations. On the other, Iraq believed that specific proposals to mitigate the effects of the war must be clearly linked to a comprehensive ceasefire within a timetable, which should include the mutual withdrawal of troops, a comprehensive exchange of prisoners of war and reactivation of all ports. Furthermore, it was noted that, although the position of the two parties remained wide apart, both sides believed that the Secretary-General's proposals could serve as a basis for further discussion.¹⁵

In his letter of 17 April 1985, the Secretary-General submitted to the Council the report of Dr. Manuel Dominguez dated 8 April on chemical weapons. The conclusions of the report were as follows: (a) chemical weapons were used during March 1985 in the war between Iran and Iraq; (b) yperite was used, affecting Iranian soldiers; (c) the attacks were made by means of bombs dropped from aircraft; and (d) it was possible that hydrocyanic gas was used, alone or in combination with yperite.¹⁵

At the same meeting, the President made the following statement on behalf of the Council.¹⁶

The members of the Security Council, seized with the continuing conflict between Iran and Iraq, are appalled that chemical weapons have been used against Iranian soldiers during the month of March 1985 in the war between the two countries, as concluded in the report of the medical specialist appointed by the Secretary-General (S/17127 and Add.1).

They recall the statement of 30 March 1984 by the President of the Security Council on behalf of the members (S/16454). They strongly condemn renewed use of chemical weapons in the conflict and any possible future use of such weapons. They again urge the strict observance of the Geneva Protocol of 1925, according to which the use in war of chemical weapons is prohibited and has been justly condemned by the world community.

The members of the Council condemn all violations of international humanitarian law and urge both parties to observe the generally recognized principles and rules of international humanitarian law which are applicable to armed conflicts and their obligations under international conventions designed to prevent or alleviate the human suffering of warfare. At the same time, they urge a cessation of hostilities and remain convinced that a prompt, comprehensive, just and honourable settlement acceptable to both sides is essential and in the interest of international peace and security.

The members of the Council express their full appreciation and support to the Secretary-General for his report contained in document S/17097. They are ready to issue at the appropriate moment an invitation to both parties to take part in a renewed examination of all aspects of the conflict. They call on the parties to cooperate with the Secretary-General in their efforts to restore peace to the peoples of Iran and Iraq.

Decision of 24 February 1986 (2666th meeting): resolution 582 (1986)

By a letter dated 12 February 1986,¹⁷ the representative of Iraq transmitted the text of a letter of the same date from the Ministers for Foreign Affairs of Iraq, Jordan, Kuwait, Saudi Arabia, Tunisia and Yemen, the Minister for National Education of Morocco and the Secretary-General of LAS, in which they requested an urgent meeting of the

Security Council to discuss the grave situation arising from Iranian aggression and to take practical and speedy measures to put an end to the war and to solve the conflict by peaceful means.

At its 2663rd meeting, on 18 February 1986, the Council included the letter in its agenda. The Council decided to invite, under rule 37, the following at their request to participate without the right to vote in the discussion of the question: at its 2663rd meeting, the representatives of Bahrain, Iraq, Jordan, Kuwait, Oman, Saudi Arabia, Tunisia and Yemen; at the 2665th meeting, the representatives of Egypt, the Libyan Arab Jamahiriyah, and Morocco.¹⁸ At the 2663rd meeting, the Council also decided to invite Mr. Chedli Klibi, Secretary-General of LAS, under rule 39 of its provisional rules of procedure. At its 2664th meeting, the Council also decided to extend an invitation to the representative of the Palestine Liberation Organization (PLO), in accordance with the Council's past practice, to participate in the deliberations without the right to vote.¹⁹ The Council considered the issue at its 2663rd to 2666th meetings, from 18 to 24 February 1986.

At the 2663rd meeting, the President drew the attention of its members to fifteen letters from four Member States.²⁰

In his statement, Mr. Chedli Klibi, Secretary-General of LAS, stressed that Iraq had many times expressed its total responsiveness to all past and present mediating efforts and peace initiatives, including acceptance of all Security Council decisions, but that the Islamic Republic of Iran had constantly rejected all mediating efforts and all calls for peace, no matter where they had originated. He further indicated that the Arab States expected the Security Council to implement urgently the provisions of the Charter of the United Nations, in particular Articles 36 and 37 of Chapter VI, and Chapter VII.²¹

The Foreign Minister of Iraq stated that the Islamic Republic of Iran had begun a new attempt to invade Iraq during the evening of 9 and 10 February 1986 and continued to do so. He also regretted that the years 1983, 1984 and 1985 had witnessed a new tendency in the Secretariat and the Security Council, which gave greater attention to secondary matters arising from the conflict and reduced the emphasis on the comprehensive settlement the Council had previously stressed. Moreover, he noted that this approach would lead to a prolongation of the war on land and would minimize international concern over the dispute and hence reduce pressure for a comprehensive settlement. In particular, the Foreign Minister of Iraq strongly warned against focusing on the secondary questions arising out of the conflict, while no concentrated effort was exerted towards a comprehensive settlement, because this approach would only serve the Iranian plan of deception to continue the war. Furthermore, he stated that the Iranian regime refused

¹⁸For details, see chap. III of the present *Supplement*.

¹⁹For the discussion and the vote (10 in favour and 1 against, with 4 abstentions). For further details, see chap. III of the present *Supplement*.

²⁰Letters S/17814, S/17819, S/17824, S/17826, S/17828, S/17830, S/17831 and S/17834 from Iraq dated from 10 to 16 February 1986; S/17822, S/17829, S/17833, S/17835 and S/17836 from the Islamic Republic of Iran dated from 12 to 17 February; and S/17825 and S/17827 dated 13 February from Afghanistan and Zambia.

²¹See S/PV.2663, pp. 6-17.

¹⁶S/PV.2576, pp. 2 and 3.

¹⁷S/17821.

to participate in the deliberations of the Council on the conflict and imposed on the Council conditions unprecedented in the history of the United Nations. He also declared that Iraq had had enough of policies of selective and divisible treatment and of ambiguous formulas and would not accept any course different from focusing all efforts upon the central point of the settlement, namely, putting an end to the war in accordance with the norms that have been established internationally.²²

The representative of Yemen emphasized that his country had tried to assist the situation through mediation between the two belligerent parties as well as by supporting other mediating efforts, but his Government was unable to detect any positive response from the Islamic Republic of Iran to any of its initiatives or to the initiatives of others. He also observed that the war was widening and required the Council more than ever to shoulder its duty and responsibilities by calling upon the two belligerent parties to declare an immediate ceasefire and to withdraw their forces to their respective international borders.²³

At its 2664th meeting, the Council heard statements from the representatives of Jordan, Saudi Arabia, Kuwait, Tunisia and Oman. The representatives appeared to be in agreement regarding the conflict, expressing their concern at the lack of dynamism and responsiveness of the Council decisively to address the fundamental issue, namely, a cessation of all hostilities. Furthermore, they accused Iran of intransigence and obstinacy for its continued aggression against Iraq and at the same time they were in agreement that Iraq was sincerely seeking a settlement and an end to the conflict. Finally, all the representatives agreed that it was time for the Security Council to perform effectively its role of maintaining international peace by implementing practically a comprehensive ceasefire and the withdrawal of military forces to internationally recognized borders. They also encouraged a continuation of the Secretary-General's good offices effort.²⁴

At the 2665th meeting, the President drew the attention of the Council to a letter dated 19 February 1986 from the Foreign Minister of the Islamic Republic of Iran addressed to the Secretary-General.²⁵ The letter indicated that when Iraq had initiated its all-out war on the Islamic Republic of Iran on 22 September 1980 by invading the Islamic Republic of Iran, the Security Council, after some days, had passed a resolution, which not only failed to condemn the aggression, but even rewarded Iraq by calling on the Islamic Republic of Iran to accept a ceasefire with Iraq in Iranian territory. He pointed out that after 22 months of silence and only when the Iranian forces, at great sacrifice, had liberated Iranian territories and defeated Iraqi forces, was a second resolution adopted by the Council, which again served as a shield to protect the aggressor. The Foreign Minister of the Islamic Republic of Iran contended that it was for these reasons that Iran could not have any confidence in the "good faith" of the Council and it therefore had no choice but to rely on its defensive military effort. He also maintained that the recent Iranian military operations had taken place for the following reasons: (a) to prevent Iraq from utilizing the military potential of its har-

bour of Al-Faw and its vicinity in attacking Iranian oil wells and facilities, as well as oil tankers and commercial vessels belonging to other countries in the Persian Gulf; (b) to limit Iraq's capabilities of using these areas to attack the cities and residential areas of the Islamic Republic of Iran; and (c) to warn and take practical measures against aggression. The Foreign Minister also stressed that experience had proven that the present regime in Iraq would not heed any commitment after enhancing its military strength; consequently, the Islamic Republic of Iran would again be confronted by Iraq. Nevertheless, he indicated that the Islamic Republic of Iran welcomed all proposals and measures concerning the prevention of interference by other countries in the conflict and appreciated the valuable effort of the Secretary-General, and that the Security Council should reaffirm his mandate so as to enable him to pursue his constructive efforts.

At the same meeting, the representatives of Morocco, Bahrain, Egypt and the PLO emphasized the following points: (a) that a large-scale offensive by the Islamic Republic of Iran against Iraq, which violated the territorial integrity and sovereignty of Iraq, was under way; (b) that the Council had proved ineffective in addressing the threat that the conflict between the Islamic Republic of Iran and Iraq posed for international security; (c) that it was time for the Council to take and implement practical decisions that would immediately lead to the following: (i) a comprehensive ceasefire; (ii) the withdrawal of forces to international boundaries; and (iii) negotiations on other outstanding issues.²⁶

Also at the same meeting, the representative of the Libyan Arab Jamahiriya made a statement in which he criticized the Council and the United States of America, and suggested that before the Council demanded anything from Iran it should implement other resolutions on Palestine, South Africa and United States hegemony.²⁷

The representative of the United States made a statement in exercise of the right of reply.²⁸

At the 2666th meeting, the President drew the attention of the Council to a draft resolution that had been drawn up during consultations,²⁹ and a number of documents relating to the item on the agenda.³⁰

The representative of the United Arab Emirates stated that the draft resolution before the Council did not reflect all the elements his delegation had sought, but that he considered the draft resolution to be a step in the right direction.³¹

At the same meeting, the representative of Thailand indicated that the war was entering a new phase, with serious security implications for the Gulf States and further allegations by both parties to the conflict of the use of chemical weapons. Any use of such inhumane weapons could not be justified under international law as it directly contravened the 1925 Geneva Protocol and should be condemned in the same way that the war itself should be condemned. The Council was obliged once again to consider ways and

²⁶S/PV.2665, pp. 7-36.

²⁷*Ibid.*, pp. 36-40.

²⁸*Ibid.*, p. 41.

²⁹S/17859.

³⁰Letters S/17853 and S/17855 dated 20 February 1986 from the Islamic Republic of Iran, Mongolia and India; S/17857, S/17858 and S/17861 dated 21 February from Yugoslavia, the Islamic Republic of Iran and Iraq.

³¹S/PV.2666, pp. 8-13.

²²*Ibid.*, pp. 17-38.

²³*Ibid.*, pp. 38-46.

²⁴S/PV.2664, pp. 6-46.

²⁵S/17849.

means of bringing about a cessation of hostilities. To really achieve that, the cooperation of both parties to the conflict was indeed essential.³²

The representative of the United Kingdom of Great Britain and Northern Ireland stated that effective action by the Council must have as its clear objective the agreement of both sides to a series of related steps: first, an immediate ceasefire; second, withdrawal of all forces to the boundaries recognized before the outbreak of hostilities; and, third, the opening of negotiations, directly or under United Nations auspices, leading to a permanent end to all hostilities and to a just, honourable and comprehensive settlement to all aspects of the conflict, including as appropriate the question of boundaries. He also maintained that the United Nations must play a major role, namely, the monitoring by United Nations personnel of the ceasefire and withdrawal, authorized by the Security Council, and mediation efforts by the Secretary-General to resolve all aspects of the conflict with the Council in the background, standing ready to give support and to exercise good offices as required.³³

The representative of the Union of Soviet Socialist Republics pointed out that the conflict between the Islamic Republic of Iran and Iraq was seriously destabilizing the region and constituted a serious threat to international peace and security, and must be settled through peaceful political means alone, bearing in mind the legitimate interests of the States and peoples involved in the conflict. He also stressed that the Soviet Union supported the Secretary-General's mediation effort and would vote in favour of the draft resolution.³⁴

The representative of the United States maintained that the Islamic Republic of Iran was the primary reason for the struggle, because it had rebuffed the many efforts of the international community to bring the war to a close, and called upon Iran to put an end to its latest offensive. He also expressed his concern over the use of chemical weapons.³⁵

The representative of China noted that the recent escalation in the war between Iran and Iraq had generated a dangerous situation in the Gulf region, and that the Security Council was in duty bound to seek a peaceful settlement of the disputes between the two countries.³⁶

At the same meeting, the Council then commenced its voting procedure on the draft resolution. However, before the vote, several members of the Council made statements: (a) the representatives of Denmark and Australia pointed out that, though the resolution did not fully reflect either the point of view of the Islamic Republic of Iran or Iraq, it was a serious attempt to address the important issues required to build a comprehensive settlement; (b) the representative of Madagascar emphasized that the consultations on the draft resolution had taken into account all viewpoints and stressed a philosophy of fostering the mediation efforts of the United Nations. However, he noted that his delegation would have preferred that the first three operative paragraphs more effectively address the questions of machinery to implement the resolution and of the obligation of the Council to place the present conflict in its historical and political context; (c) the representative of Aus-

tralia stated that the escalating conflict had resulted in a number of violations of international law. His Government had been particularly concerned at the use of chemical weapons in the conflict. This continuing conflict also had serious implications for regional and international security. The draft resolution before the Council was a serious attempt to focus on the relevant issues and it did lay an objective foundation on which to build a settlement; (d) finally, the representative of France affirmed his hope that the resolution would give the Secretary-General new impetus in his mediation efforts.³⁷

The Council then proceeded to a vote on the draft resolution, which was adopted unanimously as resolution 582 (1986).³⁸ It reads as follows:

The Security Council,

Having considered the question entitled "The situation between Iran and Iraq",

Recalling that the Security Council has been seized of the question of the situation between Iran and Iraq for almost six years and that decisions have been taken thereon,

Deeply concerned about the prolongation of the conflict between the two countries resulting in heavy losses of human lives and considerable material damage and endangering peace and security,

Recalling the provisions of the Charter and in particular the obligation of all Member States to settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered,

Noting that both the Islamic Republic of Iran and Iraq are parties to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare signed at Geneva on 17 June 1925,

Emphasizing the principle of the inadmissibility of the acquisition of territory by force,

Taking note of the efforts of mediation pursued by the Secretary-General,

1. *Deplores* the initial acts which gave rise to the conflict between the Islamic Republic of Iran and Iraq and deplores the continuation of the conflict;

2. *Also deplores* the escalation of the conflict, especially territorial incursions, the bombing of purely civilian population centres, attacks on neutral shipping or civilian aircraft, the violation of international humanitarian law and other laws of armed conflict and, in particular, the use of chemical weapons contrary to obligations under the 1925 Geneva Protocol;

3. *Calls upon* the Islamic Republic of Iran and Iraq to observe an immediate ceasefire, a cessation of all hostilities on land, at sea and in the air and withdrawal of all forces to the internationally recognized boundaries without delay;

4. *Urges* that a comprehensive exchange of prisoners of war be completed within a short period after the cessation of hostilities in cooperation with the International Committee of the Red Cross;

5. *Calls upon* both parties to submit immediately all aspects of the conflict to mediation or to any other means of peaceful settlement of disputes;

6. *Requests* the Secretary-General to continue his ongoing efforts to assist the two parties to give effect to this resolution and to keep the Council informed;

7. *Calls upon* all other States to exercise the utmost restraint and to refrain from any act which may lead to a further escalation and widening of the conflict and, thus, to facilitate the implementation of the present resolution;

8. *Decides* to remain seized of the matter.

³²*Ibid.*, pp. 13-18.

³³*Ibid.*, pp. 18-22.

³⁴*Ibid.*, pp. 22-26.

³⁵*Ibid.*, pp. 26-28.

³⁶*Ibid.*, pp. 28-30.

³⁷*Ibid.*, pp. 31-38.

³⁸For the vote, see *ibid.*, pp. 39 and 40; see also chap. IV of the present *Supplement*.

In a letter from the Islamic Republic of Iran addressed to the Secretary-General regarding Security Council resolution 582 (1986),³⁹ the Iranian Foreign Minister stated that the Security Council has finally come to realize the fact that in order to tackle the whole matter of the war, in accordance with the provisions of the Charter of the United Nations, the Security Council should consider the initial aggression of Iraq. He also emphasized that the position of the resolution addressing the issue of the whole war and termination of hostilities was unbalanced; nevertheless, it was a positive step towards the condemnation of Iraq and a just conclusion to the war. Moreover, he insisted that the Islamic Republic of Iran would support fully the Secretary-General in his mediation efforts.

On 5 March 1986, the Government of Iraq, in a letter to the Secretary-General regarding Security Council resolution 582 (1986),⁴⁰ declared, *inter alia*, that the resolution contained essential elements that illustrated the basic principles for the peaceful settlement of armed conflicts and that if the Government of the Islamic Republic of Iran undertook to accept the resolution formally and made an effort to implement it unconditionally and in good faith, Iraq was ready to cooperate with the Security Council and with the Secretary-General in order to implement it in good faith, on the basis of certain conditions, primarily that the resolution represent a comprehensive and indivisible approach to settling the conflict. Therefore, the resolution must constitute a globally and comprehensively applicable and practical framework within which the elements of the settlement were interconnected, at all stages, according to an established timetable, the implementation of each stage being a guarantee that the next stage would also be implemented.

Decision of 21 March 1986 (2667th meeting): statement by the President

In pursuance of resolution 582 (1986), the Secretary-General, on 12 and 14 March 1986, submitted a report and an addendum⁴¹ concerning the situation between the Islamic Republic of Iran and Iraq: report of the mission dispatched by the Secretary-General to investigate allegations of the use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq. The mission indicated that, after having conducted the examination of various sites, weapons components and numerous casualties in their investigations undertaken in 1984, 1985 and 1986 according to the guidelines given by the Secretary-General, together with circumstantial evidence, they unanimously concluded that: (a) on many occasions, Iraqi forces had used chemical weapons against Iranian forces; and (b) the agent used had mainly been mustard gas, although on some occasions nerve gas also had been employed.⁴¹

At its 2667th meeting, on 21 March 1986, the Council included the report of the Secretary-General in its agenda, without objection, and considered the matter at the same meeting.⁴²

At the same meeting, the President drew the attention of the Council to two letters dated 17 and 18 March 1986 from the representatives of Iraq and the Islamic Republic of Iran, respectively, addressed to the Secretary-General.⁴³

In his letter, the representative of Iraq emphasized that the following facts should be kept in mind when addressing the issues dealt with in the report of the mission: (a) that Iran's position with regard to resolution 582 (1986) was to interpret certain provisions selectively, while ignoring other aspects; (b) that the Islamic Republic of Iran was involved in a large-scale invasion of Iraqi territory; and (c) that Iraq would not accept any effort that was not clearly directed towards the termination of the war and would not participate in any other kind of effort or assume responsibility for it.

In his letter, the representative of the Islamic Republic of Iran declared that the report was well balanced and fair. He also indicated that there had been clear and unambiguous evidence of Iraqi use of chemical weapons against the forces of Iran.

Following consultations with the Council members, the President made the following statement⁴⁴ on behalf of the Council:

The members of the Security Council, seized with the continuing conflict between the Islamic Republic of Iran and Iraq, have considered the report of the mission of specialists dispatched by the Secretary-General to investigate allegations of the use of chemical weapons in the conflict between Iran and Iraq (S/17911 and Add.1).

Profoundly concerned by the unanimous conclusion of the specialists that chemical weapons on many occasions have been used by Iraqi forces against Iranian forces, most recently in the course of the present Iranian offensive into Iraqi territory, the members of the Council strongly condemn this continued use of chemical weapons in clear violation of the Geneva Protocol of 1925, which prohibits the use in war of chemical weapons.

They recall the statements by the President of the Council of 30 March 1984 (S/16454) and 25 April 1985 (S/17130), and demand again that the provisions of the Geneva Protocol be strictly observed.

At the same time, the members of the Council condemn the prolongation of the conflict, which continues to take a heavy toll of human lives and to cause considerable material damage, as well as to endanger peace and security in the region.

They express concern over the risk of an extension of the conflict to other States in the region and call upon the two sides to respect the territorial integrity of all States, including those that are not parties to the hostilities.

The members of the Council reaffirm resolution 582 (1986) of the Security Council and note that the Government of Iraq has expressed its willingness to heed the call for the immediate cessation of hostilities. They stress the urgent need for full compliance by both parties with this resolution, which would open the way for a prompt, comprehensive, just and honourable settlement of the conflict.

The members of the Council note that both parties have declared themselves ready to cooperate with the Secretary-General in his ongoing efforts to restore peace to the peoples of Iran and Iraq, and express their support for these efforts.

Decision of 8 October (2713th meeting): resolution 588 (1986)

By a letter dated 30 September 1986,⁴⁵ the representatives of Iraq, Jordan, Kuwait, Morocco, Saudi Arabia, Tunisia and Yemen requested an urgent meeting of the Security Council to consider the grave situation between Iran and Iraq and to adopt measures to ensure the implementation of resolution 582 (1986).

At its 2709th meeting, on 3 October 1986, the Council included the letter in its agenda without objection. Following the adoption of the agenda, the Council decided to invite the

³⁹S/17864.

⁴⁰S/17897.

⁴¹S/17911 and Corr.1 and Add.1.

⁴²S/PV.2667, pp. 2 and 3.

⁴³S/17922 and S/17925.

⁴⁴S/17932.

⁴⁵S/18372.

following, at their request, to participate without the right to vote in the discussion of the question: at the 2709th meeting, the representatives of Egypt, Iraq, Jordan, Kuwait, Morocco, Oman, Rwanda, Saudi Arabia, Senegal, Tunisia and Zambia; at the 2710th meeting, the representatives of Argentina, Bangladesh, the German Democratic Republic and Yugoslavia; at the 2711th meeting, the representatives of Afghanistan, Chad, Cuba and Mexico; at the 2712th meeting, the representatives of Guyana, Mauritania, Nicaragua, Peru and Yemen; and at the 2713th meeting, the representative of Uruguay.⁴⁶

At its 2709th meeting, the Council also decided, by a vote, and in accordance with the Council's previous practice, to extend an invitation to the representative of the PLO to participate in the debate on the item.⁴⁷ At the same meeting, the Council further decided to extend an invitation to Mr. Chedli Klibi, Secretary-General of LAS, under rule 39 of the provisional rules of procedure.⁴⁸ The Council was also informed of a letter dated 2 October from the representative of the Islamic Republic of Iran⁴⁹ transmitting the text of a letter of the same date from the Minister for Foreign Affairs stating, *inter alia*, that the Council should do its utmost to strengthen the Secretary-General's humanitarian initiatives and that Iran was ready to continue its cooperation with him in that regard. The Islamic Republic of Iran was also prepared to explore means to prevent the widening of the conflict and to guarantee regional security and noted in this connection that the Islamic Republic of Iran had proposed a regional security arrangement. The Council considered the item at its 2709th to 2713th meetings, from 3 to 8 October 1986.

At the 2709th meeting, the Secretary-General drew the attention of the Council to the extent and depth of international alarm over the continuation of the bloody conflict between the Islamic Republic of Iran and Iraq. He indicated that, with the support of the Council, he had spared no effort to bring the conflict to an end. Some of his initiatives had dealt with humanitarian aspects under international instruments designed to mitigate some of the worst features of warfare. All such moves were aimed at one goal, the early cessation of hostilities and an advance towards negotiations. The eight-point plan that he proposed to the two parties a year before envisaged a step-by-step approach towards that end. But, unfortunately, up to that date, those efforts did not achieve substantive progress towards the ending of the war.⁵⁰

The Secretary-General of LAS, Mr. Klibi, stated that the renewed threats by the Islamic Republic of Iran to launch another wide-scale attack on Iraq was a very serious threat to the security of the region and international peace and security. The Islamic Republic's defiance was also clear from its refusal to abide by Security Council resolution 582 (1986), in particular, paragraph 3. He believed also that at that series of meetings the Council should have gone beyond the stage of speeches and high-sounding words to an effective action and the implementation of Article 2, paragraph 3, of the Charter. He also pointed out that it was high

time for the Security Council to implement the provisions of Chapter VI of the Charter, in particular Articles 33, paragraph 2, 34, 36, paragraph 1, and 37, paragraph 2. He urged the two belligerent parties to put an end to the hostilities and to lay the groundwork for a just settlement under United Nations supervision.⁵¹

The Deputy Prime Minister and Minister for Foreign Affairs of Iraq pointed out that the purpose of the Iranian's continued occupation of Iraq soil, in particular the region adjacent to the Persian Gulf, was the creation of a new military, political and economic situation in the region that would make it possible for the Islamic Republic of Iran to pursue its expansionist aims. He noted that while Iraq had declared, in good faith, its readiness to cooperate with the Council in implementing resolution 583 (1986), the Islamic Republic of Iran had refused to apply it and claimed that it amounted to an endorsement by the Security Council of the military option. He informed the Council that the Islamic Republic of Iran had declared openly that it was preparing for yet another invasion and that the military option was the only means of solving a dispute with a fellow Member of the United Nations. He called upon the Council to assume the responsibilities of implementing the resolutions for peace that it had adopted in accordance with the Charter of the United Nations.⁵²

The Deputy Prime Minister and Minister for Foreign Affairs of Egypt stated that a few months had elapsed since the adoption of resolution 582 (1986), but the situation between the Islamic Republic of Iran and Iraq remained explosive and new threats were constantly being made that a large-scale military attack was to be launched against Iraq. He noted that the consequences of the conflict between the two countries had spilled over into the entire region. He associated himself with all those who had already asked the Security Council to adopt all possible measures likely to result in the implementation of resolutions previously adopted by the Council on the ending of the armed conflict between the Islamic Republic of Iran and Iraq, and above all resolution 582 (1986).⁵³

At the 2710th meeting, on 3 October 1986, the representative of Senegal hoped that the Council, as the upholder of world peace and security, would be able to take responsible measures to promote peace, cooperation and understanding in the region. He pointed out that the threat, *inter alia*, to freedom of navigation in the Persian Gulf and to air traffic showed that if the Council was not careful all the countries of the region would face difficulties that could lead to not only economic but also political instability, as well as the internationalization of the conflict. He added that difficulties were so great that they had made United Nations efforts of little account. He said that the use of force for six years had not succeeded in achieving a solution to the conflict and that no strategy based on force could bring peace to the troubled region. The two parties should understand that there was no alternative to dialogue and negotiation for the promotion of a just and lasting peace in the Gulf region.⁵⁴

The representative of Zambia indicated that the Movement of Non-Aligned Countries and the United Nations

⁴⁶For details, see chap. III of the present *Supplement*.

⁴⁷For the discussion and the vote (10 in favour and 1 against, with 4 abstentions), see S/PV.2709; for further details, see also chap. III of the present *Supplement*.

⁴⁸S/PV.2709, p. 6.

⁴⁹S/18376.

⁵⁰S/PV.2709, pp. 7 and 8.

⁵¹*Ibid.*, pp. 9-16.

⁵²*Ibid.*, pp. 16-25.

⁵³*Ibid.*, pp. 26-29.

⁵⁴S/PV.2710, pp. 6-12.

had repeatedly invited the two warring parties to cease fighting and to commence negotiations leading to the establishment of peace and stability in the Gulf. He noted with regret that although Iraq had accepted and was willing to implement resolution 582 (1986), the Islamic Republic of Iran remained inflexible, and he called upon it to show moderation in the interest of peace and security.⁵⁵

The representative of Oman stated that the war between the Islamic Republic of Iran and Iraq had entered its seventh year and was exhausting their resources and energies. He also said that recently there had been a serious escalation of the war, at a time when the Gulf ministers were making praiseworthy efforts, following upon their recent sixth summit held in Muscat, in November 1985, on the basis of resolutions adopted at summits, councils, conferences and meetings of LAS, OIC and the Movement of Non-Aligned Countries, as well as by other international bodies with a view to safeguarding the interests of both parties in keeping with acknowledged principles of international law and the principles of the Charter of the United Nations and in conformity with the responsibilities of the Security Council, the General Assembly and the Secretary-General. He commended the positive attitude adopted by Iraq with regard to the peace initiative undertaken and hoped that the Islamic Republic of Iran would take a similar stand on the international, Islamic and Arab initiatives to put an end to the war. He maintained that his statement expressed and reflected the deep concern of the Group of Arab States over the continuation of the war and had its support in finding a way that would bring a peaceful end to it.⁵⁶

The Chief of the Political Department of the PLO indicated that the Council was undoubtedly aware that the Palestinian people were among those most affected by the war and its grave consequences. He added that continuation of the war hampered international efforts of good will aimed at finding a just solution to the crisis in the Middle East, exacerbated tension in the region and encouraged Israel to perpetuate its expansionist policy of aggression. He then said that the obstinate insistence on continuing the war was no longer acceptable and must not be condoned.⁵⁷

The representative of Argentina pointed out that the armed conflict between the Islamic Republic of Iran and Iraq should cease without any further delay and the indefinite prolongation of the war was incompatible with the system of international coexistence enshrined in the Charter of the United Nations. He believed that, through the Security Council, the international community must shoulder its responsibility and affirm its common interest in ensuring the prompt restoration of peace between the Islamic Republic of Iran and Iraq.⁵⁸

The representative of Jordan indicated that the Security Council was meeting on the initiative of the Arab Committee of Seven, established by ministerial meetings of LAS in 1982 and given the mandate of following the developments in the Iran-Iraq war. He noted that there was international unanimity to the effect that the continuance of the war was not justified from the humanitarian, political or even moral viewpoint. Referring to the danger to peace and security in the region, he pointed out that the international

community had seen signs of the possibility of the expansion of the war to neighbouring States, which would be a threat to vital international interests, in particular freedom of navigation in international waters. He called upon the Security Council to take a decisive and effective stand in order to translate into reality the international community's intentions in laying the foundations for a just and honourable settlement.⁵⁹

At the same meeting, the representative of Rwanda stated that the Charter conferred a difficult duty upon the Security Council to watch over international peace and security and hence it must remain vigilant at all times. He added that the Charter granted the Council broad powers and privileges, but without the active collaboration of the States involved, its task becomes rather difficult. The solution of conflicts also became difficult when the parties involved eschewed mediation and the advice of friends, hoping perhaps that conflicts could be settled by force of arms. He emphasized that he had to speak in order to call for peace since he believed in the principles of good-neighbourliness, the peaceful settlement of disputes and the non-use of force in international relations.⁶⁰

At the 2711th meeting, on 6 October 1986, the representative of Thailand said that the continuation of the conflict between the Islamic Republic of Iran and Iraq had had serious repercussions and had heightened the tension throughout the Gulf area. It had also threatened to spill over into the strategically important neighbouring countries and, thus, its impact on international peace and stability could not be overestimated.⁶¹

The representative of Saudi Arabia indicated that Iraq had agreed to end the war and to resort to arbitration in accordance with international rules and hoped that the Islamic Republic of Iran would give a positive response and rise above the level of the conflict, in order to save the blood of Muslims. He then called upon the Council to adopt the draft resolution submitted to it without delay.⁶²

The representative of Bangladesh pointed out that the continuous fratricidal war between the Islamic Republic of Iran and Iraq had brought ruin upon the edifices of two of the world's most ancient and glorious cultures. He said that the various sets of terms proposed had failed to receive the wholehearted support of both parties and hence they had to rise above their self-interest for the greater and nobler cause of peace.⁶³

The representative of Kuwait stated that since the outbreak of the conflict, the Council had adopted six resolutions and agreed upon a number of statements by its President, which were based on the Charter and on the principles of international law. They all called for stopping the armed conflict and for recourse to negotiations aimed at a just and honourable solution of the conflict. He pointed out that whenever States Members again had recourse to the Council to discuss the same subject-matter, it meant that its resolutions had not been implemented, it had not been respected and international legitimacy had been discredited. He expected the Council truly and sincerely to fulfil the responsibilities incumbent upon it under the pro-

⁵⁵*ibid.*, pp. 13-15.

⁵⁶*ibid.*, pp. 16-27.

⁵⁷*ibid.*, pp. 27-35.

⁵⁸*ibid.*, pp. 36-38.

⁵⁹*ibid.*, pp. 38-46.

⁶⁰*ibid.*, pp. 46-51.

⁶¹S/PV.2711, pp. 3-6.

⁶²*ibid.*, pp. 7-12.

⁶³*ibid.*, pp. 12-15.

visions of various Articles of the Charter aimed at settling disputes by peaceful means and refraining from the use or threat of use of force in international relations.⁶⁴

The representative of the German Democratic Republic deplored the continuing war between the Islamic Republic of Iran and Iraq, which had led to untold human suffering and devastation on both sides, as well as greatly endangering stability and security in the entire Gulf region. He reaffirmed his Government's position that conflicts and disputes between States must be settled by peaceful means, with full respect for the peoples' right to self-determination.⁶⁵

The representative of Cuba indicated that the conflict that was claiming the attention of the Security Council had broken out six years ago and Cuba, as Chairman of the Movement of Non-Aligned Countries in 1980, decided in May of that year to offer to mediate in order to avoid the conflict between the two countries. He added that, at the summit conference at Harare in 1986, the overwhelming majority of the Heads of State and Government present pleaded for a cessation of the war and for a peaceful and honourable solution. He further noted that, in the General Assembly, the same heartfelt appeals had also been heard.⁶⁶

The representative of Mexico indicated that all regional conflicts and threats of the use of force, as well as all forms of intervention, jeopardized the security of all Member States and that there was no other way to construe the essential purpose of the United Nations, as summed up in Article 1, paragraph 1, of the Charter, which is to maintain international peace and security, and to that end, to take effective collective measures, in conformity with international law. He joined the appeal made by a majority of Member States that the Islamic Republic of Iran and Iraq should immediately implement Security Council resolution 582 (1986) and that the Secretary-General should intensify his efforts to persuade both parties to put an end to this long and distressing conflict.⁶⁷

The representative of Bulgaria pointed out that the long and bloody war between the Islamic Republic of Iran and Iraq had brought only suffering and incalculable losses to the peoples of those two countries and had seriously endangered international peace and security. He joined in the urgent appeals made by all previous speakers that an immediate end be put to this senseless conflict and that it be resolved by peaceful means as required by the Charter and that the role of the Security Council in this regard was extremely important.⁶⁸

The representative of Chad stated that the disturbing dimensions that the conflict was then assuming presented the inexorable risk of its spreading throughout the Gulf region, implying a grave threat to international peace and security. Geo-strategic interests had already turned the area into a veritable powder-keg. He pointed out that the elements of a comprehensive solution had been clearly set out in resolution 514 (1982) and since then they had been regularly repeated. By adopting resolution 582 (1986), the Council had laid the foundations for a just and lasting solution to the Iran-Iraq conflict and that at those meetings it should

adopt appropriate measures conducive to ensuring the unconditional implementation of that resolution.⁶⁹

At the 2712th meeting, on 7 October 1986, the President drew attention to two letters from the representatives of the Islamic Republic of Iran⁷⁰ and Iraq.⁷¹

The Minister for Foreign Affairs of the Islamic Republic of Iran indicated in the above-mentioned letter that the position of his Government had already been submitted in a letter dated 19 February 1986.⁷² He pointed out that among the important positions emphasized in that letter was the need for the prevention of intervention by other countries and any other measures that might cause the war to spread and that that position was also reflected in resolution 582 (1986) and in his statement of 21 February 1986.⁷³

The representative of Yugoslavia stated that for more than six years the Islamic Republic of Iran and Iraq had been engaged in a cruel war and its consequences for peace and security in the region of the Gulf and beyond were a matter of legitimate concern to all members of the international community. He added that the issues in the relations between the two countries could not be resolved on the battlefield but only through a process of negotiation on the basis of the principles of the Charter of the United Nations.⁷⁴

The representative of Guyana indicated that the impassioned calls for an end to hostilities between the Islamic Republic of Iran and Iraq reverberated in the halls during the summit of the Movement of Non-Aligned Countries at Harare. He said that the conflict engendered insecurity in the region and continued the potential for even wider international involvement, with serious negative consequences as well as the disruption of commercial navigation in the Persian Gulf. He called for the abandonment of policies and doctrines inconsistent with the Charter and the decisions on the issue by the Security Council. He then appealed to both parties to cooperate to the maximum with the Secretary-General in his efforts to achieve a just and lasting peace between the two countries.⁷⁵

The representative of the Union of Soviet Socialist Republics pointed out that the common thread running through all the statements was a sense of deep concern over the continuing armed conflict between the Islamic Republic of Iran and Iraq and a realization that leaving it unresolved any longer could lead to the most serious consequences for international peace and security. He supported the mediating mission of the Secretary-General and other constructive international efforts designed to find a solution to the conflict based on the fundamental requirements of the Charter.⁷⁶

The representative of Australia urged the Islamic Republic of Iran to participate in the Council's consideration of the tragic conflict and expressed his concern about the increase in scope and intensity of the war, including attacks on civilian population centres, merchant shipping and civil aircraft. He pointed out that resolution 582 (1986) was regarded as the best available basis for a settlement of the

⁶⁴*ibid.*, pp. 16-22.

⁶⁵*ibid.*, pp. 23-27.

⁶⁶*ibid.*, pp. 27-31.

⁶⁷*ibid.*, pp. 31-33.

⁶⁸*ibid.*, pp. 38-40.

⁶⁹*ibid.*, pp. 41 and 42.

⁷⁰S/18381.

⁷¹S/18382.

⁷²S/17849.

⁷³S/17864 and Corr.1.

⁷⁴S/PV.2712, pp. 3-6.

⁷⁵*ibid.*, pp. 7 and 8.

⁷⁶*ibid.*, pp. 8-13.

conflict and regretted that the specific appeals made in that resolution had been ignored. He added that the meeting of the Security Council provided Members States with an opportunity to repeat their call for an end to the conflict.⁷⁷

The representative of China stated that since the adoption of resolution 582 (1986), the war between the Islamic Republic of Iran and Iraq had not stopped; instead, it had expanded in scale and even showed the dangerous prospect of an all-round escalation. He called upon the two Governments to heed the appeal of, and to cooperate with, the international community, the Security Council, in particular, to observe an immediate ceasefire and jointly to seek the way to peaceful settlement.⁷⁸

The representative of Denmark indicated that, unfortunately, the necessary steps taken by the Council had failed to bring about a cessation of hostilities or to engage the parties in mediation efforts aimed at a peaceful settlement. He reaffirmed resolution 582 (1986) as the most relevant basis for a settlement and called on both parties to implement that resolution fully and without delay. He added that the attacks on civilian areas, in violation of the Fourth Geneva Convention, had led to intolerable suffering on the part of the civilian population and that both parties should respect all relevant international legal instruments, including the four Geneva Conventions and the 1925 Geneva Protocol banning the use of chemical weapons.⁷⁹

The representative of Madagascar stated that the current series of meetings of the Security Council was taking place owing to the risk of escalation or deterioration of the situation between Iran and Iraq and the non-implementation of resolution 582 (1986). He added that it was therefore incumbent upon the Council to take all necessary measures to halt that deterioration and to bring the two parties to accept its decisions and resolutions in order to seek a just solution in keeping with international law.⁸⁰

The representative of Tunisia said that the senselessness of the armed confrontation between the Islamic Republic of Iran and Iraq had been largely proved and consequently it was surely time to resort to peaceful means to resolve what it had not been possible to resolve with instruments of death. The ground had in fact been prepared by many peace initiatives taken by the United Nations, OIC and the Movement of Non-Aligned Countries, as well as the courageous steps undertaken by the Secretary-General. But, unfortunately, those initiatives come up against a wall of silence, indifference and even disdain. He added that it was for the Security Council to determine the necessary steps, taking into account the developments of the situation. He recalled that Iraq had welcomed the peace efforts as well as the decisions taken by the Council and it had even proposed the establishment of an independent tribunal to determine the responsibilities in this conflict. He hoped that the Islamic Republic of Iran would go along with the wishes of the international community.⁸¹

At the 2713th meeting, on 8 October 1986, the President drew attention to the text of a letter dated 7 October 1985 from the representative of Iraq addressed to the Secretary-General⁸² informing him that Iranian forces had continued

to attack civilian areas on 6 and 7 October, causing fires, injuring civilians and destroying dwellings.

At the same meeting, the representative of Venezuela stated that since 1980 the Security Council had met 12 times to consider the conflict between Iran and Iraq and had adopted nine presidential statements and five resolutions. But, unfortunately, those decisions, the resolutions of the General Assembly, the persevering efforts of the Secretary-General and many peace initiatives taken by non-governmental organizations had so far been fruitless. He pointed out that, in his view, resolution 582 (1986) constituted a balanced decision to the principles that should be applied to the case and to the measures that should be taken by both sides to put an end to the war and that the resolution was fully valid and the Security Council should therefore once again urge the parties immediately and fully to implement, without delay, each and every one of its provisions.⁸³

The representative of Mauritania called for setting in motion the process of peace by both parties observing an immediate ceasefire and submitting all aspects of the conflict to mediation and he supported the efforts made by the Secretary-General and the members of OIC. He also placed on record his delegation's satisfaction with Iraq's favourable response to the peace activities undertaken so far.⁸⁴

The representative of Yemen stated that since the outbreak of the war between the Islamic Republic of Iran and Iraq in September 1980, the Council had time and again been seized of the appalling military conflict, most recently on 24 February, when resolution 582 (1986) had been adopted. He pointed out that the resolution remained a dead letter and unimplemented, because the Islamic Republic of Iran persisted in continuing the war and refused even to listen to all the calls for peace, whereas Iraq was ready to observe an immediate ceasefire and to help the Secretary-General to achieve his goal. The continuance of the situation constituted a serious challenge to the Security Council, the United Nations and the rest of the world and it was not sufficient for the Council to adopt a resolution that remained unimplemented, as had the previous resolutions. It must insist on implementation and imposition, using the powers entrusted to it.⁸⁵

The representative of Morocco said that, unfortunately, all initiatives had been unsuccessful because of the Islamic Republic of Iran's intransigence and its persistent rejection of Security Council resolutions and various offers of mediation, the most recent of which was that made in April 1985 by the late Olaf Palme. He added that the Islamic Republic of Iran had not even taken part in the work of the Security Council in order to present its own grievances. He also said that it was imperative, and a matter of urgency, that the Council exercise all its powers under the Charter to impose respect not only for its own decisions but for the fundamental principles of the Charter—the right of all States to exercise their full independence and sovereignty within the framework of their territorial integrity—and to use the arsenal of measures that would allow a peaceful solution, in keeping with Article 33 of the Charter, guaranteeing the rights of each of the parties.⁸⁶

⁷⁷*Ibid.*, pp. 13-17.

⁷⁸*Ibid.*, pp. 17-20.

⁷⁹*Ibid.*, pp. 20-23.

⁸⁰*Ibid.*, pp. 23-27.

⁸¹*Ibid.*, pp. 27-36.

⁸²S/18384.

⁸³S/PV.2713, pp. 3-8.

⁸⁴*Ibid.*, pp. 8-11.

⁸⁵*Ibid.*, pp. 11-17.

⁸⁶*Ibid.*, pp. 17-23.

The representative of Nicaragua emphasized the need for strict respect for internationally recognized humanitarian norms in the armed conflict between the Islamic Republic of Iran and Iraq which had already cost hundreds of thousands of human lives and astronomical material and economic losses. He added that the United Nations, the Security Council, the Movement of Non-Aligned Countries, OIC—in a word, the entire international community—must persevere in making creative efforts to find appropriate mechanisms and basis for a just and honourable agreement for the settlement of the conflict, which had gone on for too long.⁸⁷

The representative of Peru said that, rather than dwelling on the characteristics of the war, his delegation wished to contribute to the appeal for peace and lend its firm support to any initiative that may bring peace closer.⁸⁸

The representative of Uruguay indicated that the war between the Islamic Republic of Iran and Iraq was putting to the test the effectiveness and credibility of the United Nations system, especially for medium-sized and small States, and that the Security Council must do everything in its power, within the framework of the Charter, to obtain the immediate cessation of hostilities and the initiation of negotiations that could lay the foundation for a firm and definitive settlement acceptable to both parties. He also urged the Governments of the Islamic Republic of Iran and Iraq to implement Security Council resolution 582 (1986).⁸⁹

The President, in his capacity as representative of the United Arab Emirates, stated that the Security Council met again in a fresh attempt to find a peaceful formula to resolve the dilemma between the Islamic Republic of Iran and Iraq. He welcomed the response by Iraq to the Council's resolutions, as well as the efforts made by others, which were all directed to the peaceful settlement of the conflict, and called upon the Islamic Republic of Iran to find an appropriate way of responding to those peaceful initiatives so that that destructive war could be brought to an end.⁹⁰

The President drew attention to the text of a draft resolution,⁹¹ which had been prepared in the course of the Council's consultations. The President, hearing no objections, proceeded to bring the draft resolution to the vote. Before putting it to the vote, however, he opened the floor to those members of the Council who wished to make statements.

The representative of France indicated that the Security Council had already made proposals in its resolution 540 (1983) for a comprehensive, just and honourable settlement that would be acceptable to both parties, and more recently in resolution 582 (1986) the Council had laid down the basis for a negotiated settlement. He added that the draft resolution before the Council called upon the two parties to implement a resolution unanimously adopted by the members of the body charged by the United Nations with the primary responsibility for the maintenance of international peace and security. The Council also requested

the Secretary-General to continue and intensify his efforts to achieve peace.⁹²

The representative of the United Kingdom of Great Britain and Northern Ireland opposed the use of chemical weapons in the conflict and pointed out that the Security Council had strongly condemned it, most recently in its statement on 21 March 1986.⁹³ He was also gravely concerned at the growing number of attacks by both sides on civilian targets and on vessels flying the flag of States that were not involved in the current hostilities. He then appealed for the implementation without further delay of resolution 582 (1986).⁹⁴

The representative of the United States of America was concerned that in the absence of negotiations the war had not only intensified but had expanded, which increased the risk to the security of the entire region, and that it continued to be a threat to neutral third-party shipping. He commended the Secretary-General's initiatives as well as those of various other parties, and called on the Islamic Republic of Iran and Iraq to work closely with the Secretary-General to find the best way to end the conflict speedily. His delegation supported the draft resolution and hoped that its moderate and balanced language would be respected by both parties to the dispute.

At the same meeting, the President put the draft resolution⁹⁵ to the vote. It received 15 votes and was adopted unanimously as resolution 588 (1986).⁹⁶ It reads as follows:

The Security Council,

Having considered the question entitled "The situation between Iran and Iraq",

Noting that the Council has been seized with this question for over six years and that decisions have been taken thereon,

Deeply alarmed at the prolongation and intensification of the conflict, resulting in heavy losses of human lives and considerable material damage and endangering international peace and security,

Noting the obligation of Member States to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or from acting in any other manner inconsistent with the purposes of the United Nations,

Recalling the provisions of the Charter of the United Nations and in particular the obligation of all Member States to settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered,

Recalling also that under the Charter, Member States have conferred on the Security Council primary responsibility for the maintenance of international peace and security and to this end have agreed to accept the role of the Security Council in the settlement of disputes,

Commending the efforts of the Secretary-General in the search for a peaceful settlement of the conflict,

1. *Calls upon* the Islamic Republic of Iran and Iraq to implement fully and without delay resolution 582 (1986) adopted unanimously on 24 February 1986;
2. *Requests* the Secretary-General to intensify his efforts with the parties to give effect to the above-mentioned resolution and to report to the Council no later than 30 November 1986;
3. *Decides* to meet again to consider the report of the Secretary-General and the conditions for the establishment of a durable peace between the two countries in conformity with the Charter of the United Nations and the principles of justice and international law.

⁸⁷Ibid., pp. 23-27.

⁸⁸Ibid., pp. 27-31.

⁸⁹Ibid., pp. 31-33.

⁹⁰Ibid., pp. 33-37.

⁹¹S/18383, adopted unanimously without change as resolution 588 (1986).

⁹²S/PV.2713, pp. 37-40.

⁹³S/17932.

⁹⁴S/PV.2713, pp. 41-43.

⁹⁵Ibid., pp. 43-46.

⁹⁶See S/PV.2713 for the vote; see also chap. IV of the present Supplement.

Decision of 22 December 1986 (2730th meeting): statement by the President

On 26 November 1986, in compliance with resolution 588 (1986), in which the Security Council, *inter alia*, requested the Secretary-General to intensify his efforts with the Islamic Republic of Iran and with Iraq to give effect to resolution 582 (1986), the Secretary-General submitted his report,⁹⁷ which conveyed, among other things, their responses to his request for their ideas or proposals. In particular, the Secretary-General suggested as one option, the possible reactivation of his eight-point plan.⁹⁸

The position of Iraq was that the conflict should not be prolonged: there should be an immediate ceasefire with a cessation of all hostilities, followed by the withdrawal of troops and exchange of prisoners of war within a short time-frame. Thereafter all aspects of the conflict should be subject to mediation or other means of settlement, including negotiations.⁹⁹

The position of the Islamic Republic of Iran was that because the original Iraqi aim in invading Iran—the toppling of the Iranian regime—had not changed, and because Iraq abrogated the Algiers Agreement of 1975, Iran was not prepared to accept a ceasefire or to sign any agreement with the present Iraqi regime. Iran was prepared to cooperate in arrangements for security in the Gulf region, for preventing the widening of the conflict, for the observance of international law governing the conduct of war and for the exchange of certain groups of prisoners of war.⁹⁹

In the same report, the Secretary-General emphasized that, as was clearly evident from the positions of the two parties, they showed no degree of coincidence that would provide a basis for the presentation of specific proposals designed to give effect to resolution 582 (1986).⁹⁹ He also expressed his concern over the danger of the widening of the prolonged conflict. In particular, he stressed that a major area of risk lay in the potential repercussions of the increasingly large attacks on merchant vessels in the region. The Secretary-General concluded his report by expressing the belief that the Security Council must persevere in establishing a basis upon which both Iran and Iraq would find it possible to extend their cooperation to the United Nations in dealing with the threat to regional and international security.¹⁰⁰

At its 2730th meeting, on 22 December 1986, the Council included the report of the Secretary-General in its agenda. As a result of consultations held among members of the Council, the President made the following statement on behalf of the Council:¹⁰¹

The members of the Security Council take note of the report of the Secretary-General and express profound concern at the serious situation which continues to exist between the Islamic Republic of Iran and Iraq. They reiterate their call for the implementation of Council resolutions 582 (1986) and 588 (1986) and for the resolution of the prolonged conflict by peaceful means. They again emphasize the obligation of Member States to settle their disputes by peaceful means and, in this context, to cooperate with the Security Council. In this regard, the members of the Council urge the Secretary-General to continue with his efforts and call upon the parties to cooperate with him.

The members of the Council continue to deplore the violation of international humanitarian law and other laws of armed conflict. They

express their deepening concern over the widening of the conflict through the escalation of attacks on purely civilian targets, on merchant shipping and oil installations of the littoral States. They call for respect, in accordance with international law, for the territorial integrity of the States of the region and for the right of free navigation and commerce, as well as for the operation of off-shore installations.

Decision of 16 January 1987: statement by the President

On 16 January 1987, following consultations with the Council members, the President issued the following statement on behalf of the members of the Council:¹⁰²

The members of the Security Council are dismayed and profoundly concerned by the fact that, in the period which has elapsed since the statement made by the President of the Security Council on 22 December 1986, hostilities between the Islamic Republic of Iran and Iraq have intensified and the risk that the armed conflict, now more than six years old, may pose a further threat to the security of the region has increased.

The large-scale military operations which have taken place since the end of last December, and which continue at this time, and the parties' repeated allegations of serious and recurrent violations of the norms of international humanitarian law and other laws of armed conflict clearly indicate the considerable escalation in recent weeks of this conflict, which has taken the lives of countless persons, both combatants and civilians, and has caused grievous human suffering and heavy material losses. The members of the Security Council reiterate their serious concern over the widening of the conflict through increased attacks on purely civilian targets.

In view of this critical situation, the members of the Security Council, recalling the statements made on behalf of the Council on 21 March and 22 December 1986, again issue an urgent appeal to the parties to comply with Security Council resolutions 582 (1986) and 588 (1986). In this context, the members of the Security Council appreciate the efforts made by the Secretary-General and urge him to persevere in those efforts.

The Security Council, on which the Members of the United Nations have conferred primary responsibility for the maintenance of international peace and security, will remain seized of the situation and will continue to make every effort to bring about the cessation of hostilities and the resolution of the conflict by peaceful means in accordance with the Charter.

Decision of 14 May 1987: statement by the President

On 14 May 1987, following consultations with the members of the Security Council, the President issued the following statement on behalf of the members of the Council:¹⁰³

The members of the Security Council, seized with the continuing conflict between Iran and Iraq, have considered the report of the mission of specialists dispatched by the Secretary-General to investigate allegations of the use of chemical weapons in the conflict (S/18852).

Deeply dismayed by the unanimous conclusions of the specialists that there has been repeated use of chemical weapons against Iranian forces by Iraqi forces, that civilians in Iran also have been injured by chemical weapons, and that Iraqi military personnel have sustained injuries from chemical warfare agents, the members of the Council again strongly condemn the repeated use of chemical weapons in open violation of the Geneva Protocol of 1925, in which the use of chemical weapons in war is clearly prohibited.

Recalling the statements made by the President of the Council on 30 March 1984 (S/16454), 25 April 1985 (S/17130) and 21 March 1986 (S/17932), they again emphatically demand that the provisions of the Geneva Protocol be strictly respected and observed.

They also condemn the prolongation of the conflict which, in addition to violations of international humanitarian law, continues to exact an appalling toll of human life, to cause heavy material damage in the two States, and to endanger peace and security in the region.

They express grave concern over the dangers of an extension of the conflict to other States in the region.

⁹⁷S/18480.

⁹⁸*Ibid.*, para. 2.

⁹⁹*Ibid.*, para. 6.

¹⁰⁰*Ibid.*, para. 14.

¹⁰¹S/18538, incorporated in S/PV.2730.

¹⁰²S/18610.

¹⁰³S/18863.

They reiterate their call for respect for the territorial integrity of all States in the region.

They reaffirm resolution 582 (1986) and call on both parties to cooperate with the efforts of the Security Council to open the way to an early settlement of the conflict on the basis of justice and honour.

They express support for the Secretary-General's efforts to restore peace to the peoples of Iran and Iraq and call on both States to respond positively to his efforts.

Decision of 20 July 1987 (2750th meeting): resolution 598 (1987)

At its 2750th meeting, on 20 July 1987, the Council included in its agenda the item entitled "The situation between Iran and Iraq". Following the adoption of the agenda, the Council invited the representative of Iraq, at his request, to participate in the discussion of the item without the right to vote.¹⁰⁴ The Council discussed the item at the same meeting.

Opening the discussion, the President stated that, as had been agreed in the course of previous consultations, the Council was meeting in connection with the item on its agenda. He drew attention to the text of a draft resolution,¹⁰⁵ which had been prepared in the course of the Council's consultations. The President, hearing no objections, proceeded to bring the draft resolution to the vote. Before putting the draft resolution to the vote, however, the President opened the floor to those members of the Council who wished to make statements.

Statements before the vote were made by the representative of China, the Minister for Foreign Affairs of the United Arab Emirates, the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland, the Secretary of State of the United States of America, the Vice-Chancellor and Minister for Foreign Affairs of the Federal Republic of Germany, the Minister for Foreign Affairs of Italy, the representatives of Ghana and Zambia, the Minister for Foreign Affairs and Worship of Argentina, the representatives of the Congo and Venezuela and by the President, in his capacity as Minister for Foreign Affairs of France.

A number of members of the Council emphasized in their statements the following points: (a) contrary to the wishes of most, the conflict appeared to be escalating and growing more complicated, with the possibility of outside countries being drawn into the hostilities and, therefore, the threat to regional and international peace and security was growing; (b) the draft resolution before the Council was the most balanced possible and took into consideration the interests of both parties to the conflict; (c) the tremendous loss of life, the violations of international humanitarian law and the disregard for the 1925 Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases and of Bacteriological Methods of Warfare all pointed toward the need for an immediate end to the war; (d) a ceasefire was the first step toward the negotiated settlement of the conflict; (e) the Secretary-General of the United Nations had the full confidence of the Council and had an important role to play in implementing the draft resolution; and (f) the draft resolution before the Council was formulated through a series of con-

sultations, primarily by the Permanent Members of the Council, which symbolized the possibility of further cooperation in the Council.

The representative of China stated that although the five Permanent Members have a special responsibility for maintaining international peace and security, their endeavour must be consistent with the principle that the Council was an organic whole. The permanent members should heed and respect the views of the non-permanent members and other interested parties and be accommodating to their reasonable demands and proposals, with a view to pooling the broadest possible wisdom, thus ensuring that the draft resolution to be adopted truly embodies the common will and aspirations of the Council as a whole.¹⁰⁶

The Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland stated that the basis of the draft resolution rested solidly on Security Council resolution 582 (1986).¹⁰⁷ He pointed out that the Council should ask how the conflict started and how to apportion blame; indeed that was recognized in operative paragraph 6 of the draft resolution before the Council and, therefore, there was no excuse for delaying moves to put an end to the bloodshed. That was why the Council was ordering a mandatory ceasefire using the powers conferred upon it under Articles 39 and 40 of the Charter.¹⁰⁷ Moreover, he indicated that the adoption by the Council of mandatory action under Chapter VII of the Charter should send a clear signal to both sides. The international community was resolved to do all in its power to bring this appalling conflict to an end.¹⁰⁷ He also stressed that, if the parties disregarded their obligations, the Council would use all its powers under the Charter to make the resolution effective.¹⁰⁸

Comments regarding Chapter VII of the Charter and in particular Articles 39 and 40, concerning the mandatory nature of the draft resolution when adopted, were also strongly emphasized by a number of other members of the Council, including the Secretary of State of the United States of America, the Vice-Chancellor and Minister for Foreign Affairs of the Federal Republic of Germany, the Minister for Foreign Affairs of Italy and the representative of the Congo. Specifically, the representative of the Congo contrasted the willingness of the Council to use Chapter VII provisions in the situation between Iran and Iraq with its unwillingness to use those same measures in the case of South Africa.¹⁰⁹

The Secretary of State of the United States of America noted, *inter alia*, that the draft resolutions not only demanded an immediate ceasefire and the withdrawal of all forces to internationally recognized borders, but also initiated a healing process, calling for an early exchange of prisoners and international efforts to assist in post-war reconstruction.¹¹⁰

The Vice-Chancellor and Minister for Foreign Affairs of the Federal Republic of Germany said that the resolution was only the third in the life of the United Nations to exhaust all means envisaged in the Charter. For the first time ever the Security Council was mandatorily deciding a

¹⁰⁴S/PV.2750, p. 3; for details, see chap. III of the present *Supplement*.

¹⁰⁵S/18983, adopted unanimously without change as resolution 598 (1987).

¹⁰⁶S/PV.2750, pp. 4-11.

¹⁰⁷*Ibid.* p. 16.

¹⁰⁸*Ibid.* p. 17.

¹⁰⁹*Ibid.* p. 51.

¹¹⁰*Ibid.*, p. 21.

ceasefire and the withdrawal of troops and the resolution would therefore hold a special place in the history of the United Nations.¹¹¹

The Minister for Foreign Affairs of Italy emphasized that, though a procedure of consultations principally among the permanent members might be justified in the present case, given the extreme complexity of the problem, such a procedure must not become the rule.¹¹²

The representative of Ghana pointed out, *inter alia*, that operative paragraphs 1 and 3 must be read together with operative paragraphs 2 and 4.¹¹³ Moreover, he stated that operative paragraph 5 of the draft resolution expressly calls upon all States to exercise the utmost restraint and to refrain from any act that might lead to a further escalation and widening of the conflict. Therefore, the resolution that the Council would adopt should in no way constitute the basis for premeditated aggression or any unilateral action by any State or group of States or major Powers against the Islamic Republic of Iran or Iraq. Any follow-up action that might be required after the adoption of the draft resolution should be within the framework of the United Nations and should first be discussed and agreed upon by the Security Council. It would be unfortunate if the present exercise of the Council's powers were to be interpreted as giving licence, however obliquely, to the dispatch of punitive expeditions by one or another of the Members of the United Nations to pacify the area.¹¹⁴

The President, in his capacity as Minister for Foreign Affairs of France, stated that the resolution embodied all the weight that the Charter of the United Nations, in its key chapters on peace and security, had conferred on the Security Council. It must not go unheeded by the two countries.¹¹⁵

At the same meeting, the President put the draft resolution to the vote; it was adopted unanimously as resolution 598 (1987). It reads as follows:

The Security Council,

Reaffirming its resolution 582 (1986),

Deeply concerned that, despite its calls for a ceasefire, the conflict between the Islamic Republic of Iran and Iraq continues unabated, with further heavy loss of human life and material destruction,

Deploring the initiation and continuation of the conflict,

Deploring also the bombing of purely civilian population centres, attacks on neutral shipping or civilian aircraft, the violation of international humanitarian law and other laws of armed conflict, and, in particular, the use of chemical weapons contrary to obligations under the 1925 Geneva Protocol,

Deeply concerned that further escalation and widening of the conflict may take place,

Determined to bring to an end all military actions between Iran and Iraq,

Convinced that a comprehensive, just, honourable and durable settlement should be achieved between Iran and Iraq,

Recalling the provisions of the Charter of the United Nations, and in particular the obligation of all Member States to settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered,

Determining that there exists a breach of the peace as regards the conflict between Iran and Iraq,

Acting under Articles 39 and 40 of the Charter,

1. *Demands* that, as a first step towards a negotiated settlement, the Islamic Republic of Iran and Iraq observe an immediate ceasefire, discontinue all military actions on land, at sea and in the air, and withdraw all forces to the internationally recognized boundaries without delay;

2. *Requests* the Secretary-General to dispatch a team of United Nations observers to verify, confirm and supervise the ceasefire and withdrawal and further requests the Secretary-General to make the necessary arrangements in consultation with the parties and to submit a report thereon to the Security Council;

3. *Urges* that prisoners of war be released and repatriated without delay after the cessation of active hostilities in accordance with the Third Geneva Convention of 12 August 1949;

4. *Calls upon* Iran and Iraq to cooperate with the Secretary-General in implementing this resolution and in mediation efforts to achieve a comprehensive, just and honourable settlement, acceptable to both sides, of all outstanding issues, in accordance with the principles contained in the Charter of the United Nations;

5. *Calls upon* all other States to exercise the utmost restraint and to refrain from any act which may lead to further escalation and widening of the conflict, and thus to facilitate the implementation of the present resolution;

6. *Requests* the Secretary-General to explore, in consultation with Iran and Iraq, the question of entrusting an impartial body with inquiring into responsibility for the conflict and to report to the Council as soon as possible;

7. *Recognizes* the magnitude of the damage inflicted during the conflict and the need for reconstruction efforts, with appropriate international assistance, once the conflict is ended and, in this regard, requests the Secretary-General to assign a team of experts to study the question of reconstruction and to report to the Council;

8. *Requests* the Secretary-General to examine, in consultation with Iran and Iraq and with other States of the region, measures to enhance the security and stability of the region;

9. *Also requests* the Secretary-General to keep the Council informed on the implementation of this resolution;

10. *Decides* to meet again as necessary to consider further steps to ensure compliance with this resolution.

Following the adoption of the resolution, the Secretary-General made a statement. He emphasized, *inter alia*, that the cooperation of the two belligerents was vital in establishing the ceasefire and facilitating the implementation of the other provisions of the resolution and that once a ceasefire was established, the first priority for the United Nations must be to ensure that it held. He also pointed out that the establishment of United Nations observers would be effected through an exchange of letters with the President of the Security Council and that the observers would come from existing United Nations operations.¹¹⁶

The representative of the Union of Soviet Socialist Republics emphasized his concern over the concentration of armed forces of third parties in the Gulf region, which posed a serious threat to international peace and security. He also stressed that operative paragraphs 5 and 8 of the draft resolution clearly asserted that the problems of the Gulf could be resolved through agreement among the Gulf States, without outside interference.¹¹⁷

The representative of Iraq asserted that he had received the resolution and would immediately convey it to the highest authorities in his country.¹¹⁸ He also noted that Iraq had always responded positively to the Council's resolu-

¹¹¹*Ibid.*, p. 27.

¹¹²*Ibid.*, p. 33.

¹¹³*Ibid.*, pp. 39 and 40.

¹¹⁴*Ibid.*, p. 41.

¹¹⁵*Ibid.*, p. 61.

¹¹⁶S/PV.2750, p. 63.

¹¹⁷*Ibid.*, pp. 73-75.

¹¹⁸*Ibid.*, p. 83.

tions and valued the importance the Council attached to a comprehensive settlement.

Decision of 24 December 1987 (2779th meeting): statement by the President

At the 2779th meeting, on 24 December 1987, as a result of consultations held among members of the Council, the President made the following statement on behalf of the Council:¹¹⁹

The members of the Security Council take note of the assessment made by the Secretary-General to the Security Council on 10 December 1987 following his consultations with the emissaries of Iran and Iraq concerning the implementation of resolution 598 (1987) as well as of his request for a fresh and resolute impulse from the Council. They express their grave concern over the slow pace and lack of real progress in these consultations.

Determined to bring the conflict to an end as soon as possible, the members of the Security Council reaffirm their commitment to resolution 598 (1987) as an integrated whole. They also reaffirm that the implementation of that resolution is the only basis for a comprehensive, just, honourable and durable settlement of the conflict.

They support the Secretary-General's outline plan, as endorsed by the Security Council, as well as his efforts to implement resolution 598 (1987).

They consider it essential that the Secretary-General continue to fulfil the mandate assigned to him by resolution 598 (1987).

The members of the Security Council declare their determination, in accordance with operative paragraph 10 of resolution 598 (1987), to consider further steps to ensure compliance with this resolution.

Decision of 16 March 1988 (2798th meeting): statement by the President

At the 2798th meeting, on 16 March 1988, as a result of consultations held among members of the Council, the President made the following statement on behalf of the Council:¹²⁰

The members of the Security Council express grave concern over the fact that the tragic conflict between Iran and Iraq continues and has entered its eighth year.

They strongly deplore the escalation of the hostilities between these two countries, particularly the attacks against civilian targets and cities that have taken a heavy toll in human lives and caused vast material destruction, in spite of the declared readiness of the belligerent parties to cease such attacks.

The members of the Security Council insist that Iran and Iraq immediately cease all such attacks and desist forthwith from all acts that lead to the escalation of the conflict and which thereby create further obstacles in the way of implementation of resolution 598 (1987) and undermine the efforts of the Security Council to put an early end to this conflict in accordance with the resolution.

They are convinced that the recent escalation has demonstrated the need for full and rapid implementation of resolution 598 (1987).

Determined to bring the conflict between Iran and Iraq to an early end, the members of the Security Council reaffirm their strong commitment to the implementation of resolution 598 (1987) as an integrated whole which is the only basis for a comprehensive, just, honourable and lasting settlement of the conflict.

They express grave concern that resolution 598 (1987), which has a mandatory character, has not yet been implemented.

The members of the Security Council take note of the statement made by the Secretary-General to them on 14 March 1988. They encourage him to continue his efforts as endorsed by the Security Council to secure implementation of resolution 598 (1987) and, in this connection, support his intention to invite the Governments of Iran and Iraq to send, at the earliest possible date, their foreign ministers, or another senior official, as a special emissary to New York to enter

into urgent and intensive consultations with the Secretary-General. They request the Secretary-General to submit to the Security Council, within three weeks, the report on his consultations with the two sides.

The members of the Security Council reaffirm their determination, in accordance with paragraph 10 of resolution 598 (1987), to consider promptly, in the light of the Secretary-General's renewed efforts to secure implementation of this resolution, further effective steps to ensure compliance with it.

Decision of 9 May 1988 (2812th meeting): resolution 612 (1988)

On 23 April 1988, the Secretary-General submitted a report on the mission to investigate allegations of the use of chemical weapons in the conflict between Iran and Iraq.¹²¹ The report described the medical investigations carried out in both countries and concluded that chemical weapons continued to be used in the conflict and that there had been an apparent increase in the number of civilian casualties confirmed and such use could further escalate and seriously undermine the Geneva Protocol of 1925. The Secretary-General strongly urged the parties concerned and all Governments seriously to weigh the full implications of the present report for their common future.

At its 2812th meeting, on 9 May 1988, the Council included the report of the mission in its agenda and considered the item during that meeting.

The President drew attention to a draft resolution submitted by the Federal Republic of Germany, Italy and Japan.¹²²

The President then put the draft resolution to the vote; it was adopted unanimously as resolution 612 (1988).¹²³ It reads as follows:

The Security Council,

Having considered the report of 25 April 1988 of the mission dispatched by the Secretary-General to investigate allegations of the use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq,

Dismayed by the mission's conclusions that chemical weapons continue to be used in the conflict and that their use has been on an even more intensive scale than before,

1. *Affirms* the urgent necessity of strict observance of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925;
2. *Condemns vigorously* the continued use of chemical weapons in the conflict between Iran and Iraq contrary to the obligations under the Geneva Protocol;
3. *Expects* both sides to refrain from the future use of chemical weapons in accordance with their obligations under the Geneva Protocol;
4. *Calls upon* all States to continue to apply or to establish strict control of the export to the parties to the conflict of chemical products serving for the production of chemical weapons;
5. *Decides* to remain seized of the matter and expresses its determination to review the implementation of this resolution.

Decision of 8 August 1988 (2823rd meeting): statement by the President

At its 2823rd meeting, on 8 August 1988, the Security Council included in its agenda the item entitled "The situation between Iran and Iraq". Following the adoption of the agenda, the Council invited the representatives of the Islamic Republic of Iran and Iraq to take their places at the Council table.

¹¹⁹S/19382.
¹²⁰S/19626.

¹²¹S/19823 and Corr.1.

¹²²S/19869.

¹²³For the vote, see S/PV.2812, pp. 2 and 3.

At the same meeting, the President of the Council drew the attention of its members to two letters from Iraq and the Islamic Republic of Iran addressed to the Secretary-General.¹²⁴

The Council began its consideration of the item in accordance with the understanding reached in the Council's prior consultations.

The Secretary-General stated that members of the Council were aware that over the past two weeks he had been engaged in intensive diplomatic activity aimed at achieving the implementation of Security Council resolution 598 (1987). As a result of those efforts, he called upon the Islamic Republic of Iran and Iraq to observe a ceasefire and to discontinue all military action on land, at sea and in the air as at 0300 hours GMT on 20 August 1988. He was assured by the two parties to the conflict that they would observe the ceasefire in the context of the full implementation of resolution 598 (1987).¹²⁵

Subsequently, the President indicated that, following consultations of the Council, he had been authorized to make the following statement on behalf of the members of the Council:¹²⁶

The Security Council welcomes the statement just made by the Secretary-General concerning the implementation of its resolution 598 (1987) of 20 July 1987 on the Iran-Iraq conflict.

The Council endorses the Secretary-General's announcement that the cease-fire demanded in the resolution shall come into effect at 0300 (GMT) on 20 August 1988, and that direct talks under his auspices between the two parties shall begin on 25 August.

The Council further endorses the appeal of the Secretary-General to both parties to exercise the utmost restraint and expects them to refrain from all hostile activities in the period before the entry into effect of the cease-fire.

The Council reiterates its determination that its resolution 598 (1987) be fully implemented as an integral whole and reaffirms its full support for the continuing efforts of the Secretary-General to this end.

Decision of 9 August 1988 (2824th meeting): resolution 619 (1988)

At its 2824th meeting, on 9 August 1988, the Council included the report of the Secretary-General on the implementation of paragraph 2 of Security Council resolution 598 (1987)¹²⁷ in its agenda.

In the report, the Security Council, *inter alia*, recommended that, as soon as a date had been established for the ceasefire, the Security Council take an early decision to establish a team of observers to be known as the United Nations Iran-Iraq Military Observer Group (UNIIMOG), which would carry out the functions described in paragraph 2 of resolution 598 (1987) and otherwise assist the parties, as might be mutually agreed.

Following the adoption of the agenda, the President invited, on behalf of the Council, the representatives of Iraq and the Islamic Republic of Iran to take a place at the Council table.

The Council began its consideration of the item in accordance with the understanding reached in the Council's prior consultations.

At the same meeting, the President drew attention to a draft resolution, which had been prepared in the course of

the Council's consultations,¹²⁸ and put it to the vote; it was adopted unanimously as resolution 619 (1988).¹²⁹ It reads as follows:

The Security Council,

Recalling its resolution 598 (1987) of 20 July 1987,

1. *Approves* the report of the Secretary-General contained in document S/20093 on the implementation of paragraph 2 of resolution 598 (1987) of the Security Council;
2. *Decides* to set up immediately, under its authority, a United Nations Iran-Iraq Military Observer Group, and requests the Secretary-General to take the necessary steps to this effect, in accordance with his above-mentioned report;
3. *Also decides* that the United Nations Iran-Iraq Military Observer Group shall be established for a period of six months, unless the Council decides otherwise;
4. *Requests* the Secretary-General to keep the Security Council fully informed of further developments.

Decision of 10 August 1988: exchange of letters between the Secretary-General and the President of the Security Council

In a letter dated 9 August 1988 addressed to the President of the Security Council,¹³⁰ the Secretary-General referred to paragraph 8 (c) of his report of 7 August on the implementation of paragraph 2 of Security Council resolution 598 (1987)¹³¹ and proposed to the Security Council that UNIIMOG be composed of contingents from the following Member States: Argentina, Australia, Austria, Bangladesh, Canada, Denmark, Finland, Ghana, Hungary, India, Indonesia, Ireland, Italy, Kenya, Malaysia, New Zealand, Nigeria, Norway, Poland, Senegal, Sweden, Turkey, Yugoslavia and Zambia. In a letter dated 10 August 1988,¹³² the President informed the Secretary-General as follows:

I have the honour to inform you that your letter dated 9 August 1988 concerning the composition of the United Nations Iran-Iraq Military Observer Group (UNIIMOG) has been brought to the attention of the members of the Security Council. They considered the matter in informal consultations held on 10 August 1988 and agreed with the proposal contained in your letter.

In a letter dated 23 August 1988 addressed to the President of the Council,¹³³ the Secretary-General informed the President of the Council of his intention to add Peru and Uruguay to the list of contingents included in UNIIMOG. In a letter dated 26 August 1988,¹³⁴ the President informed the Secretary-General as follows:

I have the honour to inform you that your letter dated 23 August 1988 concerning the additional contingents for the United Nations Iran-Iraq Military Observer Group (UNIIMOG) has been brought to the attention of the members of the Security Council. They considered the matter in informal consultations held on 26 August and agreed with the proposal contained in your letter.

Decision of 26 August 1988 (2825th meeting): resolution 620 (1988)

On 20 July 1988, the Secretary-General circulated a report on the mission to investigate allegations of the use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq.¹³⁵ The Secretary-General informed the Council that on 19 May 1988 the Islamic Republic of

¹²⁴S/20092 and S/20094, respectively.

¹²⁵S/20095.

¹²⁶S/20096.

¹²⁷S/20093.

¹²⁸S/20097.

¹²⁹For the vote, see S/PV.2824, p. 3.

¹³⁰S/20104.

¹³¹S/20093.

¹³²S/20105.

¹³³S/20154.

¹³⁴S/20155.

Iran charged that Iraq had used chemical weapons on 17 and 18 May 1988 against a number of Iranian villages and requested the immediate dispatch of a United Nations mission to investigate the matter.¹³⁶ Four other letters were received afterwards, making the same request.¹³⁷

On 17 June 1988, the President of the Security Council informed the Secretary-General that the members of the Council, while unanimously reaffirming the condemnation of the use of chemical weapons in the conflict, considered that the Security Council could not act without an independent and technical confirmation of the accusation. On that basis, the Secretary-General dispatched a mission to the Islamic Republic of Iran to investigate its allegations of the use of chemical weapons. The report of the mission was submitted to the Secretary-General on 8 July 1988. In its report, the mission concluded that chemical weapons continued to be used against Iranian forces and positions. The mission also asserted that it might be necessary to review existing machinery for verification by United Nations teams of the use of chemical weapons in the present conflict in order to ensure timely presence of experts at the site of alleged attacks.

On 2 August 1988, the Secretary-General circulated an Addendum¹³⁸ to the above report, which contained a summary report on patients examined by the medical specialists with relevant clinical data.

On 3 July 1988, the Government of Iraq alleged that Iranian forces had used chemical weapons against Iraqi forces on 20 June and 1 July and requested that the Secretary-General immediately dispatch a mission to Iraq to investigate the matter.¹³⁹

On 25 July 1988, the Secretary-General circulated the text of the report of the mission dispatched by him to investigate allegations of the use of chemical weapons in the conflict between Iran and Iraq.¹⁴⁰ The report described the investigations carried out by the specialists in Iraq between 9 and 11 July and stated, *inter alia*, that it was possible to determine without any doubt that, between the end of June and the beginning of July, nine Iraqi soldiers had been affected by mustard gas. The report emphasized that an ever-increasing presence of different types of weapons associated with aggressive chemical agents were being used in the conflict between Iran and Iraq.

On 2 August 1988, the Secretary-General circulated an Addendum¹⁴¹ to the above report of the mission dispatched by him to investigate allegations of the use of chemical weapons in the conflict between Iran and Iraq, which contained a summary report on patients examined by the medical specialists, with relevant clinical data.

On 3 August 1988, the Minister for Foreign Affairs of the Islamic Republic of Iran addressed a letter to the Secretary-General,¹⁴² requesting him to dispatch immediately another team of experts to investigate a chemical bombardment alleged to have been carried out on 2 August. On 5 August, the President of the Security Council informed the Secretary-General that members of the Council considered that, in

the light of resolution 612 (1988) and of the seriousness they attached to the subject, any new allegations of the use of chemical weapons ought to be investigated.¹⁴³ A mission of specialists was dispatched and its report concluded that chemical weapons had been used against Iranian civilians in an area adjacent to an urban centre, lacking any protection against that kind of attack.¹⁴³

At its 2825th meeting, on 26 August 1988, the Council included the reports in its agenda. The Council began its consideration of the item pursuant to an agreement reached in prior consultations. The President drew attention to a draft resolution submitted by the Federal Republic of Germany, Italy, Japan and the United Kingdom of Great Britain and Northern Ireland.¹⁴⁴ He then put the draft resolution to the vote; it was adopted unanimously as resolution 620 (1988).¹⁴⁵ It reads as follows:

The Security Council,

Recalling its resolution 612 (1988) of 9 May 1988,

Having considered the reports of 20 and 25 July and of 2 and 19 August 1988 of the missions dispatched by the Secretary-General to investigate allegations of the use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq,

Deeply dismayed by the missions' conclusions that there had been continued use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq and that such use against Iranians had become more intense and frequent,

Profoundly concerned at the danger of possible use of chemical weapons in the future,

Bearing in mind the current negotiations in the Conference on Disarmament on the complete and effective prohibition of the development, production and stockpiling of chemical weapons and on their destruction,

Determined to intensify its efforts to end all use of chemical weapons in violation of international obligations now and in the future,

1. *Condemns resolutely the use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq, in violation of obligations under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and in defiance of its resolution 612 (1988);*

2. *Encourages the Secretary-General to carry out promptly investigations in response to allegations brought to his attention by any Member State concerning the possible use of chemical and bacteriological (biological) or toxic weapons that may constitute a violation of the 1925 Geneva Protocol or other relevant rules of customary international law, in order to ascertain the facts of the matter, and to report the results;*

3. *Calls upon all States to continue to apply, to establish or to strengthen strict control of the export of chemical products serving for the production of chemical weapons, in particular to parties to a conflict, when it is established or when there is substantial reason to believe that they have used chemical weapons in violation of international obligations;*

4. *Decides to consider immediately, taking into account the investigations of the Secretary-General, appropriate and effective measures in accordance with the Charter of the United Nations, should there be any future use of chemical weapons in violation of international law, wherever and by whomever committed.*

¹³⁵S/20060.

¹³⁶S/19892.

¹³⁷S/19902, S/19942, S/19943 and S/19946.

¹³⁸S/20060/Add.1.

¹³⁹S/19982.

¹⁴⁰S/20063.

¹⁴¹S/20063/Add.1.

¹⁴²S/20084.

¹⁴³S/20134.

¹⁴⁴S/20151.

¹⁴⁵For the vote, see S/PV.2825, p. 6.

4. THE QUESTION OF SOUTH AFRICA

Decision of 12 March 1985 (2574th meeting): resolution 560 (1985)

By a letter dated 28 February 1985,¹ the representative of Egypt, in his capacity as Chairman of the Group of African States at the United Nations for the month of February, requested an urgent meeting of the Security Council to consider the serious situation in South Africa resulting from the murder of defenceless Africans demonstrating against forced removals, the arrests and "high treason" charges against the United Democratic Front (UDF) officials and the continued intensification of violent repression by the apartheid State.

By a letter dated 6 March 1985 addressed to the Secretary-General,² the representative of India transmitted the text of a communiqué adopted on the same date by the Coordinating Bureau of the Movement of Non-Aligned Countries condemning the Pretoria regime for the wanton murder of innocent men, women and children who were protesting their forced removal from Crossroads and other places for resettlement, recalling Security Council resolutions 473 (1980), 554 (1984) and 556 (1984), as well as other relevant resolutions, and urging the Council to take the necessary measures to implement those resolutions and to deal effectively with the current grave situation in South Africa, through the imposition of comprehensive mandatory sanctions under Chapter VII of the Charter of the United Nations.

At its 2571st meeting, on 8 March 1985, the Council included the letter dated 28 February 1985 from the representative of Egypt in its agenda and considered the item at the 2571st and 2574th meetings, on 8 and 12 March 1985.

In the course of its deliberations the Council invited the representatives of the People's Democratic Republic of Yemen, Guinea, South Africa, the Syrian Arab Republic, the United Republic of Tanzania and Viet Nam, at their request, to participate, without the right to vote, in the discussion of the item.³ The Council also extended an invitation, at his request, to the Acting Chairman of the Special Committee against Apartheid.⁴

At the 2571st meeting, on 8 March 1985, the representative of Guinea, in his capacity as Chairman of the Group of African States for the month of March, stated that the struggle of the oppressed people of South Africa was not only the struggle of the African continent but also the struggle of all mankind, and that any collusion with the Pretoria regime, the ending of which was required by the Charter of the United Nations, was a crime against all mankind. He added that the time had come for the peoples of the world, who in 1945 had declared their determination to safeguard international peace and security, to put an end to Pretoria's racist tyranny by countering its poisonous ideology with the ideology of the equality of men and of races. Apartheid could not be reformed and must be rooted out and it was therefore imperative for the international community to keep up and elevate the pressure on Pretoria to

force it to respect the legitimate rights of the South African people, since only the elimination of apartheid and the establishment of a democratic and non-racial society based on inter-community dialogue within the framework of universal suffrage exercised by all could lead to a just solution of the problem of South Africa.⁵

At the same meeting, the representative of India, speaking on behalf of the Movement of Non-Aligned Countries, stated that apartheid lied at the root of the serious threat to peace and security that continued to exist in southern Africa and that the obsession with preserving and consolidating apartheid provided the primary motivation behind South Africa's transgressions of the Charter of the United Nations and international law as manifested by the humiliation and repression unleashed upon the majority community, the continued illegal occupation of Namibia and the repeated acts of aggression, interference and destabilization directed against independent African States. He said that of immediate concern to the Council at that meeting were the recent grave developments, which included the indiscriminate murder of innocent men, women and children at Crossroads and other places for protesting their forced removal and resettlement in the infamous Bantustans, the arbitrary arrest of a large number of leaders and members of the UDF and other mass organizations, as well as the preferment of high treason charges against many of them for their participation in the peaceful mass movement for a united, non-racial and democratic South Africa. He quoted extensively from the communiqué issued by the Coordinating Bureau of the Movement of Non-Aligned Countries⁶ expressing, *inter alia*, the conviction that the continued intensification of the apartheid State's violent repression against the oppressed and dispossessed people of South Africa further vindicated the legitimacy of their struggle by all means at their disposal, including armed struggle. He then introduced a draft resolution⁷ sponsored by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago. He characterized the provisions of the draft text as an encapsulation of all the aspects of immediate concern and the principles that the Council must uphold, and expressed the hope that the draft would be supported by all the members of the Council. He concluded by recalling the name of the South African township, Crossroads, which had recently been the scene of the tragic events, and stating that the Security Council had long been at a crossroads on the question and that, faced with South Africa's continued defiance, the time had come for the Council to proceed from this crossroads towards the imposition of suitable enforcement measures against Pretoria.⁸

At the same meeting the representative of the United Republic of Tanzania, speaking in his capacity as representative of the current Chairman of the Organization of African Unity (OAU), stated that apartheid was an evil system recognized as a crime against humanity, by the General Assembly, the Movement of Non-Aligned Countries, OAU and the entire international community. He stressed

¹S/16991.

²S/17009.

³For details, see chap. III of the present *Supplement*.

⁴S/PV.2571, pp. 18 and 19; see also chap. III of the present *Supplement*.

⁵*Ibid.*, pp. 4-6.

⁶S/17009, annex.

⁷S/17013, subsequently replaced by S/17013/Rev.1 and adopted as resolution 560 (1985).

⁸S/PV.2571, pp. 7-12.

that the apartheid system posed a threat to international peace and security and that it was, therefore, within the framework of the international consensus that concrete measures should be taken to force the South African regime to abandon its evil policies. The stepped-up violence, the resort to mass arrests, the preferment of high treason charges against the leaders of the UDF bespoke South Africa's non-preparedness for peaceful change and that the inherently aggressive nature of the regime was also reflected in its military attacks and other forms of destabilization against the neighbouring independent States of Angola, Botswana, Swaziland, Lesotho, Mozambique and Zambia. The so-called reforms that were being worked out by the Pretoria regime had been unmasked for what they were—an orchestrated campaign of deception, an attempt to divide the internal opposition to apartheid to denationalize the black people, institute bantustans and to foment fratricidal conflict within the black population not only in South Africa but in all of southern Africa, and that this long-term objective, for the achievement of which the South African regime was setting up, training and arming the tribal armies, must not be permitted by the Security Council. He noted the growing campaign in favour of disinvestment and other measures as encouraging and called on the international community, in particular the Council, to come out in clear support of such and other corresponding measures that would compel the regime to abandon apartheid. He reiterated the insistence on the part of the member States of OAU that nothing short of the imposition of effective measures under Chapter VII of the Charter of the United Nations would compel the South African regime to abandon its obnoxious policies. He further stated that apartheid, as an evil system, had to employ violence to survive and that the Council, in opposing the current spate of violence, must not be seen to be lacking in resolve to dismantle apartheid altogether. Meanwhile, the Council had to demand that the Pretoria regime put an immediate end to forced removals of black people from their homes, uphold the legitimacy of the struggle and also demand that the racist regime withdraw the treason charges against those charged and grant them immediate and unconditional release.⁹

At the same meeting, the Acting Chairman of the Special Committee against Apartheid read out, at the outset of his statement, the text of a message addressed to the President of the Security Council by Bishop Desmond Tutu in which the Bishop had stated that the UDF, an organization that had constantly worked for peaceful change within the legal perimeters of South African laws and had not espoused violence had had its leaders detained, and had expressed his hope that the international community would express its abhorrence of the Government of South Africa's actions in preventing opposition to its vicious policies. The Acting Chairman said that the efforts that had been made by the United Nations over decades to resolve the problem of apartheid in a just and peaceful way and in accordance with the principles of the Charter and the Universal Declaration of Human Rights had proved fruitless and that the situation had deteriorated seriously because of Pretoria's clear determination to put down by violence any attempt on the part of the Africans to claim their right to freedom, equality and human dignity. He further stated that, apart from the

recent acts of repression in which a total of 200 had been killed and 1,500 seriously wounded, the Pretoria regime continued to build up the military arsenal through which it maintained its domination over the majority, continued its illegal occupation of Namibia and attempted to impose its hegemony over the neighbouring States. He referred to Mr. R. F. Botha's recent proposal to consider a formula whereby political rights would be granted to those blacks who were established in the outskirts of urban areas and to the rejection by Nelson Mandela, a symbol of the resistance, of the offer of liberation that had been made to him provided that he "renounce violence", and declared that the sole purpose of all those machinations was to strengthen the system of apartheid in violation of the universally accepted principle of the right of peoples to self-determination. He emphasized that southern Africa could not enjoy peace and stability unless apartheid was completely eradicated and all the inhabitants of South Africa, without any distinction as to race, colour or creed, were enabled to exercise their right to self-determination. He concluded by recalling that the Security Council, as long ago as 1963, had stated its conviction that the situation in South Africa was a serious threat to international peace and security, and by appealing to the Council, as the principal body responsible for the maintenance of international peace and security, not to shirk the responsibilities vested in it under the Charter and to adopt unanimously the draft resolution introduced by the representative of India.¹⁰

At the same meeting, after a brief suspension of the meeting, the representative of South Africa stated that the meeting of the Council had been convened irregularly, in blatant contravention of the provisions of the Charter of the United Nations, which unambiguously precluded intervention in the domestic affairs of a Member State, and that it would be difficult to envisage a more cynical abuse of the powers of the Security Council than the convening of such a meeting. He also stated that the sponsors of the draft resolution that was before the Council had set aside the provisions of the Charter and instead had pressed on with their vendetta and with their desperate and irrational campaign against South Africa and its peoples at a time when, as never before in the history of that country, the opportunities for increasing goodwill and cooperation among all the peoples and communities in the complex and multifaceted country had been so dramatically enhanced. He characterized the draft resolution as a distortion of events in South Africa and said that the charges by its sponsors against his country could more appropriately be levelled against some of their own Governments. Regarding the references that had been made in the Council's meeting to Crossroads and in order to put the events that had recently occurred there into perspective, it should be borne in mind that the phenomenon of population draft to the cities along with the resultant squatter camps and their concomitant problems had been and continued to be experienced by almost all developing countries and that the Republic of South Africa also had its share of the problem. He said that South Africa had not been able to stem the human drift across the borders to its metropolitan and rural areas; that there were more than one and a half million foreign workers who voluntarily, and in most cases illegally, crossed the borders from neighbouring States in search of a better

⁹Ibid., pp. 13-18.

¹⁰Ibid., pp. 21-17.

life; and that Crossroads, which had become the refuge for 80,000 destitute people driven there through poverty, economic recession and drought, should be seen rather as a symbol of compassion and not, as depicted in the draft resolution, a symbol of oppression. He emphasized that the inhabitants of Crossroads lived under unacceptable social and physical conditions, which not only threatened the health and safety of the community but also gave rise to a reign of crime and terror waged by competing factions. To those crimes and terror were added, despite the Government's assurances, unfounded rumours of a forced mass removal that had given rise to a panic situation and, during the ensuing riots, the police had been attacked by stone-throwing mobs and fired upon with live ammunition, being thereby compelled to return the fire. He stated that his Government regretted the loss of life; that it was actively pursuing a plan of action aimed at the avoidance of such tragic events; and that it was prepared to consider measures, including the possibility of a proper upgrading and urban development of Crossroads and other areas. Regarding the allegations that South Africa was arbitrarily arresting people and charging them with high treason for opposing the Government's policies, he said that South Africans were not and could not be arrested and prosecuted for opposition to the Government; that a number of political parties, organizations, individuals and newspapers voiced their opposition on a daily basis as freely, openly and legally as in the minority of countries of the world that permitted the exercise of such rights; and that, if that assessment of his was to be questioned, he challenged the Security Council to appoint a committee of inquiry into freedom of expression in all countries. In connection with the persons referred to in the draft resolution, he stated that there was nothing arbitrary about their arrest, which, far from being for their political beliefs or their membership in any organization, was the result of due legal process; that the Government of South Africa, which was proud of the independence, integrity and impartiality of its courts, could not interfere with the legal process; and that the demand by the sponsors of the draft resolution for the immediate and unconditional release of those accused reflected the scant respect they had for the due process of law. He concluded by asserting that, at a time when South Africa had embarked upon peaceful and orderly constitutional reform and development, building upon the pattern of consultation and negotiation with leaders of all population groups of all races and creeds, it was unfortunate that his Government was confronted with a series of outrageous accusations in the Security Council by a majority of countries in the United Nations to which a peaceful solution to South Africa's problems was anathema and which desired and instigated conflict.¹¹

At the 2574th meeting, on 12 March 1985, the representative of the United Kingdom of Great Britain and Northern Ireland, speaking in explanation of vote before the vote, stated that the new spate of violence focused on Crossroads as well as the continuing exclusion of the large majority of Black South Africans from political life; the denial of their fundamental civil and political rights, and the policy of forced removals were deplored throughout the world. At the same time, the United Kingdom had acknowledged the indication, given by the South African State President in his speech of

25 January, of greater flexibility and a commitment to a fuller dialogue between his Government and a representative cross-section of Black South African opinion. The Security Council, far from ruling out peaceful change, must encourage such dialogue and press for the fundamental reforms that would be needed to satisfy the legitimate aspirations of that country's Black majority and that, therefore, the United Kingdom did not interpret the reference to "the legitimacy of the struggle" as relating to armed struggle or extending to the use of force. He concluded by indicating that his delegation would vote in favour of the draft resolution, which in its revised form simply appealed for the charges of high treason to be dropped and not to prejudge the outcome of legal proceedings.¹²

The revised draft resolution was then voted upon, at the same meeting, and adopted unanimously as resolution 560 (1985).¹³ The resolution reads as follows:

The Security Council,

Recalling its resolutions 473 (1980), 554 (1984) and 556 (1984), which, inter alia, demanded the cessation of the uprootings, relocation and denationalization of the indigenous African people,

Noting with deep concern the aggravation of the situation in South Africa resulting from repeated killings of defenceless opponents of apartheid in various townships all over South Africa and, most recently, the killing of African demonstrators against forced removals at Crossroads,

Gravely concerned by the arbitrary arrests of members of the United Democratic Front and other mass organizations opposed to the apartheid regime,

Deeply concerned by the preferment of charges of "high treason" on Mrs. Albertina Sisulu, Mr. Archie Gumede, Mr. George Sewpershad, Mr. M. J. Naidoo, the Reverend Frank Chikana, Professor Ismael Mohammed, Mr. Mewa Ramgobin, Mr. Cassim Saloojee, Mr. Paul David, Mr. Essop Jasset, Mr. Curtis Nkondo, Mr. Aubrey Mokoena, Mr. Thomazile Qweta, Mr. Sisa Njikelana, Mr. Sam Kikine and Mr. Isaac Ngcobo, officials of the United Democratic Front and other opponents of apartheid for their participation in the non-violent campaign for a united non-racial and democratic South Africa,

Aware that racist South Africa's intensified repression and charges of "high treason" against leading opponents of apartheid constitute an effort further to entrench racist minority rule,

Concerned that repression further undermines the possibilities of a peaceful solution of South African conflict,

Concerned over racist South Africa's policy of the uprooting, denationalization and dispossession of three and a half million indigenous African people to date, thus swelling the ranks of the other millions already doomed to permanent unemployment and starvation,

Noting with indignation that South Africa's policy of bantustanization is also aimed at the creation of internal bases for the fomenting of fratricidal conflict,

1. *Strongly condemns the Pretoria regime for the killing of defenceless African people protesting against their forced removal from Crossroads and other places;*

2. *Strongly condemns the arbitrary arrests by the Pretoria regime of members of the United Democratic Front and other mass organizations opposed to South Africa's policy of apartheid;*

3. *Calls upon the Pretoria regime to release unconditionally and immediately all political prisoners and detainees, including Nelson Mandela and all other black leaders with whom it must deal in any meaningful discussion of the future of the country;*

4. *Also calls upon the Pretoria regime to withdraw the charges of "high treason" instituted against the United Democratic Front officials, and calls for their immediate and unconditional release;*

¹²S/PV.2574, pp. 8 and 9.

¹³For the vote on the revised draft resolution (S/17013/Rev.1), see *ibid.*, p. 11.

¹¹*Ibid.*, pp. 62-76.

5. *Commends* the massive united resistance of the oppressed people of South Africa against *apartheid*, and reaffirms the legitimacy of their struggle for a united, non-racial and democratic South Africa;

6. *Requests* the Secretary-General to report to the Security Council on the implementation of the present resolution;

7. *Decides* to remain seized of the matter.

Decision of 22 March 1985: statement by the President

On 22 March 1985, the President of the Council issued the following statement on behalf of its members:¹⁴

The members of the Security Council have entrusted me to express on their behalf their grave concern over the rapid deterioration of the situation in South Africa resulting from the state of violence against defenceless opponents of apartheid throughout the country and most recently in the town of Uitenhage on 21 March 1985 where the South African police opened fire on innocent people proceeding to a funeral, killing and wounding scores of them.

The members of the Council strongly deplore such acts of violence, which can only further aggravate the situation in South Africa and make more difficult the search for peaceful solution of the South African conflict.

The members of the Council recall the provisions of resolution 560 (1985), adopted unanimously on 12 March 1985, in which the Council noted with deep concern the intensification of repression in South Africa, commended the massive united resistance of the oppressed people of South Africa against apartheid, and reaffirmed the legitimacy of their struggle for a united, non-racial and democratic South Africa.

The members of the Council urge the Government of South Africa to end violence and repression against the black people and other opponents of apartheid and to take urgent measures to eliminate apartheid.

Decision of 26 July 1985 (2602nd meeting): resolution 569 (1985)

By a letter dated 24 July 1985 addressed to the President of the Security Council,¹⁵ the representative of France expressed his Government's deep concern at the continuance and worsening of the human suffering the apartheid system was causing in South Africa and requested an immediate meeting of the Council.

By a letter dated 25 July 1985 addressed to the President of the Council,¹⁶ the representative of Mali, in his capacity as current Chairman of the Group of African States, requested an urgent meeting of the Council to consider the situation in South Africa.

At its 2600th meeting, on 25 July 1985, the Council included in its agenda the above-mentioned letters dated 24 and 25 July 1985 from the representatives of France and Mali, respectively, and considered the item at the 2600th to 2602nd meetings, on 25 and 26 July 1985.

In the course of the deliberations, the President, with the consent of the Council, invited the representatives of Cuba, Kenya, Mali, South Africa, the Central African Republic, Ethiopia, the German Democratic Republic, Senegal, the Syrian Arab Republic, Zaire and Yugoslavia, at their request, to participate in the discussion without the right to vote.¹⁷

The Council also extended an invitation under rule 39 of the provisional rules of procedure to the Chairman of the Special Committee against Apartheid.¹⁸

At the 2600th meeting, at the outset of the discussion, the President of the Council drew the attention of the members to a draft resolution submitted by Denmark and France.¹⁸

¹⁴S/17050.

¹⁵S/17351.

¹⁶S/17356.

¹⁷For details, see chap. III.

¹⁸S/17354, subsequently replaced by S/17354/Rev. I and adopted as resolution 569 (1985).

The representative of France stated that his country was totally opposed to racial discrimination and rejected it, especially where it had become systematic. He quoted his Prime Minister who, on 23 July, had stated that the apartheid regime of South Africa was abhorrent to all persons committed to justice and human rights. France shared that position with the other members of the European Community whose Ministers for Foreign Affairs had, on 22 July, expressed their deepest concern over the persistence of human suffering in South Africa caused by the system of apartheid. He further stated that apartheid was contrary to the moral and political principles that were at the basis of a civilized society and that the only solution to it was its elimination and the establishment in its place of a great and democratic society based on the equality of civil and political rights and on equal respect for the dignity of every human being. In recounting the events and facts that had led his Government to request an emergency meeting of the Security Council, he again quoted the Prime Minister of France, who had stated:

Events of recent days have shown a new and serious deterioration. By declaring a state of emergency, by conferring full powers on the army and the police, by multiplying arbitrary arrests and by giving the order to fire on the population, the Government of South Africa is increasing its repression.

It was the Council's duty to renew its condemnation of the system of apartheid and of the practices that derived from it, including the mass arrests that had just been initiated by the Government of South Africa, and that the Council should also call for the immediate lifting of the state of emergency and the prompt and unconditional release of all political prisoners, including Nelson Mandela, who had been imprisoned for more than 20 years. He concluded by stating that, while France, for its part, had decided to recall its Ambassador to South Africa and to suspend forthwith and unconditionally any new French investment in that country, the draft resolution his delegation had submitted urged Member States to take a number of measures that were both firm and realistic, in view of the flagrant violation of fundamental human rights and in the hope that other countries would join France so that justice and wisdom might finally prevail in that part of the world.¹⁹

At the same meeting, the representative of the United Kingdom of Great Britain and Northern Ireland stated that the violence, which had occurred not only between members of different racial groups but also within the groups, had continued throughout the previous years and had claimed over 400 lives. Such violence was the tragic but inevitable result of the deep-seated frustration of the majority of the people of South Africa, which could be redressed only through fundamental reforms and not by repression. He quoted the British Foreign Secretary, who, on 23 July, had declared that apartheid was unacceptable, unworkable and indefensible, and that most repugnant of all had been the fact that the inequalities between a ruling minority and a deprived majority had been not only vast but that they had been built upon foundations of racial discrimination. He stated that, while there was no disagreement within the Council that apartheid must be brought to an end as soon as possible, there were differing views on the ways in which that could be achieved and that, for his Government, the path of negotiation and of dialogue be-

¹⁹S/PV.2600, pp. 6-8.

tween the communities concerned must be preferred to armed struggle, violence and the repression that engendered. He cautioned that the Council should not encourage violence nor should it call for measures that, on the basis of extensive past experience, including that of Southern Rhodesia, were known to be ineffective; and that it would be irresponsible for the Council to call for measures that would harm the population of South Africa and of neighbouring countries, without achieving the desired end. He urged that the common ground should be insistence on far-reaching reform by maintaining a balance of pressure and persuasion in relations with South Africa, and by keeping open the channels of communication as well as the prospect of economic advancement for poorer sections of the community.²⁰

At the same meeting, the representative of Denmark stated that the declaration by South African authorities of a state of emergency in certain areas seemed to show that repression was the only answer the White minority had to the demands of the black majority to exercise its rightful political and civil rights. He condemned the inhuman apartheid system and said that his Government had previously emphasized the necessity of adoption by the Council of mandatory sanctions against the Republic of South Africa, which, by its acts of aggression and breaches of the peace in violation of the Charter's provisions, had created a situation constituting a serious threat to international peace and security. He concluded that for Denmark, which was a co-sponsor of the draft resolution before the Council, it was important that the Council—pending mandatory sanctions under Chapter VII of the Charter—quickly reached agreement on measures that could effectively increase the pressure against the Government of South Africa in order to bring it to understand that the apartheid system had to be abolished through peaceful means while that was still possible.²¹

At the same meeting, the representative of the United States of America said that the Council's discussion must focus on the overriding goal of what the world could do to help abolish the system of apartheid, under which a person was deemed socially and politically inferior because he or she was not white. He recalled the terrible civil war that his country had undergone to rid itself of institutionalized servitude and prejudice, and expressed the wish that no country should suffer a similar haemorrhage of lives and talents that inevitably resulted when one man sought to oppress another. While the objectives of the United States were shared by all, the means it employed were criticized by those who held that no significant change could be effected without totally isolating Pretoria economically and politically. However, the United States was convinced that such an isolation would lead to more bloodshed, to increased autarchy of the South African economy, to a curtailment of external influence to effect change and, in the end, to greater suffering for the very people everyone was trying to help. The seriousness of the United States Government's conviction that apartheid would sooner or later lead South Africa into chaos was underscored by various measures it had undertaken: United States arms sales to that country had been embargoed since 1963 and in 1977 it had joined the United Nations in imposing a further man-

datory arms embargo against South Africa as well as in the embargo, adopted by the Council last December, on imports of arms and ammunition produced in that country. While the United States' commercial relationship had recently been restricted and no official credits were extended to South Africa, the United States Government sought to eradicate apartheid by employing the full force of its diplomacy, by working with elements in that country that shared a vision of peace and harmony, by encouraging fair employment practices and by being involved in financing programmes that would give South African blacks better training and opportunities. His Government believed its actions had had an effect, but that it doubted the suitability of certain elements of the draft resolution under consideration, in particular the suspension of new investments, as means of discouraging apartheid since such measures could disrupt the functioning of an economy that had recently been increasingly open to Blacks and had given them growing power to eliminate apartheid. He concluded by pleading that it was time for the international community to act responsibly, to use its influence constructively and to refrain from actions that would have the opposite effect from those intended.²²

At the same meeting, the representative of Australia stated that the state of emergency had been imposed following months of violent protest by the black community against the Government's constitutional measures and that, since the promulgation of the new discriminatory Constitution in 1984, some 500 people had been killed and thousands injured. The response of the Government of South Africa to legitimate protest and grievances had been widespread repression and, while the state of emergency would not provide a permanent end to violence, it was more likely to encourage people to feel that the only way to achieve progress would be through confrontation and violence. The Government of Australia did not condone violence but, as it had made clear on a number of previous occasions, it held the view that only fully respected and universally applied economic sanctions could be really effective.²³

At the same meeting, the representative of China stated that the South African authorities had not only defied the numerous resolutions of the Security Council and the General Assembly demanding the complete elimination of apartheid, but that, on the contrary, they had intensified the barbarous policy of suppression of the black people and of aggression against neighbouring countries. The Council should not only condemn the South African authorities, but also seek the immediate lifting of the state of emergency and the release of all political prisoners as well as call upon the entire international community to adopt various measures of sanctions against South Africa and to support the struggle of the people against apartheid. He concluded by stating that, in the event the South African authorities continued in their defiance of the relevant United Nations resolutions, the Security Council must seriously consider the imposition of comprehensive mandatory sanctions in accordance with Chapter VII of the Charter.²⁴

At the same meeting, the representative of the Union of Soviet Socialist Republics stated that many United Nations decisions had described the apartheid policies of South Af-

²⁰*Ibid.*, pp. 12 and 13.

²¹*Ibid.*, pp. 14-16.

²²*Ibid.*, pp. 17-19.

²³*Ibid.*, pp. 21-24.

²⁴*Ibid.*, pp. 27 and 28.

rica as constituting a threat to the maintenance of international peace and that there was essentially a war going on between that regime and the majority of its population rebelling against it. He declared that comprehensive mandatory sanctions, not limited economic sanctions as suggested by some of the previous speakers in the Council's discussion, would lead to the elimination of the apartheid regime, which had been encouraged by the policy of constructive engagement to intensify its repression and persecution of those fighting racism in South Africa as well as its acts of aggression against neighbouring States. He recalled a General Assembly statement that only the elimination of apartheid and the establishment of a non-racial democratic society based on universal adult suffrage could lead to a just settlement of the explosive situation in South Africa, and its urging that the Council should consider measures to ensure the expulsion of the Pretoria regime from the United Nations and its system of organizations, as well as the imposition of sanctions under Chapter VII of the Charter. The Council should act with the full weight of responsibility vested in it under the Charter and take measures commensurate to the situation in South Africa, which represented a serious threat to international peace and security. He concluded by stating that while the Soviet Union would continue with its policy of supporting national liberation movements, including those in South Africa, it unfortunately found the two-Power draft resolution before the Council inadequate and that, therefore, his delegation reserved its position on that text.²⁵

At the same meeting, the representative of South Africa said, at the outset of his statement, that his Government did not regard the internal situation in South Africa as a matter for discussion by the Security Council and that they rejected the Council's double standards in debating the declaration of a state of emergency in certain parts of his country while it chose to ignore similar situations in other countries. He noted that the Council's meeting had been requested by France, a country that, he said, had only recently proclaimed a state of emergency in New Caledonia and where it had reportedly sent in more than 5,000 members of its security forces to restore law and order. He also recalled the recent clashes between police and demonstrators in the French-ruled archipelago of Guadeloupe and observed that those situations should have served to remind France of the difficulties of coping with the emotional issues of civil and political rights, but that France had seen fit to call a meeting of the Council to condemn South Africa for its handling of what was an immeasurably more complex situation. He stated that his Government stood ready and committed to enter into dialogue and negotiation with representatives of black opinion in order to find an equitable solution to the problems by satisfying the reasonable aspirations of all the peoples of South Africa and by seeking to create structures of government that would allow participation by all, without domination. He referred to a statement of 29 June by his State President in the South African Parliament in which he rejected the charge that their constitutional objectives ran counter to civilized conceptions of human rights, dignity and freedom irrespective of race, colour or religion; that his Government stood for an evolutionary process of adaptation and innovation based upon and tailored to South African circumstances; that the

principle of self-determination to which they were committed was not rigid but open for unlimited possibilities compatible with the choices that each population group or community might eventually wish to make; and that, therefore, the issue was not one of objective but rather of a method that would ensure political participation without destroying stability and progress in all spheres of life for all the communities. The representative of South Africa emphasized that the only condition that had been laid down was that violence should be renounced as a means to achieve political ends. The unrest in South Africa had been and continued to be instigated to frustrate the reform process and, while the moderate black leadership were being intimidated by threats to their lives and properties in order to prevent their involvement in the negotiating process, the excesses perpetrated by the extremist elements included not only murder, arson and destruction of property but also such acts as burning people alive. After months of efforts to restore order with the normal powers at their disposal to no avail, the South African authorities had introduced emergency measures to protect black lives and property in black areas. He regretted that, if the measures proposed by France were to be implemented, the black peoples of South Africa and its neighbours would be the first to feel the effects of measures designed to undermine the South African economy; and assured the Council that the state of emergency introduced by the Government would be lifted as soon as the violence diminished and that the process of dialogue and debate would be continued in the best interest of all the peoples of South Africa.²⁶

At the same meeting, Mr. Joseph Garba (Nigeria), Chairman of the Special Committee against Apartheid, recalled resolutions 554 (1984), by which the Council denounced the so-called new Constitution, and 560 (1985), condemning the Pretoria regime for the repression and killings and demanding an end to those acts; and said that, in both instances, the Government of South Africa had responded by further escalating the killings and repression in utter contempt of the Security Council. Despite the escalating violence and repression, the racist regime had been unable to suppress the resistance of the oppressed people who were fighting for their elementary rights. The issue before the Council was neither the mere escalation of repression against people struggling for the principles of the Charter of the United Nations and the Universal Declaration of Human Rights, nor was it the gruesome massacres of the Sharpeville, Soweto and Uitenhage types, but, as events had shown, the Pretoria regime was a terrorist regime that dealt with legitimate protest only through violence, that was determined to stop at nothing to preserve white racism, and that was incapable of restoring law and order or engineering reform. The starting point for any discussion of the current grave crisis in South Africa must be the legitimacy of the struggle of the oppressed people for a united, non-racial and democratic South Africa, as repeatedly recognized by the Security Council—most recently in its resolutions 554 (1984) and 560 (1985). He referred to the inescapable responsibility of the Security Council, which had recognized in the wake of the Sharpeville massacre of 1960 the danger to international peace and security resulting from apartheid and racial conflict and stated that the Council had been unable to discharge its responsibility owing to the fact that

²⁵Ibid., pp. 30-36.

²⁶Ibid., pp. 40-47.

some of its permanent members had opposed a determination under Chapter VII of the Charter that the situation in South Africa constituted a threat to international peace and security despite the aggression and terrorism committed by the Pretoria regime against Angola, Botswana, Zambia, Zimbabwe, Mozambique, Lesotho and even Seychelles. He recalled the statement of the representative of the United States earlier at the same meeting and said that that statement had missed the point that apartheid was not merely an issue of equal employment opportunities but that it primarily denied the majority population the exercise of its inalienable right to self-determination. The oppressed people of South Africa had a right to expect of the Council concrete and meaningful action that would put an end to the inhuman system of apartheid and the terror that was inseparable from it. He concluded by recalling General Assembly resolution 3411 C (XXX), adopted in 1975, by which the Assembly had proclaimed that the United Nations and the international community had a special responsibility towards the oppressed people of South Africa and the liberation movements, as well as towards the imprisoned or exiled for their struggle against apartheid.²⁷

At the same meeting, the representative of Mali, speaking in his capacity as current Chairman of the Group of African States, stated that the proclamation on 20 July 1985 of a state of emergency in 36 black South African towns and the subsequent imposition of an information blackout were aimed at the massacre of the people and the consolidation and perpetuation of the abominable system of apartheid. The African Group condemned the policy of constructive engagement and all other forms of collaboration with apartheid and called on the United Nations, in particular the Security Council, to shoulder its responsibility in the face of the growing threat to international peace and security, and to take the necessary measures under Chapter VII of the Charter for the total isolation of apartheid. He concluded by reaffirming the solidarity of the African Group with the people of South Africa and their liberation movements in the legitimate struggle for freedom, justice and peace.²⁸

At the same meeting, the representative of Kenya stated that it had been and remained the firm conviction of his country that what was currently happening in South Africa was neither new nor an internal matter on which the international community, through the Security Council, could remain indifferent. He elaborated that the situation was not new because the black South Africans had lived for years under the de facto emergency state of affairs, in which they had no right to the privacy of their homes and in which arbitrary arrests and wanton killing had become a way of life. The racist regime's continued defiance of world public opinion, including the opinion of the Council itself, was not only proof of the inadequacy and failure of the measures and methods that had so far been employed but an eloquent testimony of South Africa's true character as an outlaw State. By their own conduct, the oppressors had forfeited any claim to speak for all South Africans and could not be allowed to justify their criminal acts under the pretence of maintaining law and order, when they themselves were engaged in disrupting the lives of innocent black South Africans who had long been denied peace. He said

that it was ironic to read a quotation from the President of the apartheid regime in that day's issue of *The New York Times*, where he had stated: "South Africa had a responsibility to its people not to be prescribed to by foreign Governments 'about what is in the best interests of the people of South Africa'". The representative of Kenya further stated that, while it might be readily conceded that under the Charters of both OAU and the United Nations, as well as under international law, no State—and much less the United Nations—had any right to interfere in the internal affairs of another State except under certain restricted circumstances, apartheid had been condemned, rejected and declared a "crime against humanity", and that, therefore, apartheid or any acts of commission or omission in its furtherance were not and could not be an internal matter for South Africa; and that, in any case, arbitrary arrests, detention and unprovoked murders of innocent black children, women and men could not be in the best interests of the people of South Africa, white or black.²⁹

The President of the Council, at the request of the representative of France, supported by Burkina Faso, speaking on behalf of the non-aligned members of the Council, suspended the meeting for the purpose of consultations among the members on the draft resolution before them.³⁰

When the Council resumed its 2600th meeting, following informal consultations, the representative of France proposed that the draft resolution submitted by his delegation be put to the vote.³¹

The representative of Burkina Faso, speaking also on behalf of the non-aligned members of the Council, requested that the vote be postponed to enable some of the Council members to consult their Governments on a number of points, following which the President, with the consent of the Council, adjourned the meeting.³²

At the 2602nd meeting, on 26 July 1985, the representative of France introduced the revised draft resolution, which, he said, broadly took into account suggestions made to them, and requested that it be put to the vote.³³

The President of the Council first put to the vote an amendment to the revised draft resolution orally proposed by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago,³⁴ providing for the insertion of a new operative paragraph after the existing operative paragraph 5. The result of the vote was 12 in favour, 2 against and 1 abstention, and the amendment was not adopted owing to the negative votes of permanent members of the Council.³⁵ Under the amendment the Council would have strongly warned South Africa that failure to comply with the resolution "would compel the Security Council to meet forthwith to consider the adoption of appropriate measures under the Charter of the United Nations, including Chapter VII".³⁶

²⁹*Ibid.*, pp. 85-88.

³⁰*Ibid.*, pp. 91 and 92; see also chap. IV of the present *Supplement*.

³¹*Ibid.*, p. 96.

³²*Ibid.*; see also chap. I of the present *Supplement*.

³³S/PV.2602/Corr.1, p. 42.

³⁴*Ibid.*, pp. 42-45.

³⁵For the vote on the orally proposed amendment, see *ibid.*; see also chaps. I and IV of the present *Supplement*.

³⁶S/PV.2602, p. 45.

²⁷*Ibid.*, pp. 50-54.

²⁸*Ibid.*, p. 59.

The Council then voted on the revised draft resolution, which was adopted by 13 votes to none, with 2 abstentions, as resolution 569 (1985).³⁷ The resolution reads as follows:

The Security Council,

Deeply concerned at the worsening of the situation in South Africa and at the continuance of the human suffering that the *apartheid* system, which the Council strongly condemns, is causing in that country,

Outraged at the repression, and condemning the arbitrary arrests of hundreds of persons,

Considering that the imposition of the state of emergency in thirty-six districts of the Republic of South Africa constitutes a grave deterioration of the situation in that country,

Considering as totally unacceptable the practice by the South African Government of detention without trial and of forcible removal, as well as the discriminatory legislation in force,

Acknowledging the legitimacy of the aspirations of the South African population as a whole to benefit from all civil and political rights and to establish a united non-racial and democratic society,

Also acknowledging that the very cause of the situation in South Africa lies in the policy of *apartheid* and the practices of the South African Government,

1. *Strongly condemns* the *apartheid* system and all the policies and practices deriving therefrom;
2. *Also strongly condemns* the mass arrests and detentions recently carried out by the Pretoria Government and the murders which have been committed;
3. *Further strongly condemns* the establishment of the state of emergency in the thirty-six districts in which it has been imposed and demands that it be lifted immediately;
4. *Calls upon* the Government of South Africa to set free immediately and unconditionally all political prisoners and detainees, first of all, Mr. Nelson Mandela;
5. *Reaffirms* that only the total elimination of *apartheid* and the establishment in South Africa of a free, united and democratic society on the basis of universal suffrage can lead to a solution;
6. *Urges* States Members of the United Nations to adopt measures against South Africa, such as the following:
 - (a) Suspension of all new investment in South Africa;
 - (b) Prohibition of the sale of krugerrands and all other coins minted in South Africa;
 - (c) Restrictions on sports and cultural relations;
 - (d) Suspension of guaranteed export loans;
 - (e) Prohibition of all new contracts in the nuclear field;
 - (f) Prohibition of all sales of computer equipment that may be used by the South African army and police;
7. *Commends* those States which have already adopted voluntary measures against the Pretoria Government, and urges them to adopt new provisions, and invites those which have not yet done so to follow their example;
8. *Requests* the Secretary-General to report to the Security Council on the implementation of the present resolution;
9. *Decides* to remain seized of the matter and to reconvene as soon as the Secretary-General has issued his report, with a view to considering the progress made in the implementation of the present resolution.

Decision of 20 August 1985: statement by the President

On 20 August 1985, the President of the Security Council, following consultations with the members of the Council, issued a statement on their behalf.³⁸ The statement reads as follows:

³⁷For the vote on the revised draft resolution (S/17354/Rev.1), see S/PV.2602, pp. 48-50; see also chap. IV of the present *Supplement*.

³⁸S/17408.

The members of the Security Council have learned with great concern the intention of the South African authorities to carry out shortly the death sentence imposed upon Mr. Malesela Benjamin Maloise.

The members of the Council recall Council resolution 547 (1984), which, *inter alia*, called upon the South African authorities not to carry out the execution of Mr. Maloise.

The members of the Security Council once again urge the South African authorities to rescind the death sentence imposed on Mr. Maloise, convinced that the carrying out of the execution, apart from being a direct defiance of the above-mentioned Council resolution, will result in the further deterioration of an already extremely grave situation.

Decision of 21 August 1985 (2603rd meeting): statement by the President

At the 2603rd meeting, on 21 August 1985, following the adoption of the agenda, the President of the Security Council drew the attention of its members to eight letters from various States Members addressed to the Secretary-General.³⁹

At the same meeting, after consultations with the members of the Council, the President made a statement on behalf of the Council. The statement reads as follows:⁴⁰

The members of the Security Council, deeply alarmed by the worsening and deteriorating situation of the oppressed black majority population in South Africa since the imposition of the state of emergency on 21 July 1985, express once again their profound concern at this deplorable situation.

The members of the Council condemn the Pretoria regime for its continued failure to heed the repeated appeals made by the international community, including Security Council resolution 569 (1985) and, in particular, the demand made in that resolution for the immediate lifting of the state of emergency.

The members of the Council strongly condemn the continuation of killings and the arbitrary mass arrests and detentions carried out by the Pretoria Government. They call, once again, upon the South African Government to set free immediately and unconditionally all political prisoners and detainees, first of all, Mr. Nelson Mandela, whose home has lately been subject to an act of arson.

The members of the Council believe that a just and lasting solution in South Africa must be based on the total eradication of the system of *apartheid* and the establishment of a free, united and democratic society in South Africa. Without concrete action towards such a just and lasting solution in South Africa, any pronouncements of the Pretoria regime can represent nothing more than a reaffirmation of its attachment to *apartheid* and underline its continuing intransigence in the face of mounting domestic and international opposition to the continuation of this thoroughly unjustified political and social system. In this context, the members of the Council express their grave concern at the latest pronouncements of the President of the Pretoria regime.

Decision of 17 October 1985 (2623rd meeting): statement by the President

At the 2623rd meeting, on 17 October 1985, prior to the adoption of the agenda⁴¹ on another question, the President made a statement on behalf of the Council. The statement reads as follows:⁴²

The members of the Security Council have learned with indignation and the gravest concern of the South African authorities' intention to implement the death sentence imposed on Malesela Benjamin Maloise, in spite of the Council's appeals in this regard.

³⁹Letters S/17382 and S/17384 dated 5 August 1985 from Senegal and Japan respectively; S/17391 dated 9 August 1985 from Indonesia; S/17398 dated 12 August 1985 from Uruguay; S/17402 dated 15 August 1985 from Brazil; S/17405 dated 16 August 1985 from Senegal; S/17406 and S/17407 dated 19 August 1985 from Thailand and India, respectively.

⁴⁰S/17413; see also S/PV.2603, pp. 3 and 4.

⁴¹The agenda of the meeting was "The situation in the Middle East"; see S/PV.2623; see also chap. IV of the present *Supplement*.

⁴²S/17575.

The members of the Council once again draw the attention of the South African authorities to the Council President's statement of 20 August 1985 and Council resolution 547 (1984), which, *inter alia*, called upon the South African authorities not to carry out the execution of Mr. Maloise.

The members of the Council are convinced that the carrying out of the execution will only result in a further worsening of an extremely grave situation.

Once again, the members of the Council strongly urge the South African Government to extend clemency to Mr. Maloise and to rescind his death sentence.

Decision of 13 June 1986 (2690th meeting): statement by the President

By a letter dated 10 June 1986,⁴³ the representative of Zaire, on behalf of the Group of African States, requested an urgent meeting of the Security Council to consider the serious situation in South Africa on the occasion of the commemoration of the tenth anniversary of the Soweto massacres.

At its 2690th meeting, on 13 June 1986, the Council included the letter dated 10 June 1986 from the representative of Zaire in its agenda and considered the item at the same meeting.

Following the adoption of the agenda, the Council invited the representatives of Guyana, India, Romania and Zaire, at their request, to participate, without the right to vote, in the discussion of the item.⁴⁴ The Council also extended invitation to the Acting Chairman of the Special Committee against Apartheid.⁴⁴

At the same meeting, the representative of Zaire, speaking on behalf of the Group of African States, said that the African Group had requested the convening of the Council meeting so that it might adopt measures to prevent the South African regime from perpetrating premeditated new acts of massacre of the black population of that country on the occasion of the forthcoming tenth anniversary of the Soweto massacre. He recalled the morning of 16 June 1976 when more than 20,000 schoolchildren had been peacefully protesting the decree that had imposed the Afrikaans language as the medium of education in Black high schools and stated that it was the killing, at that protest, from behind the back of a 13-year-old youth by the police that had sparked the Soweto riots, which the South African police and army had used as a pretext for firing point-blank into the crowd of young demonstrators, killing 618 and wounding 1,500. That spontaneous uprising, he added, had awakened the whole Black population of South Africa so much that nothing could any longer stop the movement towards the recovery of its freedom and elementary rights as had been laid down in the Universal Declaration of Human Rights and the Charter of the United Nations. He further recalled that 1,600 persons had been killed since the implementation of the new constitutional "reform" on 4 September 1984 and that the figure would soon be increased on the upcoming commemoration of the Soweto massacre. He stated that the Black South Africans had organized in their trade unions, churches and schools to commemorate the sad event on 16 June and to participate actively in all the demonstrations scheduled for that purpose. He further stated that, in the same context, the United Nations, together with OAU, would convene in Paris on that same

date the International Conference on the Adoption of Sanctions against Racist South Africa, as had been called for by the resolution adopted by the summit conference of Heads of State and Government of OAU and subsequently endorsed by the United Nations, thereby upholding the legitimacy of the struggle waged by the black people of South Africa for their freedom, dignity and the recognition of their fundamental human rights. He emphasized that the striking aspects of the chronology of the tragedies in South Africa had been the massacres of Sharpeville on 21 March 1960, at Soweto on 16 June 1976 and the massacres that had been systematically taking place since 4 September 1984 and would be continued on the coming 16 June; and that, in each instance, the international community had limited itself to mere condemnation of the monstrous crime. The Security Council, which had been entrusted with the primary responsibility for the maintenance of international peace and security, had the right to support the just cause of the black South Africans and that the international community should react against any racial war, whether it was black against white or especially black against black, since confrontation among blacks was encouraged and organized by the Pretoria regime. He stated that the Government of South Africa, having failed to obtain from the Parliament the Public Safety Amendment Bill and the International Safety Amendment Bill, had re-established the state of emergency on 11 June 1986, on the eve of the commemoration of the tenth anniversary of the Soweto massacre. The African Group was convinced that the Council would adopt the necessary measures commensurate with the atrocities South Africa continued to commit. He concluded by quoting from the preamble to the Universal Declaration of Human Rights, which states:

It is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.⁴⁵

The representative of the United States of America stated that the goal of the statement by the President of the Council, which was to be read out on that day, ought to have been essentially a call for calm in a volatile situation, and for all South Africans to employ peaceful means on the solemn occasion of the tenth anniversary of the Soweto uprising; and that it was regrettable that those aspects had not been given more emphasis. His Government did not consider it appropriate for the Council to dictate the kind of government that should emerge in post-apartheid South Africa, since that was a matter that ought to be determined by all South Africans themselves.⁴⁶

The representative of the United Kingdom of Great Britain and Northern Ireland stated that his delegation had supported the proposal to engage the Council in preventive diplomacy by making an appeal in advance of the anniversary of the 1976 tragic events in Soweto, but that, nevertheless, it must register its reservation about two aspects of the statement to be made by the Council's President: (a) that they believed such statements should have been based meticulously on positions commonly held by all members of the Council; and (b) that the statement should have expressed the Council's preference for peaceful and just solutions, with an appeal to all concerned to show the

⁴³S/18146.

⁴⁴For details, see chap. III of the present *Supplement*.

⁴⁵S/PV.2690, pp. 4-12; for the quotation from the Universal Declaration of Human Rights, see the third preambular paragraph of General Assembly resolution 217 A (III) of 10 December 1948.

⁴⁶S/PV.2690, p. 12.

greatest possible restraint and to work together by peaceful means. The concern should be to try to prevent further bloodshed in the attainment of the common objective of the eradication of apartheid, consistent with the purpose of the United Nations to bring about the peaceful settlement of disputes or situations that might lead to a breach of the peace and with the principle that primary responsibility for the maintenance of international peace and security was conferred on the Council.⁴⁷

The representative of the Union of Soviet Socialist Republics stated that the United Nations, including the Security Council, OAU and the Movement of Non-Aligned Countries, had unanimously declared that apartheid was a shameful manifestation of racial oppression, a crime against mankind and a flagrant trampling on human rights and dignity; and that, therefore, the Council must take effective preventive measures to force the Pretoria regime to heed the demands of the international community to halt its violence and repression against the African majority in South Africa and its acts of aggression against neighbouring African States. He further stated that his delegation regretted that the statement to be made by the Council's President fell short of issuing to the Pretoria regime a clear warning of measures under Chapter VII of the Charter, and of confirming the legitimacy of the African people's struggle to eliminate apartheid.⁴⁸

At the same meeting, after consultations with the members of the Council, the President made the following statement on their behalf:⁴⁹

The members of the Security Council, on the occasion of the observance of the tenth anniversary of the wanton killings perpetrated by the apartheid regime in South Africa against the African people in Soweto, wish to recall Council resolution 392 (1976), which strongly condemned the South African Government for its resort to massive violence against and killings of the African people, including school-children and students and others opposing racial discrimination. They are convinced that a repetition of such tragic events would aggravate the already serious threat that the situation in South Africa poses to the security of the region and could have wider implications for international peace and security.

They condemn the policy and all the repressive measures which only serve to perpetuate the apartheid system, in particular the recent imposition of a nationwide state of emergency and the arrest and detention of thousands of persons involved in the struggle against apartheid. They urge the immediate and unconditional release of all persons detained in that respect. In particular, they call for the immediate lifting of the state of emergency in order to allow the observance of the tenth anniversary of the Soweto massacre without any provocative interference or intimidation on the part of the police and military forces.

In this regard, the members of the Council, committed as they are to work for a just and equitable solution which will totally eradicate apartheid and avert further human suffering in South Africa, warn the South African Government that it will be held fully responsible for any violence, bloodshed, loss of life, injury and damage to property which may result from acts of repression and intimidation on the occasion of the observance of the tenth anniversary of the Soweto massacre.

The members of the Security Council reaffirm the legitimacy of the struggle of the oppressed people of South Africa for the total elimination of apartheid and recall previous resolutions calling upon the racist regime in South Africa to abolish apartheid and to establish a non-racial democratic society based on majority rule, through the full and free exercise of adult universal suffrage by all the people in a united and unfragmented South Africa.

Also on 13 June 1986, the representative of South Africa, by a letter addressed to the Secretary-General,⁵⁰ transmitted the text of a statement issued on the same date by the Minister for Foreign Affairs of South Africa, in which the Foreign Minister said that the convening of the Council meeting and issuing a statement concerning 16 June 1986 was calculated to fan the fires of hate, violence and revolution; and that it constituted a misuse of the Security Council, in particular in view of the Council's primary role to maintain peace and security.

Decision of 28 November 1986 (2723rd meeting): resolution 591 (1986)

By a letter dated 24 November 1986 addressed to the President of the Security Council,⁵¹ the Chairman of the Security Council Committee established by resolution 421 (1977) concerning the question of South Africa transmitted the text of a recommendation adopted on the same date by the Committee.

At its 2723rd meeting, on 28 November 1986, the Council included in its agenda the letter dated 24 November from the Chairman of the Committee established by resolution 421 (1977)⁵¹ and considered the item at the same meeting. Following the adoption of the agenda, the President drew the attention of the members of the Council to the recommendation in the form of a draft resolution contained in the letter from the Chairman of the Security Council Committee.

At the same meeting, the representative of Trinidad and Tobago, in his capacity as Chairman of the Security Council Committee established by resolution 421 (1977) concerning the question of South Africa, made a statement in the course of which he introduced the recommendation contained in his letter to the President of the Council. He stated that the Committee had submitted its recommendations in the discharge of the task entrusted to it, *inter alia*, to study ways and means by which the mandatory arms embargo against South Africa that had been imposed by resolution 418 (1977)⁵² could be made more effective. While some countries had clearly observed the Council resolutions providing for the prevention of arms shipments to South Africa, the embargo itself had loopholes and the recommendations before the Council were aimed at securing its full implementation by closing those loopholes as requested in paragraph 11 of resolution 473 (1980).⁵² He said that the loopholes had permitted the flow of arms and military technology for bolstering a domestic arms industry in South Africa and that the additional measures were necessary since, in the light of the policies and acts of the Government of South Africa, the acquisition by that country of arms and related *matériel* constituted a threat to the maintenance of international peace and security. He stressed that the effectiveness of the embargo depended on the commitment of all States to comply fully with the steps proposed in the draft resolution, to the individual and collective measures to enforce the embargo, and to cooperate with the Security Council Committee by reporting to it on any violations.⁵³

⁵⁰S/18158.

⁵¹S/18474.

⁵²For background information relating to the adoption of the resolution, see *Supplement 1975-1980*, chap. VIII, part II, under the same title.

⁵³S/PV.2723, pp. 2-5.

⁴⁷*Ibid.*, pp. 13-15.

⁴⁸*Ibid.*, pp. 16-21.

⁴⁹S/18157.

At the same meeting, the Council adopted the Committee's recommendation by consensus as resolution 591 (1986).⁵⁴ The resolution reads as follows:

The Security Council,

Recalling its resolution 418 (1977), in which it decided upon a mandatory arms embargo against South Africa,

Recalling also its resolution 421 (1977), by which it entrusted a committee consisting of all the members of the Council with the task of, among other things, studying ways and means by which the mandatory arms embargo could be made more effective against South Africa and to make recommendations to the Council,

Recalling further its resolution 473 (1980) on the question of South Africa,

Recalling the 1980 report of the Security Council Committee established by resolution 421 (1977) concerning the question of South Africa on ways and means of making the mandatory arms embargo against South Africa more effective,

Recalling also resolution 558 (1984), in which all States were requested to refrain from importing arms, ammunition of all types and military vehicles produced in South Africa,

Recalling further resolution 473 (1980), by which the Security Council requested the Security Council Committee established by resolution 421 (1977) to redouble its efforts to secure full implementation of the arms embargo against South Africa by recommending measures to close all loopholes in the arms embargo, reinforce it and make it more comprehensive,

Reaffirming its recognition of the legitimacy of the struggle of the South African people for the elimination of *apartheid* and the establishment of a democratic society in accordance with their inalienable human and political rights as set forth in the Charter of the United Nations and the Universal Declaration of Human Rights,

Strongly condemning the racist regime of South Africa for further aggravating the situation and its massive repression against all opponents of *apartheid*, for the killing of peaceful demonstrators and political detainees, and for its defiance of General Assembly and Security Council resolutions, in particular Security Council resolution 417 (1977),

Reaffirming its resolution 418 (1977) and stressing the continuing need for strict application of all its provisions,

Mindful of its responsibilities under the Charter for the maintenance of international peace and security,

1. Urges States to take steps to ensure that components of embargoed items do not reach the South African military establishment and police through third countries;

2. Calls upon States to prohibit the export of spare parts for embargoed aircraft and other military equipment belonging to South Africa and any official involvement in the maintenance and service of such equipment;

3. Urges all States to prohibit the export to South Africa of items which they have reason to believe are destined for the military and/or police forces of South Africa, have a military capacity and are intended for military purposes, namely, aircraft, aircraft engines, aircraft parts, electronic and telecommunication equipment, computers and four-wheel drive vehicles;

4. Requests of all States that henceforth the term "arms and related matériel" referred to in resolution 418 (1977) shall include, in addition to all nuclear, strategic and conventional weapons, all military, paramilitary police vehicles and equipment, as well as weapons and ammunition, spare parts and supplies for the aforementioned and the sale or transfer thereof;

5. Requests all States to implement strictly its resolution 418 (1977) and to refrain from any cooperation in the nuclear field with South Africa which will contribute to the manufacture and development by South Africa of nuclear weapons or nuclear explosive devices;

6. Renews its request to all States to refrain from importing arms, ammunition of all types and military vehicles produced in South Africa;

7. Calls upon all States to prohibit the import or entry of all South African armaments for display in international fairs and exhibitions under their jurisdiction;

8. Also calls upon States which have not done so to put an end to exchanges as well as to visits and exchanges of visits by government personnel, when such visits and exchanges maintain or increase South Africa's military or police capabilities;

9. Further calls upon all States to refrain from participating in any activities in South Africa which they have reason to believe might contribute to its military capability;

10. Requests all States to ensure that their national legislation or comparable policy directives guarantee that specific provisions to implement resolution 418 (1977) include penalties to deter violations;

11. Also requests all States to adopt measures to investigate violations, prevent future circumventions and strengthen their machinery for the implementation of resolution 418 (1977) with a view to the effective monitoring and verification of transfers of arms and other equipment in violation of the arms embargo;

12. Further requests all States, including States non-members of the United Nations, to act in accordance with the provisions of the present resolution;

13. Requests the Security Council Committee established by resolution 421 (1977) concerning the question of South Africa, in pursuance of resolution 418 (1977), to continue its efforts to secure full implementation of the arms embargo against South Africa in order to make it more effective;

14. Requests the Secretary-General to report to the Security Council on the progress of the implementation of the present resolution, the first report to be submitted as soon as possible but in any event no later than 30 June 1987;

15. Decides to remain seized of the matter.

Following the adoption of resolution 591 (1986), the representative of the Congo stated that, for international action against *apartheid* to be as effective as possible, the arms embargo—important as it was—must not be considered as end in itself and that the eradication of the scourge of *apartheid* demanded the consideration of more comprehensive and mandatory sanctions either within or outside the scope of Chapter VII of the Charter.⁵⁵ The President (United Kingdom of Great Britain and Northern Ireland), speaking in his capacity as the representative of his Government, stated that his delegation had joined in the consensus on the basis that the language of the text adopted was cast in terms that were non-mandatory and because it constituted a clarification of resolution 418 (1977) rather than an extension of its provisions, with which his Government had already fully complied. He referred to paragraphs 3, 4, 5 and 9 and said that they could not be interpreted so as to restrict the freedom of individuals to travel or the pursuit of legitimate business activities and that the resolution was concerned with preventing military equipment reaching the military and police forces of South Africa. He also referred to the seventh preambular paragraph and stated that his Government could not accept the legitimacy of armed struggle and that the *apartheid* regime must cease through peaceful means.⁵⁶

Decision of 20 February 1987 (2738th meeting): rejection of a five-Power draft resolution

By a letter dated 10 February 1987 addressed to the President of the Security Council,⁵⁷ the representative of

⁵⁴For the Council's decision on the Committee's recommendation (S/18474), see *ibid.*, p. 5.

⁵⁵*Ibid.*, p. 6.

⁵⁶*Ibid.*, pp. 12 and 13.

⁵⁷S/18688.

Egypt, in his capacity as current Chairman of the Group of African States, requested an urgent meeting of the Council to consider the situation in South Africa.

At its 2732nd meeting, on 17 February 1987, the Council included in its agenda the letter dated 10 February 1987 from the representative of Egypt⁵⁷ and considered the item at the 2732nd to 2738th meetings, on 17 to 20 February 1987.

In the course of its deliberations, the Council invited the representatives of Algeria, Angola, Cuba, Czechoslovakia, Egypt, Ethiopia, the German Democratic Republic, Guyana, India, Kenya, Kuwait, the Libyan Arab Jamahiriya, Mongolia, Morocco, Nicaragua, Pakistan, Senegal, South Africa, the Sudan, Togo, Uganda, the Ukrainian Soviet Socialist Republic, the United Republic of Tanzania, Yugoslavia and Zimbabwe, at their request, to participate, without the right to vote, in the discussion of the item.⁵⁸ The Council also extended invitations to the Chairman of the Special Committee against Apartheid, the Acting Chairman of the Special Committee on the situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the President of the United Nations Council for Namibia, Mr. Makatini of the African National Congress of South Africa (ANC), Mr. Clovis Maksoud, Permanent Observer of the League of Arab States (LAS), Mr. Makhanda of the Pan Africanist Congress of Azania (PAC) and Mr. Ahmet Ansay, Permanent Observer of OIC.⁵⁸

At the 2732nd meeting, the representative of Egypt, speaking in his capacity as Chairman of the Group of African States for the month of February, recalled the history of long and bitter struggle of the South African masses against oppression and racism and said that the ANC, which had recently celebrated the 75th anniversary of its founding, had attempted for 50 years to attain its goals of the recognition of the rights of the majority and the establishment of a democratic society through dialogue and peaceful resistance, but that the response of the minority regime had been the promotion of apartheid as an official policy and more violence and brutality. During the year 1986, not only had the acts of violence against the oppressed people inside South Africa increased, but the racist regime had also persisted in its policies of aggression and terror against neighbouring independent African States, in its plans to destabilize those States and in its attempts to carry out economic blackmail against them, and even the capitals of Zambia and other countries had not been spared from the criminal policies and plans of that regime. During that same year, the forces of struggle against South African apartheid had been mobilized, international understanding of the situation in South Africa had deepened and the international boycott of the racist regime had grown, reflecting the conviction of various countries that Pretoria, despite the so-called reform measures, which were mere manoeuvres, was responsible for the deteriorating situation in the region. Apartheid and the associated violence and terror were not only a humiliation and a challenge to the people of South Africa, but also constituted a grave challenge to international peace and security throughout the world. There was an urgent need to bring a speedy and decisive end to the worsening situation in that country. The Security Council, which under the Charter of the United

Nations was entrusted with the maintenance of international peace and security, had both the responsibility and the competence to avert an international situation that could result from the policies and practices of the Pretoria regime, and that the discharge of these functions and responsibilities was the Council's sole *raison d'être*. He called upon the Council to put into force the warning to South Africa contained in resolution 566 (1985) and to adopt the appropriate measures under the Charter, including the sanctions provisions of Chapter VII. The Group of African States remained fully convinced that the imposition of comprehensive mandatory sanctions against the Pretoria regime under Chapter VII of the Charter was the most practical and peaceful way of compelling the regime to comply with the will of the international community and to implement the relevant United Nations resolutions. However, the African Group was currently submitting to the Council a list of selective sanctions that had already been adopted by many States. The African Group was doing so in an attempt to enable the Council to overcome the difficulties that had in the past prevented it from adopting comprehensive mandatory sanctions against South Africa. Those selective mandatory sanctions that had been submitted to the Council for its adoption were not an end in themselves, but rather were intended, together with other international efforts in opposition to apartheid, to complement the struggle by the South African people to establish a democratic and just society and peace and security in the region. He concluded by asserting that, while the African Group believed that the victory of the struggle of the oppressed majority in South Africa was inevitable, those selective sanctions were simply a way of expediting the attainment of the goal of ending the apartheid system, which was a negation of all human rights and had been declared by the United Nations a crime against humanity.⁵⁹

At the same meeting, Mr. Joseph Garba (Nigeria), Chairman of the Special Committee against Apartheid, described in detail the continuing campaign of terror and genocidal violence by the Pretoria regime against the black population in South Africa, and said that, on the other hand, the resistance of the oppressed people, which had spread over the whole country, had become more resolute and recently better organized. He stated that the people, confronted with the regime's mounting reign of terror, had no choice but to intensify the armed resistance; that the resistance was a legitimate response to the violence that was being perpetrated against them; and that the Special Committee, on whose behalf he was speaking, wished to reaffirm that the South African people and their liberation movements had the right to utilize all the means, including armed struggle, necessary for the dismantling of racism and apartheid. While the declarations of the Pretoria regime on reform lacked substance, the failure of the Commonwealth effort at mediation was evidence that the regime had no intention of entering into negotiations with the authentic representatives of the black majority, and that failure had underlined the urgency of effective measures against South Africa to compel the dismantling of apartheid. He asserted that a large degree of international consensus and a growing body of opinion in support of adoption by the Council, under Chapter VII of the Charter, of comprehensive mandatory sanctions had been shown by

⁵⁸For details, see chap. III of the present *Supplement*.

⁵⁹S/PV.2732, pp. 6-12.

the World Conference on Sanctions against South Africa organized by the Special Committee in Paris in the summer of 1986, by the recent meetings of the Movement of Non-Aligned Countries, as well OAU, and by the sanctions bill that had been adopted by the United States Congress in October 1986. It was thus the Council's responsibility to take appropriate actions and those permanent members of the Council which in the past had prevented the adoption of such measures should join the international consensus on the imposition of comprehensive mandatory sanctions against South Africa. He called on the Council, in fulfilment of its responsibilities under the Charter, to recognize the grave threat posed by the policies and practices of the Pretoria regime to the maintenance of international peace and security in Africa, and to demand unequivocally: (a) the lifting of the state of emergency; (b) the release of all political prisoners, including Nelson Mandela and Zephania Metapong; (c) the lifting of the ban on all South African movements and political organizations; and (d) the initiation of negotiations among all those concerned for the establishment of a democratic, non-racial government in a united South Africa. He concluded that the Council could help bring that about and prevent further bloodshed in South Africa by adopting appropriate measures under Chapter VII of the Charter of the United Nations.⁶⁰

At the same meeting, the representative of South Africa said that the Council meeting had been convened to exploit the current international hysteria about punitive measures against his country and in the hope that the South African economy would be crippled by those proposed measures. He stated that his Government would neither be coerced into accepting external prescriptions nor would it be diverted by threats and intimidation from continuing its programme of controlled political and constitutional reform. He added that the proposed punitive measures could only retard the reform process in South Africa, encourage the instigators of violence and intimidation and make it difficult for moderate black leaders to come readily to the negotiating table. The premise that sanctions promoted the interests of the black South Africans and constituted a peaceful alternative to violence was an illusion, since it would be the very communities that were intended to be the recipient of such help and the other African States in the region that would suffer the consequences of punitive United Nations actions. The Government of South Africa had not defied the international community, but it was rather the United Nations that had interfered in his country's internal affairs in contravention of clear Charter provisions. He then described in detail what he called "far-reaching reforms" that had already been introduced and declared that, given the multicultural nature of their society, the Government was committed to take appropriate measures to protect individual and group rights and that that would be achieved by promoting maximum self-determination and fulfilment through joint deliberation and power-sharing without domination. He invited the Council to reflect on the extreme violence advocated and perpetrated by the ANC and stressed that his Government would continue to employ the means at its disposal to eradicate the evil of terrorism, wherever and in whatever guise it might appear.⁶¹

At the 2734th meeting, on 18 February 1987, the representative of India said that the apartheid economy was already weak, stagnant and clearly susceptible to the pressure of sanctions and that it was, therefore, incumbent on the international community immediately to institute those measures with a view to bring about a peaceful dismantling of the obnoxious system of apartheid. He emphasized that the argument that sanctions would adversely affect the front-line States as well as the oppressed people in South Africa had been advanced as a pretext for avoiding those measures and that what must be heeded was the voices of the representatives of the oppressed masses in South Africa and in the neighbouring States that had called for sanctions, notwithstanding the adverse effects of such measures, including Pretoria's retaliation. International action was necessary to strengthen the economic and financial capability of the front-line States to fight apartheid and to support the liberation movements in South Africa and Namibia as well as to assist those neighbouring States to enforce sanctions against South Africa and to cope with any adverse consequences to themselves; and, with those objectives in view, the Movement of Non-Aligned Countries had taken the initiative to establish the African Fund.⁶²

At the 2736th meeting, on 19 February 1987, the representative of France said that the policy of his Government regarding the question under consideration had been reiterated by his Prime Minister earlier in 1987 on the occasion of the installation of the French Consultative Commission on Human Rights when he stated:

France rejects most emphatically the unacceptable system of apartheid practised in South Africa, a system which is a particularly repulsive form of onslaught on human rights.

The commencement of dialogue with all the forces opposed to apartheid was the sole non-violent option that could lead to the transition of South Africa towards a democratic, non-racial society and that was the course that must be pursued. He then outlined what he said were the "well known" conditions for an authentic national dialogue and stated that the application of pressure, including sanctions, was necessary to induce the Government of South Africa to engage in such a dialogue, but that his Government did not consider comprehensive mandatory sanctions advisable because they would not bring any closer the desired goal of the abolition of apartheid. He stressed that the gradual approach of voluntary sanctions, which were likely to garner a broader international consensus, not only appeared to be the most productive but also kept open the possibility of intensifying the measures if necessary, whereas comprehensive sanctions involved the risk of isolating South Africa into a situation that could lead it to heightened repression. A new dimension had been added to the region's problems by the worsening crisis in South Africa and by the broadening sanctions against it and his Government, which shared the concern of the front-line countries over the serious risks of human, economic and social consequences of sanctions to themselves, helped those countries by participating in various operations both bilaterally and within the framework of the European Community. His Government had decided to contribute beginning that year its share of 20 million French francs to the African Fund and they were pleased to support a venture

⁶⁰Ibid., pp. 14-18.

⁶¹Ibid., pp. 18-23.

⁶²S/PV.2734.

that had been designed to allow the front-line States to free themselves of the dependence on South Africa.⁶³

At the same meeting, the representative of the United Kingdom of Great Britain and Northern Ireland said that it was against the background of the continuing deterioration in the situation inside South Africa and the threat and use of force by South Africa against neighbouring States that the Council needed to consider carefully how best it could contribute to solving the complex problems that existed in that country. Since there was no disagreement on the basic issue that apartheid was repugnant and contrary to the basic principles of human rights, the Council's primary task must be to send a strong and united signal to the Government of South Africa of the need for political change. He urged the members of the Council to work constructively and to be guided by the principle of self-determination, the inalienable right enshrined in the Charter of the United Nations. He then referred to a passage in the statement by the representative of South Africa at an earlier meeting⁶¹ in which he had said: "This will be achieved by promoting maximum self-determination and fulfilment", and said that his delegation disapproved of maximum self-determination if it meant something short of self-determination. South Africa, unlike the other items on the Council's agenda, was both an internal problem for itself and a moral problem for the international community, without clearly definable answers. It would be wrong to prescribe South Africa's future constitutional arrangements, except to the extent that apartheid must be replaced by a non-racial representative system of government with proper safeguards for minorities. He elaborated that that meant a democratic electoral system with multi-party participation and universal franchise for all adult South Africans and that the Council, with due respect to the right of the South African people to rule themselves, must refrain from any action which would make the situation worse. The surest way to make the situation worse would be the imposition of punitive economic sanctions, which would exacerbate the present conflict, encourage a siege mentality among White South Africans and thereby render peaceful solution more difficult. Punitive economic sanctions, while increasing the unfairness and suffering without helping to abolish apartheid, would undermine the policy of maintaining political contacts through which the international community would be able to influence, even insist on, the process of reform. The international community should strive to preserve the future stability and prosperity of southern Africa, while working towards the peaceful abolition of apartheid, by recognizing that sanctions were likely to precipitate an economic confrontation between South Africa and the neighbouring States; and by helping those States to reduce their economic dependence on South Africa and to develop the alternative transport routes they urgently needed.⁶⁴

At the 2738th meeting, on 20 February 1987, the draft resolution submitted by Argentina, Congo, Ghana, United Arab Emirates and Zambia⁶⁵—to the text of which the President had drawn attention at the 2736th meeting, on 19 February 1987—was voted upon; received 10 votes in favour, 3 against with 2 abstentions; and was not adopted owing to the negative votes of two permanent members of

the Council.⁶⁶ Under the preambular section of the draft resolution, the Council would have, *inter alia*, acknowledged the legitimacy of the struggle for a free, united, non-racial and democratic society in South Africa; borne in mind the obligations of States under Article 25 of the Charter; and acted under Chapter VII in discharge of its responsibilities for the maintenance of international peace and security. Under the operative part of the draft resolution, the Council would have, *inter alia*, declared that South Africa's refusal to comply with the relevant resolutions of the Security Council and of the General Assembly constituted a direct challenge to the authority of the United Nations and a violation of the principles of its Charter; determined that the policies and practices of apartheid pursued by the Pretoria regime constituted a serious threat to international peace and security; decided, under Chapter VII of the Charter and in conformity with its responsibility for the maintenance of international peace and security, to impose, in accordance with Article 41, mandatory sanctions against South Africa, including (a) prohibition on the importation of South African rands, military articles, uranium and coal, agricultural products and foods, sugar, iron and steel, and products of parastatal organizations; (b) prohibition on the exportation to South Africa of computers, crude oil and petroleum products; (c) prohibition on loans to the South African Government; and prohibition on air transportation, nuclear trade, new investments, government procurements and the promotion of tourism. Furthermore, the Council would have explicitly invoked Article 25 of the Charter and called on all Member States to implement the measure specified in the draft text; and decided to establish a committee to monitor the implementation of those measures.

Decision of 16 April 1987: statement by the President

On 16 April 1987, after consultations with the members of the Council, the President issued a statement on their behalf.⁶⁷ The statement reads as follows:

The members of the Security Council express their deep concern about the decree issued by the South African authorities on 10 April 1987, under which nearly all forms of protest against detentions without trial or support for those detained are prohibited. The members of the Council express their strong indignation at this latest measure, which is based on the June 1986 decree imposing the nation-wide state of emergency, the lifting of which was called for by the members of the Council in the statement made by the President on their behalf at the 2690th meeting of the Council, on 13 June 1986.

The members of the Council call upon the South African authorities to revoke the decree of 10 April 1987, which is contrary to fundamental human rights as envisaged in the Charter of the United Nations and to the relevant resolutions of the Security Council and can only aggravate the situation further, lead to an escalation of acts of violence and further intensify human suffering in South Africa.

The members of the Council, recognizing that the root cause of the situation in South Africa is apartheid, once again strongly condemn the apartheid system and all the policies and practices, including this latest decree, deriving therefrom. They again call upon the Government of South Africa to end the oppression and repression of the black majority by bringing apartheid to an end and to seek a peaceful, just and lasting solution in accordance with the principles of the Charter and the Universal Declaration of Human Rights. They also call upon the Government of South Africa to set free immediately and unconditionally all political prisoners and detainees, in order to avoid further aggravating the situation.

⁶³S/PV.2736, pp. 5-7.

⁶⁴Ibid., pp. 8-14.

⁶⁵S/18705.

⁶⁶For the vote on the draft resolution (S/18705), see S/PV.2738, p. 67; see also chap. IV of the present *Supplement*.

⁶⁷S/18808.

They urge the Government of South Africa to enter into negotiations with the genuine representatives of the South African people with a view to the establishment in South Africa of a free, united and democratic society on the basis of universal suffrage.

By a letter dated 17 April addressed to the President of the Security Council,⁶⁸ the representative of South Africa transmitted the text of a letter of the same date from the Minister of Foreign Affairs of South Africa addressed to the President of the Council rejecting the standpoint contained in the President's statement issued the previous day on behalf of the members of the Council.⁶⁸ The Foreign Minister said that it was the duty of his Government to maintain law and order; that the Security Council knew very well that the ANC wanted to gain power in South Africa through violence and death; and that the ANC and its front organizations inside South Africa, far from showing respect for democracy or for fundamental human rights, abused democracy in order to destroy freedom.

Decision of 8 March 1988 (2797th meeting): rejection of a six-Power draft resolution

By a letter dated 2 March 1988 addressed to the President of the Security Council,⁶⁹ the representative of Sierra Leone, as current Chairman of the Group of African States, requested an urgent meeting of the Council on 3 March 1988 to consider the question of South Africa.

By a letter dated 2 March 1988 addressed to the President of the Council,⁷⁰ the representative of Zambia requested an urgent meeting of the Council to consider the item entitled "The question of South Africa".

At its 2793rd meeting, on 3 March 1988, the Council included the letters both dated 2 March 1988 from the representatives of Sierra Leone and Zambia in its agenda and considered the item at the 2793rd to 2797th meetings, on 3 to 8 March 1988.

In the course of its deliberations the Council invited the representatives of Botswana, Bulgaria, Czechoslovakia, Guyana, India, Kuwait, Malaysia, Nigeria, Pakistan, Sierra Leone, Somalia, South Africa, Tunisia and Zimbabwe, at their request, to participate, with the right to vote in the discussion of the item.⁷¹ The Council also extended invitations, under rule 39 of the provisional rules of procedure, to the Chairman of the Special Committee against Apartheid, Mr. Neo Mnumzana of the ANC, Mr. Lesaona Makhandia of the PAC, Mr. Helmut Angula of the South West Africa People's Organization (SWAPO), the Acting Chairman of the Special Committee on the Situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, and the President of the United Nations Council for Namibia.⁷¹

At the same meeting, the representative of Sierra Leone, speaking in his capacity as Chairman of the Group of African States for the month of March, said that the Council had convened to consider the situation in South Africa in the light of recent developments that had been unfolding since the proscription, five days ago, of a number of anti-apartheid organizations. He stated that the incarceration, on 29 February, of peaceful clergymen and the banning of organizations such as the UDF and the Congress of South African Trade Unions (COSATU), as well as individuals

such as Archbishop Desmond Tutu, clearly indicated to the world that the Government of South Africa was not committed to peaceful change and that, in the light of the 20-month-old nation-wide state of emergency, the general situation had further deteriorated, raising considerably the spectre of prolonged violence. He said that the African States were convinced that every means and possibility should be explored to halt that dangerous progression and to avert a bloody conflict in South Africa. He referred to the apartheid regime's intransigence and long-standing contempt for the United Nations, and stated that the time had come for the collective conscience of the international community to dictate a firm and unambiguous course of action to put an end to the prolonged aberration and that the Security Council, as the organ with primary responsibility for the maintenance of international peace and security, must act in accordance with the conscience of humanity.⁷²

Also at the same meeting, the representative of South Africa dismissed the condemnations of the recent steps that had been taken by his Government to counter revolutionary forces as "hysterical and hypocritical posturing". He said that, while those revolutionary forces had as a clearly defined objective the overthrow of order and stability in South Africa, the regulations, which had placed certain restrictions on the activities of 17 organizations, had been directed at promoting peace and ensuring legal order in his country in a non-violent way, and that it was ridiculous to call that a threat to peace. He further said that those regulations were neither arbitrary nor repressive, nor had they been intended to suppress legitimate opposition in South Africa, as had been suggested. He referred to what he described as gross exaggeration of the nature of the regulations, and said that, for instance, the UDF had 750 affiliate organizations only 10 of which were affected by the regulations, thus showing that bona fide labour union activities were not affected; that the regulations were only in force as the "limited state of emergency" in the country continued; and that the action taken had been neither global nor an irrevocable banning of black political opposition. He emphasized that the restrictions affected only those activities that endangered the safety of the public and undermined the maintenance of law and order, and that his Government, which would tolerate no outside interference in its domestic affairs, would continue to strive for the attainment of a negotiated settlement of the country's complex problems, without retreating from the responsibility to maintain law and order by vigorously opposing the forces of destruction and violence.⁷³

At the same meeting, Mr. Neo Mnumzana of the ANC said that the delay in the convening of the Council's meeting, which ought to have taken place on 24 February or shortly thereafter immediately following the imposition, on 23 February, of severe restrictions on 17 mass democratic organizations and 18 individuals, had rendered the issue under consideration all the more urgent. He traced the history of apartheid in South Africa, specifically mentioning the 1960 banning of the ANC, the banning of 17 organizations of the people in 1977 and the reinforcement and expansion of the state of emergency in 1987, and declared that the crackdown of 23 February represented the

⁶⁸S/18814.

⁶⁹S/19567.

⁷⁰S/19568.

⁷¹For details, see chap. III of the present *Supplement*.

⁷²S/PV.2793, pp. 8-11.

⁷³*Ibid.*, pp. 12-16.

third generation of banning of people's organizations and individuals opposed to apartheid. He stated that the state of emergency and the latest round of repression by the racist regime had radically undermined the oppressed people's ability to remain realistically committed to the pursuit of the struggle by exclusively peaceful means; and quoted, *inter alia*, Azzar Cachalia of the UDF, who had said: "The Government has declared war against peaceful opposition to its policies". He further stated that apartheid in South Africa had been condemned countless times for its infinite catalogue of transgressions against human life, dignity and the most fundamental rights and freedoms and that it had ignored the international demands that apartheid be dismantled and, instead, had continued to try "to market its so-called reforms", which were hoaxes calculated to entrench further its abhorrent racist policies. The violence of apartheid had escalated into a reign of terror inside South Africa and had spilled over into the neighbouring independent African States and Namibia, and the current conflict, unless it was averted, would lead to an interracial conflagration and a profound destabilization of international peace and security. He concluded that the international community must reiterate its condemnation of apartheid and demand that the Pretoria regime revoke the latest restrictions, and that the Security Council, in order to give credible force to the condemnation and the demands, should without delay impose selective mandatory sanctions on South Africa on the understanding that those measures would be replaced by comprehensive mandatory sanctions under Chapter VII of the Charter, in the event that the racist regime remained intransigent.⁷⁴

At the beginning of the 2794th meeting, on 4 March 1988, the President of the Council said that he had been approached by several members of the Council who had drawn his attention to the statement of the representative of South Africa at the previous meeting of the Council.⁷⁵ Those representatives who had approached him had strongly expressed the view that that statement had been an affront to the international community, the United Nations and the Security Council, and that it was absolutely unacceptable. It only showed, the President further stated, that South Africa was determined to continue its racist policies in disregard of the international community and decisions of the United Nations.⁷⁵

At the 2796th meeting, on 8 March 1988, the representative of Zimbabwe referred to what he described as the march of latter-day "brown shirts" in South Africa and the increasing tendency of the apartheid State to adopt "Nazi-like tactics" against its opponents, which had given rise to a new category of victims called the "disappeared ones", and quoted extensively from a testimony by a representative of Amnesty International at a recent meeting of the Human Rights Commission in Geneva detailing the cases of human rights and political activists who had fallen victim to "extrajudicial executions". He stated that the conflict in South Africa was rooted, not in tribalism as some had recently suggested, but rather in racism, fascism and militarism; and that apartheid, which was an aggressive and racist ideology that must be uprooted, was the root cause of the crisis not only in South Africa but in the sub-continent as a whole. He added that the worsening situation

in the region demanded from the international community immediate concerted measures to compel the Pretoria regime to abandon its immoral policies; and that the Security Council, a body entrusted with the important task of maintaining peace and security under the Charter, had the responsibility to ensure that the already explosive situation in southern Africa did not deteriorate further. He welcomed the various packages of sanctions already adopted by the Commonwealth countries, the European Economic Community (EEC) and several Governments, including some members of the Council, and noted that the EEC package represented the lowest common denominator thus far of all the packages of measures that had been adopted by any of the members of the Council. He said it was important that, as a first step, those minimum measures were brought under the United Nations and that they were made mandatory. He indicated that the draft resolution before the Council⁷⁶ embodied two constructive innovations relating to the scope of the measures to be adopted and a time-frame for their application; and that those innovations were intended to address some of the difficulties that had arisen during the previous attempt to internationalize the measures adopted by the United States Congress. He elaborated on the significance of the innovations introduced in the present draft resolution as follows: (a) that the application of the measures would be over a time-frame of one year, subject to renewal depending on the progress, as evidence of good faith on the part of the Pretoria regime, toward the release of all political prisoners, the return of the exiles without fear of arrest, the lifting of the ban on political parties, and the initiation of genuine political dialogue with the leaders of the majority in South Africa; (b) that the Council's opposition to apartheid and oppression did not mean that the international community wished to dictate to the people of South Africa the kind of political system they should have; (c) that the sanctions could be removed once South Africa demonstrated its good faith; (d) that anyone of the five permanent members of the Council could use its "veto" to terminate the measures if it determined that the requirements had been met; (e) that the measures proposed fell within the minimum package adopted by the EEC thereby accommodating those members of the Council who were not ready to go beyond the measures they had already accepted; and (f) that the argument that sanctions would hurt the neighbouring States or the Africans in South Africa would not arise, since the minimum measures contained in the draft resolution were already in effect—at least in theory.⁷⁷

At the 2797th meeting, on 8 March 1988, the President put to the vote the draft resolution submitted by Algeria, Argentina, Nepal, Senegal, Yugoslavia and Zambia.⁷⁶ The result of the vote was 10 votes in favour to 2 against, with 3 abstentions, and the draft text was not adopted, owing to the negative votes of two permanent members.⁷⁸ Under the operative part of the draft resolution, the Council would have, *inter alia*, declared that South Africa's refusal to comply with the relevant decisions of the Council and the resolutions of the General Assembly constituted a direct challenge to the authority of the United Nations and a violation of the principles of its Charter; determined that the

⁷⁶S/19585.

⁷⁷S/PV.2796, pp. 18-28.

⁷⁸For the vote on the draft resolution (S/19585), see S/PV.2797, pp. 19 and 20; see also chap. IV of the present *Supplement*.

⁷⁴*Ibid.*, pp. 16-21.

⁷⁵S/PV.2794, p. 2.

policies and practices of apartheid, which were the root cause of the grave and deteriorating situation in South Africa and in southern Africa as a whole, constituted a serious threat to international peace and security; decided, under Chapter VII of the Charter and in conformity with its responsibility for the maintenance of international peace and security, to impose, in accordance with Article 41, mandatory sanctions against South Africa, including cessation of: (a) further investment and financial loans; (b) all forms of military, police or intelligence cooperation, in particular the sale of computer equipment; and (c) the export and sale of oil; further decided that those measures should, in the first instance, remain in force for a period of twelve months, after which the Council should meet again to determine whether the South African regime had fully met the requirements of: (i) abolishing apartheid; (ii) rescinding the ban on all political parties and other mass democratic movements; (iii) the release of all political prisoners; (iv) allowing the exiles to return without fear of arrest; and (v) commencing meaningful dialogue with the genuine leaders of the majority of the South African people.

Decision of 16 March 1988 (2799th meeting): resolution 610 (1988)

By a letter dated 15 March 1988 addressed to the President of the Security Council,⁷⁹ the representative of Zambia requested an urgent meeting of the Council to consider the question of the death sentences passed by the regime of South Africa on Mojolefa Reginald Sefatsa, Reid Molebo Mokoena, Oupa Moses Diniso, Theresa Ramashamola, Duma Joshua Khumalo, Francis Don Mokhesi, known as the Sharpeville Six, as well as its recent decision to execute them on Friday, 18 March 1988.

At its 2799th meeting, on 16 March 1988, the Council included in its agenda the letter dated 15 March 1988 from Zambia and considered the item at the same meeting.

Following the adoption of the agenda, the President drew the attention of the members of the Council to a draft resolution submitted by Algeria, Argentina, Nepal, Senegal, Yugoslavia and Zambia,⁸⁰ which was voted upon and adopted unanimously as resolution 610 (1988). The resolution reads as follows:⁸¹

The Security Council,

Recalling its resolutions 503 (1982) of 9 April 1982, 525 (1982) of 7 December 1982, 533 (1983) of 7 June 1983 and 547 (1984) of 13 January 1984, in which, inter alia, it expressed its grave concern that the Pretoria regime's practice of sentencing to death and executing its opponents has adverse consequences on the search for a peaceful resolution of the South African situation,

Gravely concerned at the deteriorating situation in South Africa, the worsening human suffering resulting from the apartheid system and, inter alia, the South African regime's renewed state of emergency, its imposition on 24 February 1988 of severe restrictions on eighteen anti-apartheid and labour organizations and eighteen individuals committed to peaceful forms of struggle and the harassment and detention of church leaders on 29 February, all of which further undermine the possibilities of a peaceful resolution of the South African situation,

Having considered the question of the death sentences passed on 12 December 1985 in South Africa on Mojolefa Reginald Sefatsa, Reid Malebo Mokoena, Oupa Moses Diniso, Theresa Ramashamola, Duma

Joseph Khumalo and Francis Don Mokhesi, known as the Sharpeville Six, as well as the decision to execute them on Friday, 18 March 1988,

Conscious that the court proceedings of the Sharpeville Six show that none of the six young South Africans convicted of murder was found by the Court to have caused the actual death of the Councillor and that they were convicted of murder and sentenced to death only because the Court found that they had a "common purpose" with the actual perpetrators,

Deeply concerned at the Pretoria regime's decision to execute the Sharpeville Six on Friday, 18 March 1988, in defiance of worldwide appeals,

Convinced that these executions, if carried out, will further inflame an already grave situation in South Africa,

1. *Calls upon* the South African authorities to stay execution and commute the death sentences imposed on the Sharpeville Six;

2. *Urges* all States and organizations to use their influence and take urgent measures, in conformity with the Charter of the United Nations, the resolutions of the Security Council and relevant international instruments, to save the lives of the Sharpeville Six.

By a letter dated 16 March 1988 addressed to the Secretary-General,⁸² the representative of South Africa transmitted the text of a statement issued on the same date regarding the adoption by the Security Council of resolution 610 (1988). In that statement it was maintained that the Government of South Africa strongly objected to the Council's discussions, which interfered, in disregard of the provisions of the Charter, not only in an internal South African matter but also a matter that was the result of the due process of law.

Decision of 17 June 1988 (2817th meeting): resolution 615 (1988)

By a letter dated 16 June 1988 addressed to the President of the Security Council,⁸³ the representative of Zambia requested an urgent meeting of the Council to consider the question of the death sentences passed by the regime of South Africa on the Sharpeville Six, as well as the decision of the Pretoria Supreme Court on 13 June 1988 to reject the appeal to reopen the case to ensure a fair trial.

At its 2817th meeting, on 17 June 1988, the Council included in its agenda the letter of 16 June 1988 from Zambia and considered the item at the same meeting. Following the adoption of the agenda, the President drew the attention of the Council members to a draft resolution submitted by Algeria, Argentina, Nepal, Senegal, Yugoslavia and Zambia,⁸⁴ which was put to the vote and adopted unanimously as resolution 615 (1988). The resolution reads as follows:⁸⁵

The Security Council,

Recalling its resolutions 503 (1982) of 9 April 1982, 525 (1982) of 7 December 1982, 533 (1983) of 7 June 1983 and 547 (1984) of 13 January 1984 and 610 (1988) of 16 March 1988 in which, inter alia, it expressed its grave concern that the Pretoria regime's practice of sentencing to death and executing its opponents has adverse consequences on the search for a peaceful resolution of the South African situation,

Gravely concerned at the deteriorating situation in South Africa, the worsening human suffering resulting from the apartheid system and, inter alia, the South African regime's renewed state of emergency on 9 June 1988, its imposition on 24 February 1988 of severe restrictions on eighteen anti-apartheid and labour organizations and eighteen individuals committed to peaceful forms of struggle and the harassment and detention of church leaders on 29 February, all of which further

⁷⁹S/19624.

⁸⁰S/19627, subsequently adopted as resolution 610 (1988).

⁸¹For the vote on the draft resolution (S/19627), see S/PV.2799, pp. 2 and 3.

⁸²S/19632.

⁸³S/19939.

⁸⁴S/19940, subsequently adopted as resolution 615 (1988).

⁸⁵For the vote on the draft resolution (S/19940), see S/PV.2817, p. 2.

undermine the possibilities of a peaceful resolution of the South African situation,

Having considered the question of the death sentences passed on 12 December 1985 in South Africa on Mojalefa Reginald Sefatsa, Reid Malebo Mokoena, Oupa Moses Diniso, Theresa Ramashamola, Duma Joseph Khumalo and Francis Don Mokhesi, known as the Sharpeville Six, as well as the decision to execute them,

Conscious that the Court proceedings of the Sharpeville Six show that none of the six young South Africans convicted of murder was found by the Court to have caused the actual death of the Councillor and that they were convicted of murder and sentenced to death only because the Court found that they had a "common purpose" with the actual perpetrators,

Deeply concerned at the decision on 13 June 1988 of the Pretoria Supreme Court to reject an appeal to reopen the case to ensure a fair trial,

Deeply concerned also at the Pretoria regime's decision to execute the Sharpeville Six in defiance of worldwide appeals,

Convinced that these executions, if carried out, will further inflame an already grave situation in South Africa,

1. *Calls once again upon* the South African authorities to stay execution and commute the death sentences imposed on the Sharpeville Six;

2. *Urges* all States and organizations to use their influence and take urgent measures, in conformity with the Charter of the United Nations, the resolutions of the Security Council and relevant international instruments, to save the lives of the Sharpeville Six.

By a letter dated 17 June 1988 addressed to the Secretary-General regarding the adoption by the Security Council of resolution 615 (1988),⁸⁶ the representative of South Africa contended that the Council had again considered a matter that had no connection with the Charter of the Organization, and that the case of the "six convicted murderers of Mr. Kuzwayo Jacob Dlamini" and the exemplary manner in which the South African Courts of Law had been dealing with it to that day had no bearing whatsoever on the maintenance of international peace and security, which remained the main purpose of the United Nations. He further stated that the Government of South Africa strongly objected to the Council's latest deliberations, which amounted to blatant interference in the internal affairs of South Africa.

Decision of 23 November 1988 (2830th meeting): resolution 623 (1988)

By a letter dated 23 November 1988 addressed to the President of the Security Council,⁸⁷ the representative of Zambia requested an urgent meeting of the Council to consider the question of the death sentence passed by the re-

gime of South Africa on Paul Tefo Setlaba in the light of the intention of the South African authorities to implement the death sentence.

At its 2830th meeting, on 23 November 1988, the Council included in its agenda the letter of the same date from Zambia and considered the item at the same meeting.

Following the adoption of the agenda, the President drew the attention of the members of the Council to a draft resolution submitted by Algeria, Argentina, Nepal, Senegal, Yugoslavia and Zambia,⁸⁸ and initiated the voting procedure.

The representative of the United Kingdom of Great Britain and Northern Ireland, speaking in explanation of vote before the vote, stated that his Government had often joined in appeals for clemency by the Council where the cases concerned had clearly been political and there were extenuating circumstances or grounds for doubting the fairness of the judicial process, but that, after having looked carefully at the circumstances in the case of Mr. Setlaba, they were unable to support the draft resolution before the Council.⁸⁹

The representative of the United States of America, also speaking in explanation of vote before the vote, stated that his Government had made abundantly clear its opposition to the continuing violence in South Africa and that, while it remained unalterably opposed to the system of apartheid, it had also clearly conveyed its view that there must not be violations of the human rights of any South African citizens. He added that, regarding the particular case before the Council, they could not ignore the fact that the individual concerned had admitted that he had been a party to the act of the murder of another South African for which he had been convicted and that, therefore, his Government must abstain in the vote.⁹⁰

The six-Power draft resolution was then voted upon and adopted by 13 votes to none, with 2 abstentions, as resolution 623 (1988).⁹¹ The resolution reads as follows:⁸⁸

The Security Council,

Having learned with grave concern of the intention of the South African authorities to implement the death sentence imposed on Mr. Paul Tefo Setlaba, an anti-apartheid activist, on the basis of so-called "common purpose".

Strongly urges the Government of South Africa to stay execution and commute the death sentence imposed on Mr. Paul Tefo Setlaba in order to avoid further aggravating the situation in South Africa.

⁸⁶S/19944.

⁸⁷S/20289.

⁸⁸S/20290, subsequently adopted as resolution 623 (1988).

⁸⁹S/PV.2830, p. 3-5.

⁹⁰Ibid., p. 6.

⁹¹For the vote on the draft resolution (S/20290), see S/PV.2830, pp. 6 and 7; see also chap. IV of the present *Supplement*.

5. THE SITUATION IN NAMIBIA

Decision of 3 May 1985: Statement by the President.

On 3 May 1985, after consultations among the members of the Council, the President issued a statement¹ on behalf of the Security Council. The statement reads as follows:

Members of the Security Council have learned with indignation and grave concern of the decision taken in Pretoria to establish a so-called interim government in illegally occupied Namibia.

This manoeuvre is contrary to the expressed will of the international community and in defiance of United Nations resolutions and decisions, in particular Security Council resolutions 435 (1978) and 439 (1978), which declare that any unilateral measures taken by the illegal administration in Namibia in contravention of relevant Council resolutions are null and void.

The latest action by the illegal occupation regime in Namibia is in disregard of the demands of the Namibian people for self-determination and genuine independence and of the will of the international community. It further complicates the efforts to proceed expeditiously with implementation of resolution 435 (1978), which remains the only acceptable basis for a peaceful and internationally recognized settlement of the Namibian question. This once again calls into question South Africa's commitment to the implementation of resolution 435 (1978).

Members of the Council condemn and reject any unilateral action by South Africa leading towards an internal settlement outside resolution 435 (1978) as unacceptable and declare the establishment of the so-called interim government in Namibia to be null and void. They also declare that any further measures taken in pursuance of this action will be without effect. They call upon all States Members of the United Nations and the international community at large to repudiate this action and to refrain from according any recognition to it.

Members of the Council call upon South Africa to rescind the action taken by it and to cooperate in and facilitate the implementation of the United Nations plan contained in resolution 435 (1978), as called for in Council resolution 539 (1983).

Members of the Council reaffirm that the United Nations has primary and direct responsibility over Namibia. It is the intention of the Security Council, in fulfilment of that responsibility, to remain seized of the situation in and relating to Namibia, with a view to ensuring full compliance by South Africa in the expeditious and unconditional implementation of Council resolution 435 (1978).

Decision of 19 June 1985 (2595th meeting): resolution 566 (1985)

By a letter² dated 23 May 1985 addressed to the President of the Security Council, the representative of India, on behalf of the Movement of Non-Aligned Countries, requested the convening of an urgent meeting of the Council to consider further the situation in Namibia, in accordance with the call by the Extraordinary Ministerial Meeting on the same question of the Coordinating Bureau of Non-Aligned Countries, held at New Delhi from 19 to 21 April 1985.

By a letter³ dated 23 May 1985 addressed to the President of the Council, the representative of Mozambique, in his capacity as current Chairman of the Group of African States, requested the convening of an urgent meeting of the Council to consider the situation in Namibia.

On 6 June 1985, pursuant to Security Council resolution 539 (1983), the Secretary-General submitted a report⁴ informing the Council of developments since his previous report⁵ of 29 December 1983 concerning the implementation of its resolutions 435 (1978) and 439 (1978). In the

concluding remarks to his present report, the Secretary-General recalled that he had made clear, in his report⁶ to the Council on 29 August 1983, that the position of South Africa regarding the issue of the withdrawal of Cuban troops as a pre-condition for the implementation of resolution 435 (1978) had made it impossible to launch the United Nations plan. He informed the Council that there had been no change in the position of South Africa in regard to that particular issue and that he regretted that he must report that it had not yet proven possible to finalize arrangements for the implementation of the United Nations plan for Namibia. The Secretary-General further informed the Council that South Africa had thus far not given him a definitive response in regard to its choice of the electoral system, as called for in paragraph 8 of resolution 539 (1983), by which the Council had also rejected South Africa's insistence on linking the independence of Namibia to irrelevant and extraneous issues as incompatible with resolution 435 (1978), and other decisions of the Council and the General Assembly on Namibia. He stated that the prevailing difficulties had been compounded and given a new dimension by the recent decision of South Africa to establish an interim government in Namibia; that he considered it most important that the Government of South Africa, in the interest of the people of Namibia as a whole, as well as in the wider interests of the region, should reconsider carefully the implications of its decision, and desist from any actions that would contravene the relevant provisions of Council resolutions 435 (1978) and 439 (1978); and that it was imperative that all concerned respected the provisions of the United Nations plan, which was binding on the parties, and remained the only agreed basis for the independence of Namibia. He regretted that, nearly seven years since its adoption by the Security Council, the implementation of resolution 435 (1978) continued to be elusive; and urged the Government of South Africa in particular, and all others in a position to help, to make a renewed and determined effort to expedite its implementation so that the people of Namibia could exercise their inalienable right to self-determination and independence without further delay.

At the 2583rd meeting, on 10 June 1985, the Council included the letters dated 23 May 1985 from India and Mozambique, respectively, and the Secretary-General's report in its agenda, and considered the item at the 2583rd to 2590th and 2592nd and 2595th meetings, between 10 and 19 June 1985.

In the course of its deliberations, the Council invited the representatives of Afghanistan, Algeria, Angola, Argentina, Bangladesh, Barbados, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Cameroon, Canada, Congo, Cuba, Cyprus, Czechoslovakia, the Democratic Yemen, Ethiopia, the German Democratic Republic, the Federal Republic of Germany, Ghana, Guatemala, Guyana, Haiti, Hungary, Indonesia, the Islamic Republic of Iran, Jamaica, Japan, Kenya, Kuwait, the Lao People's Democratic Republic, Lesotho, Liberia, the Libyan Arab Jamahiriya, Malaysia, Malta, Mexico, Mongolia, Morocco, Mozambique, Nicaragua, Nigeria, Pakistan, Panama, Poland, Seychelles, South

¹S/17151.

²S/17213.

³S/17222.

⁴S/17242.

⁵S/16237.

⁶S/15943.

Africa, Sri Lanka, Sudan, the Syrian Arab Republic, Turkey, Uganda, the United Arab Emirates, the United Republic of Tanzania, Viet Nam, Yugoslavia, Zambia and Zimbabwe, at their request, to participate, without vote, in the discussion of the item.⁷

The Council also extended invitations, as requested under rule 39 of the provisional rules of procedure, to the Acting President and four Vice-Presidents of the United Nations Council for Namibia, the Chairman of the Special Committee against Apartheid, and to the Chairman of the Special Committee on the situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. The Council further extended invitations, also under rule 39 of the provisional rules of procedure, to Mr. Sam Nujoma, President of the South West Africa People's Organization (SWAPO), to Mr. Clovis Maksoud, Permanent Observer of the League of Arab States at the United Nations, to Messrs. Mfanafuthi J. Makatini and Neo Mnumzana of the African National Congress of South Africa (ANC), and to Mr. Gora Ebrahim of the Pan Africanist Congress of Azania (PAC).⁸

At the 2583rd meeting, on 10 June 1985, the Minister of State for External Affairs of India said that he was participating in the Council's discussion of the situation in Namibia in pursuance of the mandate that was given to him by the recent Extraordinary Ministerial Meeting of the Coordinating Bureau of the Non-Aligned Movement held at New Delhi; and that the presence in the Council Chamber of several Ministers from non-aligned countries, including the President of the Council of Ministers of Peru, was a reflection of the importance and urgency they attached to the cause of Namibia's independence. He recalled that Security Council resolution 539 (1983) had, *inter alia*, declared that the independence of Namibia could not be held hostage to the resolution of issues extraneous to the United Nations plan for Namibia's independence as embodied in resolution 435 (1978); and that by the same resolution, the Council had expressed its intention to meet as soon as possible, following the Secretary-General's report, to review the progress in the implementation of resolution 435 (1978) and to consider the adoption of appropriate measures under the Charter, in the event of continued obstruction by South Africa. The immediate response of South Africa to the adoption of resolution 539 (1983), he said, was that the settlement plan could not be implemented without a firm agreement on the withdrawal of Cuban troops from Angola. He said that the Coordinating Bureau had called upon the Council to act in a decisive manner, in fulfilment of the direct responsibility of the United Nations with regard to Namibia, and to take urgent measures to ensure the immediate implementation of the United Nations plan as contained in resolution 435 (1978), without modification or preconditions.⁹ He further stated that the Bureau had strongly condemned the decision to establish a so-called interim government in Windhoek; that the Bureau had ob-

served that that development had made it all the more imperative that the Council meet forthwith and assumed its responsibility fully to ensure the speedy and unconditional implementation of the settlement plan for Namibia; and that the Security Council, through the statement¹ issued on its behalf by the President on 3 May 1985, had also condemned and rejected any unilateral action by South Africa leading towards an internal settlement outside resolution 435 (1978) as unacceptable and had declared the establishment of the so-called interim government in Namibia null and void. He quoted from the communiqué¹⁰ of 4 June 1985 issued by the Council for Namibia, in the course of its extraordinary plenary meetings in Vienna, which had called upon the Security Council to take appropriate measures to pre-empt the installation of the "interim government" and to ensure the immediate implementation of resolution 435 (1978); and said that they fully endorsed that call by the legal administering authority for Namibia until independence. He stated that, since there was universal agreement both on the objective of Namibia's independence and the means for its achievement, the time had come for the Security Council to compel South Africa's compliance and that, if Pretoria persisted in its intransigence, there could be no option but to impose comprehensive mandatory sanctions under Chapter VII of the Charter.¹¹

At the same meeting, the Acting President of the United Nations Council for Namibia quoted seven paragraphs from Security Council resolution 264 (1969) of 20 March 1969, by which the Council had, *inter alia*, given the warning that, in the event of failure on the part of the Government of South Africa to comply with the terms of that resolution, the Council would meet immediately to determine necessary steps or measures in accordance with the relevant provisions of the United Nations Charter. He then traced the history of subsequent decisions taken by the Security Council and the developments in southern Africa, including "a few elements which characterized the new international context" in which the current debate was taking place, and concluded that the Council's inability in the past to take decisive action against South Africa had contributed to the increase of tension in the region and that it was time for the Security Council, a body entrusted with primary responsibility for the maintenance of international peace and security, to take firm action and not merely to reiterate its determination to take such action sometime in the future, as it had been doing since 1969.¹²

At the same meeting, the Minister for Foreign Affairs of the United Republic of Tanzania, speaking as representative of the current Chairman of the Organization of African Unity (OAU) and also on behalf of his Government, said that the policies of linkage and "constructive engagement" had been rejected and condemned by the entire international community as conducive to the reinforcement of apartheid, to the sustenance of aggression against the neighbouring independent African States, in particular, the continued occupation of Angola, and to the denial to the Namibian people of their right to self-determination and independence. He stated that the Twentieth Summit Meeting of OAU, held at Addis Ababa in November 1984,

⁷For details, see chap. III of the present *Supplement*.

⁸For details regarding the invitations under rule 39 of the provisional rules of procedure, see chap. III of the present *Supplement*.

⁹For the Final Document adopted by the Extraordinary Ministerial Meeting of the Coordinating Bureau of the Movement of Non-Aligned Countries on the Question of Namibia, held at New Delhi from 19 to 21 April 1985, see S/17184 and Corr.1, annex, letter dated 8 May 1985, circulated under the double symbol A/40/307-S/17184 and Corr.1.

¹⁰For the text of the communiqué (circulated under the double symbol A/40/360-S/17243), see *OR, General Assembly, 40th session, Suppl. No. 24*, para. 1062.

¹¹S/PV.2583, pp. 8-16.

¹²S/PV.2583, pp. 21-23 and 26-30.

had reiterated the rejection of linkage and parallelism between Namibia's independence and the withdrawal of Cuban troops from Angola as incompatible with Security Council resolution 435 (1978) and as reprehensible and gross interference in the internal affairs of Angola. He further emphasized that Angola's decision regarding those troops was its sovereign prerogative consistent with the Charter of the United Nations and with international law; that the State of Angola, like any sovereign State Member of the United Nations, had an inherent right to determine the form and closeness of its bilateral relations with any other State; and that resolution 435 (1978), which had been negotiated and adopted by the Council as a framework for Namibia's independence, had certainly not been intended to serve as a vehicle for the attainment of national foreign-policy objectives that were otherwise unattainable. He asserted that "constructive engagement" with the apartheid regime was the sustenance of an evil system and that it was not only inimical to the independence of Namibia, but also undermined the chances for peace and security in the region. He stated that, 18 years after the United Nations had decided to assume direct responsibility for Namibia, the persistent aggression by South Africa against the Namibian people had not only prevented the realization of their inalienable right to self-determination in flagrant violation of the Charter of the United Nations, but also had serious implications for international peace and security. Moreover, he stated, the Pretoria regime had continuously used the territory of Namibia as a staging ground for its acts of aggression and subversion against neighbouring States; South Africa had shown no regard for the numerous resolutions of the General Assembly and the Security Council; and, as a result, conflict was bound to escalate. He urged the Council, as the guarantor of international peace and security and the sponsor of the United Nations plan for Namibia's independence, to institute effective measures against South Africa under Chapter VII of the Charter, since that represented the last non-violent option to bring about the independence of the Territory.¹³

At the same meeting, the representative of South Africa said that any consideration of the question of South West Africa/Namibia outside the regional context, to which it inextricably belonged, would be unrealistic, and that South Africa, together with other States, insisted that countries in the region should abide by certain "ground rules", which he outlined as follows: (a) that no State should allow the use of its territory by individuals or organizations for the promotion or preparation for violence against other States and that the importance of that "ground rule" should be seen in the light of the fact that all the countries of the region had disaffected groups and dissident movements, thereby suggesting that, unless it was observed, there would be no limit to the potential escalation of cross-border violence in the subcontinent; (b) that no foreign forces should be permitted to intervene in the region; (c) that the problems of conflict in the region should be resolved by peaceful means; and (d) that the problems of southern Africa should be solved on a regional basis as typified by the Nkomati Accord, which showed that States with different socio-economic and political systems could coexist in peace and harmony cooperating in the pursuit of common interests, and that, while each country had the right to order

its affairs as it deemed fit, inter-State relations, particularly between neighbours, should not be disturbed by differing internal policies. He stated that, although his Government did not agree with the references by the participants in the Council's discussion to developments in Angola in conjunction with the question of South West Africa/Namibia, the debate nevertheless underlined the fact that the problems of Angola and South West Africa were inextricably linked. He elaborated that they were linked in that: (a) the peoples of Angola and South West Africa both wished to exercise their right to self-determination; (b) the presence in Angola of a large number of surrogate troops of a super-Power had made it impossible for both peoples to determine their own future free from intimidation; and (c) political objectives, in both cases, were pursued by violence rather than by peaceful means and national reconciliation. He then declared that the position of the Republic of South Africa with regard to those issues was that it supported the right of the peoples of both countries to self-determination and independence; that it insisted on the withdrawal of foreign forces from the region; and that it believed that the problems of both countries should be solved by peaceful means, through national reconciliation rather than through violence. He traced the origins of the conflict in Angola to the Alvor Agreement of 1975, under which Portugal and three liberation movements were supposed to form a transitional Government for the purpose of holding nationwide elections for a constituent assembly before the end of that year, and said that the elections had not been held because one of the movements, the Popular Movement for the Liberation of Angola (MPLA), had "imported" foreign troops and imposed its rule over the country, thereby denying the Angolan people its right to self-determination. He further said that, while in 1976 a large number of the member States of OAU had refused to recognize MPLA and had called for the withdrawal of all foreign troops from Angola, the current position of the United Nations, however, seemed to be that it was concerned about self-determination, human rights and responsible Government only on the southern side of the Cunene River. With regard to his Government's decision to establish an interim government in Namibia, he said that its purpose was to transfer, as an interim mechanism, important powers for the internal administration of the Territory into the hands of the local leaders. He recalled, in that connection, the Council's rejection of the outcome of the 1978 nationwide election in South West Africa/Namibia that had been observed by over 300 journalists and international experts and judged as free and fair; and again in 1980 when the Council had rejected the second-tier elections for most of the communities; and said that the members of the Council had appeared to prefer that total power reside in the hands of the South African Administrator-General, even though they had repeatedly called upon his Government to withdraw its presence and its administration from the Territory. He emphasized that South Africa would continue to search for a reasonable formula for Cuban withdrawal from Angola in order to carry out its undertaking to implement the United Nations plan for Namibia's independence; that the proposed arrangement in the Territory should be seen as an interim mechanism for its internal administration, pending agreement on internationally acceptable independence for South West Africa/Namibia; and that in that process, all the South West African parties should be treated equally and impartially. He further stated that, in addition to the

¹³Ibid., pp. 43-49 and 51.

terrorist attacks launched by SWAPO from Angolan territory against the people of South West Africa, ANC had its main base for the training of terrorists in northern Angola, and that South Africa had the right, under international law, to take appropriate steps in the protection of its own security and territorial integrity. He added that it was under such circumstances that South Africa had sent a small reconnaissance team to gather intelligence on the activities of ANC and SWAPO terrorists in Angola, which had led to the Cabinda incident in which two South Africans had been killed and one captured. He stressed that the root cause of the Cabinda incident had been the blatant disregard of international law by the Angolan Government in permitting ANC to train and prepare for acts of violence against South Africa and that the United Nations, including many members of the Security Council, must share the responsibility for having actively encouraged and supported the terrorist activities of ANC and SWAPO. He concluded by asserting that there was a new awareness throughout the subcontinent of the dangers of cross-border violence, of the importance of reconciliation, of the threat of foreign intervention and that the ground rules—in the context in which South West Africa/Namibia could move toward internationally recognized independence—were slowly gaining acceptance.¹⁴

At the 2584th meeting, on 11 June 1985, the representative of China stated that the past two years had further proved that South Africa was solely responsible for the failure to implement the relevant Security Council resolutions and that its authorities had not only insisted on the pretext of linking the unrelated issues of Namibian independence and Cuban troop withdrawal from Angola, but had also intensified the efforts to set up an “interim government” and planned the inauguration of the puppet regime in Windhoek on 17 June 1985, thereby once again revealing its intention to bypass the United Nations and to exclude SWAPO. He outlined the actions which the Council should promptly take as follows: (a) demand that South Africa immediately rescind its decision to install an “interim government”, unconditionally carry out resolution 435 (1978) and, in the event of further delay by South Africa, consider the imposition of comprehensive mandatory sanctions against it, in accordance with the Charter of the United Nations; (b) demand that all members of the Council, the permanent members in particular, discharge their responsibilities and make genuine efforts to achieve implementation of the Council resolutions, without linking Namibian independence with irrelevant issues or advocating “constructive engagement” with South Africa; (c) entrust the Secretary-General with urging South Africa promptly to enter into negotiations with SWAPO on the implementation of resolution 435 (1978) and request him to report to the Council; (d) call upon all States to exert greater political and economic pressure on South Africa through strict arms and oil embargoes and (e) appeal to all countries to provide greater support and assistance to SWAPO and to the front-line African States.¹⁵

At the same meeting, the Minister for External Relations of Cuba stated that the recent “commando operation”, under the leadership of South African officers, to destroy the petroleum installations in the northern Angolan prov-

ince of Cabinda, was a violation of the most fundamental norms of international law, and that that act of aggression against the sovereignty of Angola had occurred at a time when the United States had been attempting to mediate between Angola and South Africa in negotiations that had been designed to speed up the implementation of resolution 435 (1978). He referred to what he described as the attempt in recent years to link the initiation of the process leading to Namibia’s independence with the withdrawal of Cuban combatants which had gone to Angola, at the request of the people and Government of Angola, to fight, together with MPLA, against the invasion of the South African Army and other acts of aggression that had been aimed at the newborn People’s Republic of Angola. He further said that, while the attempts at linking those issues had been categorically rejected by the international community, the Cuban presence in Angola was a matter within the sovereignty of Angola and Cuba and that it had no connection with Namibia. He said that he was participating in the Council’s meetings to demand urgent measures, such as the imposition of mandatory sanctions against South Africa, under Chapter VII of the Charter, in order to permit the implementation of resolution 435 (1978), and that that was the only basis for the peaceful resolution of the question of Namibia. He added that the Council must also reject the establishment in Namibia of a puppet Government imposed by South Africa for the purpose of delaying or impeding the independence of the Territory and denying its people their legitimate rights. He stressed that the essential conditions for a climate of peace and security in South West Africa, and for the consideration by Angola and Cuba of the possibility of reducing the number of internationalist Cuban forces in Angola were: (a) the independence of Namibia; (b) the complete and unconditional withdrawal of South African troops from Angola; (c) the cessation of aid for the counter-revolutionary National Union for the Total Independence of Angola (UNITA); and (d) an international guarantee that agreements would be respected. He stated that, if Pretoria and Washington persisted in impeding a just and peaceful solution to the conflict through the mechanisms that had been established over the years, there would be no alternative to providing massive moral and material support to SWAPO to enable it to intensify the struggle against its oppressors because, as the Cuban national hero, José Martí, had said: “A war for the independence of a people and the honour of humiliated men is a sacred war, and the creation of a free people that wins the war is a service to mankind as a whole”.¹⁶

At the 2585th meeting, on 11 June 1985, the Minister for Foreign Affairs of Zambia stated that South Africa was in Namibia illegally, and that its plan to establish a so-called interim administration in the Territory was not only illegal, null and void, but also illustrative of the bad faith of South Africa in relation to its obligations assumed in respect of resolution 435 (1978).

He declared that Zambia could not and would not recognize such an administration and called upon the entire international community to reject it. He stressed that peace and security in southern Africa would remain threatened for as long as the Pretoria regime was allowed to persist in its illegal occupation of Namibia, to commit acts of destabilization against independent African States in the region

¹⁴*Ibid.*, pp. 87-103.

¹⁵S/PV.2584, pp. 5-8.

¹⁶*Ibid.*, pp. 19-22.

and to maintain and practice its system of apartheid and minority rule in South Africa; and that those three problems were at the core of the ever-growing conflict in the region.¹⁷

At the same meeting, the Minister for Foreign Affairs of Cameroon stated that the current series of the Council's meetings should be put in the broadest possible context and that the Security Council, whose mandate was to preserve succeeding generations from the scourge of war, and indeed the United Nations as a whole, had its credibility at stake with regard to the problem of Namibia. As a Trust Territory, Namibia fell within the purview of international responsibility, in accordance with decisions taken by the Organization, particularly by the Security Council, and thus the consideration of the question within the framework of the United Nations could not be interpreted as interference in the internal affairs of any State. South Africa's arrogance and intransigence were a serious challenge, not only to the authority and credibility, but also to the very *raison d'être* of the United Nations and, hence, the mission entrusted to the Council was both urgent and especially important in the nuclear era, in which the world was under the constant threat of total destruction. He further said that the Trust Territory of Namibia, which was a shared and universal challenge, should be confused neither with strategic issues nor with an ideological battle between the East and West and, still less, with a North-South confrontation and that the United Nations, particularly the Security Council, must exercise the primary role of averting threats to peace and security, as had been laid down by the Charter. Moreover, he stated, the inability of the Council to act resolutely and effectively could allow, and even passively exacerbate, some of the crises confronting the Organization and that his Government, which attached the greatest importance to the Security Council's role in the settlement of global conflicts such as the Namibian conflict, urgently appealed to the permanent members, the founding fathers of the United Nations, to demonstrate the same collective foresight and sense of leadership and thus enable the Organization to act effectively in the interests of peace and security, as they had originally conceived it. He asserted that the question of Namibia, aside from the issues of freedom, self-determination and independence, had also given rise to new perceptions and concerns regarding security, development and priorities in the sub-region and throughout Africa and the world. The result of the Security Council's inability to respond appropriately to the requests of countries that were victims of South African aggression, he stressed, had been that other countries of the region had to sacrifice for military and security needs the meagre resources desperately needed for economic development and the well-being of their peoples.¹⁸

At the 2586th meeting, on 12 June 1985, the Minister for External Relations of Angola said that, in conformity with one of the principles of the Charter, members of the United Nations were obliged to discharge their obligations under the Charter in good faith and that the full implementation of Council resolution 435 (1978), which had been adopted unanimously, was part of the responsibility of all States. He recalled resolution 539 (1983) by which the Council had rejected all attempts by South Africa to link the inde-

pendence of Namibia with extraneous matters such as the withdrawal of Cuban forces from the People's Republic of Angola, and said that the presence of those internationalist forces in his country was fully in keeping with Article 51 of the Charter of the United Nations and that the matter fell within the exclusive sovereign competence of Angola. He stated that, despite South Africa's persistent use and threat of force in its undeclared war against Angola for more than 10 years, his Government had forwarded a platform for comprehensive negotiations to break the deadlock on the Namibian problem, including a programme for reducing the number of Cuban troops on its territory, the main elements of which were: (a) completion of the withdrawal of South African forces from Angola; (b) a declaration of commitment by South Africa to ensure implementation of resolution 435 (1978) on the independence of Namibia; (c) a ceasefire agreement between South Africa and SWAPO, defining the obligations of each party to assure the independence of Namibia and guaranteeing the security and territorial integrity of the People's Republic of Angola. He then charged that, while his Government had been showing its goodwill and negotiating with South Africa on the holding of a ministerial-level meeting, Pretoria had been planning operation Argon to destroy the Malongo oil complex in Cabinda province and that, more recently, the South African Air Force had increased its violations of Angolan airspace, penetrating more than 200 kilometres inside his country's territory. He referred to South Africa's intention to install, on 17 June, a "puppet government" in Namibia, which his Government strongly condemned, and called upon the Council to demand the immediate implementation of the United Nations plan for Namibian independence and, if South Africa persisted in its obstruction, to envisage the adoption of appropriate measures in accordance with Chapter VII of the Charter, which provided abundant means of isolating and eliminating the apartheid system. With regard to the statement by the representative of South Africa at an earlier meeting of the Council,¹⁴ he said that it constituted a further act of defiance of the authority of the United Nations, where respect for the sovereignty of States and non-interference in the internal affairs of States were fundamental principles; by rejecting and condemning any attempt by South Africa to interfere in the internal affairs of the People's Republic of Angola.¹⁹

At the 2587th meeting, on 12 June 1985, the representative of the United States of America stated that the Security Council had a unique responsibility for Namibia and that his Government remained dedicated to its independence in accordance with resolution 435 (1978). He said that, while there had been substantial progress towards a settlement since the Council's consideration of the question 19 months ago, they had also seen developments which seemed to bring into question the commitment of some to proceed with implementation of resolution 435 (1978); and that South Africa's announced intention to establish an "interim government" had been one of those developments. He reaffirmed the position of his Government, including that of their contact group partners, that any purported transfer of power to bodies established in Namibia by South Africa was null and void and that the international community was fully justified in rejecting the creation of institutions which had no standing and could serve

¹⁷S/PV.2585, pp. 21 and 23.

¹⁸Ibid., pp. 43-48.

¹⁹S/PV.2586, pp. 42-50.

no purpose if the intention was an early implementation of the United Nations plan for Namibian independence. He stated that a major goal of his Government in southern Africa had been the reduction of tension and the level of violence, especially cross-border violence, and that that goal had led over a year ago to the negotiations that had resulted in the Lusaka Accord, which had been intended to encourage the negotiations to stop the violence between Angolan and South African forces, as well as to end the presence of external forces in southern Angola. He said that that agreement, despite the recent incident at Cabinda, which had been condemned by his Government, had achieved continued cooperation between the military forces of South Africa and Angola along the Namibian border and South Africa's announced withdrawal of its troops from the dams of Ruacana and Calueque. He stressed that respect for the national sovereignty of all States and the inviolability of international borders was a key principle in international relations; that the United States could not condone violations of that principle by anyone under any justification; and that, accordingly, his Government deplored South African violations of Angolan territorial integrity. With regard to issues of "linkage" between Cuban troop withdrawal and Namibian independence, he said that there had been substantial movement towards the resolution of that final key issue and that the subject was being discussed with the support of all concerned and in the context of the implementation of resolution 435 (1978). He noted that the major step forward by the Angolan Government, in submitting for the first time in November a detailed negotiation proposal, had been followed by a South African proposal and that, while the proposals had shown agreement between the two Governments on a number of broad principles, his Government had been involved in intensive discussions with the two parties in order to narrow the remaining gap between their positions. He referred to the Secretary-General's latest report⁴ in which he had urged all parties to make a new and determined effort to expedite implementation, and said that the United States would take that call seriously and that it would continue the efforts to bring the parties together and to encourage them to abandon violence and to pursue the path of peace.²⁰

During the deliberations, the Minister of State for Foreign Affairs of Egypt,²¹ Mr. Sam Nujoma of SWAPO,²² the Minister for Postal Services and Telecommunications of Algeria,²³ the Minister for External Affairs of Nigeria,²⁴ the Secretary for Foreign Affairs of Ghana,²⁵ the Minister for Foreign Affairs of Zambia,²⁶ the Minister for Foreign Affairs of Indonesia,²⁷ the Advisor for Foreign Affairs of Bangladesh,²⁸ the Foreign Minister of Nicaragua,²⁹ and many other representatives either urged that the Security Council impose appropriate measures under Chapter VII of the Charter, in particular mandatory economic sanc-

tions, or demanded that the Council should warn South Africa that such measures would be adopted against it if it persisted in its failure to cooperate with the Council and the Secretary-General in the implementation of the United Nations plan for Namibian independence.³⁰

At the 2595th meeting, on 19 June 1985, the Council had before it a revised text of the draft resolution³¹ submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago. The President, on behalf of the sponsors, orally introduced further textual changes relating to operative paragraphs 13 and 14 of the revised draft resolution.³²

At the same meeting, the Acting President of the United Nations Council for Namibia said that he had been mandated by that body to inform the Security Council that the Council for Namibia had held a special meeting on 17 June 1985 in order to focus the attention of the international community on the installation by South Africa on the same date, of a so-called interim government in Windhoek in violation of the resolutions of the General Assembly and the Security Council on Namibia. He further said that the participants at that meeting had unanimously condemned the unilateral action by South Africa, and that they had declared it null and void and an affront to the efforts of the Security Council for the early implementation of the United Nations plan for the independence of Namibia, as contained in resolution 435 (1978). He stressed that the participants, while expressing concern about the tense situation in the region, and particularly about South Africa's recent acts of aggression against Angola and Botswana, had urged the Security Council to impose comprehensive mandatory sanctions against South Africa under Chapter VII of the Charter, with the aim of ensuring the implementation of the plan for Namibia's independence; and that they had further urged those members of the Security Council which had in the past protected South Africa to exert maximum pressure on South Africa to ensure its compliance with the terms of resolution 435 (1978).³³

The representative of the United Kingdom, speaking in explanation of vote before the vote, said that his delegation could not support any suggestion that armed struggle was

²⁰S/PV.2587, pp. 31-36.

²¹S/PV.2583, pp. 58 and 59-60.

²²Ibid., pp. 77 and 78.

²³Ibid., p. 86.

²⁴Ibid., p. 112.

²⁵S/PV.2584, pp. 40 and 41.

²⁶S/PV.2585, p. 23.

²⁷S/PV.2586, p. 16.

²⁸Ibid., p. 23.

²⁹Ibid., p. 36.

³⁰S/PV.2587, pp. 7 and 10 (Libyan Arab Jamahiriya); *ibid.*, p. 16 (Mongolia); *ibid.*, pp. 18-20 and 23-26 (Mexico); *ibid.*, p. 51 (Poland); *ibid.*, p. 63 (Lao People's Democratic Republic); S/PV.2588, p. 18 (Malaysia); *ibid.*, p. 31 (Soviet Union); *ibid.*, pp. 51 and 54-55 (Syrian Arab Republic); *ibid.*, p. 61 (Bulgaria); *ibid.*, p. 66 (Mr. Maksoud, Permanent Observer of the League of Arab States); S/PV.2589, p. 12 (Viet Nam); *ibid.*, p. 33 (Mozambique); *ibid.*, p. 41 (Ethiopia); *ibid.*, p. 52 (Kenya); S/PV.2590, p. 16 (Jamaica); *ibid.*, pp. 22 and 23 (Madagascar); *ibid.*, p. 29-30 (Ukrainian SSR); *ibid.*, p. 27 (Czechoslovakia); *ibid.*, p. 41 (Yugoslavia); S/PV.2593, pp. 44-45 (Hungary); *ibid.*, p. 53 (Congo); S/PV.2594, p. 33 (Argentina); *ibid.*, pp. 36 and 39-40 (United Arab Emirates); and S/PV.2595, p. 11 (Acting President, United Nations Council for Namibia).

³¹S/17284/Rev.1, which was identical to the draft resolution contained in S/17284, except for the revision relating to operative paras. 10, 11 and 15 involving changes of a textual nature and the time frame for the submission of the Secretary-General's report to the Council. Draft resolution S/17284 had replaced an earlier version (S/17270), which was the same text, with the exception of textual changes to the last preambular para. and nine operative paras. See *ibid.*, pp. 138 and 139; and S/PV.2590, the President, pp. 4-5.

³²S/PV.2595, President, p. 5. Subsequently reproduced as S/17284/Rev. 2, and adopted as resolution 566 (1985).

³³*Ibid.*, pp. 8-11.

to be preferred to negotiations; and that requesting the Secretary-General to undertake unrealistic steps, in nature or time frame, was not helpful. He emphasized that the Council should not seek to prejudice the outcome of future meetings and that his delegation's vote on the draft resolution did not therefore imply acceptance that, in future circumstances which were as yet unknown, the Council would embark on a predetermined course of action. He stated that each Member State should act in the way it considered most appropriate to assist the Council in the implementation of resolution 435 (1978); that the Council had a responsibility to protect and advance the settlement plan; and that his delegation, in accordance with its perception of that responsibility, was obliged to abstain in the vote.³⁴

At the same meeting, the draft resolution, as orally revised by the President,³² was voted upon and adopted by 13 votes to none, with 2 abstentions, as resolution 566 (1985).³⁵ The resolution reads as follows:

The Security Council,

Having considered the reports of the Secretary-General,

Having heard the statement by the Acting President of the United Nations Council for Namibia,

Having considered the statement by Mr. Sam Nujoma, President of the South West Africa People's Organization,

Commending the South West Africa People's Organization for its preparedness to cooperate fully with the Secretary-General of the United Nations and his Special Representative, including its expressed readiness to sign and observe a cease-fire agreement with South Africa, in the implementation of the United Nations plan for independence of Namibia as embodied in Security Council resolution 435 (1978),

Recalling General Assembly resolutions 1514 (XV) of 14 December 1960 and 2145 (XXI) of 27 October 1966,

Recalling and reaffirming its resolutions 269 (1969), 276 (1970), 301 (1971), 385 (1976), 431 (1978), 432 (1978), 435 (1978), 439 (1978), 532 (1983) and 539 (1983),

Recalling the statement by the President of the Security Council of 3 May 1985, on behalf of the Council, which, *inter alia*, declared the establishment of the so-called interim government in Namibia to be null and void.

Gravely concerned at the tension and instability created by the hostile policies of the apartheid regime throughout southern Africa and the mounting threat to the security of the region and its wider implications for international peace and security resulting from that regime's continued utilization of Namibia as a spring-board for military attacks against and destabilization of African States in the region,

Reaffirming the legal responsibility of the United Nations over Namibia and the primary responsibility of the Security Council for ensuring the implementation of its resolutions, in particular resolutions 385 (1976) and 435 (1978) which contain the United Nations plan for the independence of Namibia,

Noting that 1985 marks the fortieth anniversary of the founding of the United Nations, as well as the twenty-fifth anniversary of the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples, and expressing grave concern that the question of Namibia has been with the Organization since its inception and still remains unresolved,

Welcoming the emerging and intensified world-wide campaign of people from all spheres of life against the racist regime of South Africa in a concerted effort to bring about an end to the illegal occupation of Namibia and to apartheid,

1. *Condemns* South Africa for its continued illegal occupation of Namibia in flagrant defiance of resolutions of the General Assembly and decisions of the Security Council;

2. *Reaffirms* the legitimacy of the struggle of the Namibian people against the illegal occupation of the racist regime of South Africa and calls upon all States to increase their moral and material assistance to the Namibian people;

3. *Further condemns* the racist regime of South Africa for its installation of a so-called interim government in Windhoek and declares that this action, taken even while the Security Council has been in session, constitutes a direct affront to the Council and a clear defiance of its resolutions, particularly resolutions 435 (1978) and 439 (1978);

4. *Declares* that action to be illegal and null and void and states that no recognition will be accorded to it either by the United Nations or any Member State or to any representative or organ established in pursuance thereof;

5. *Demands* that the racist regime of South Africa immediately rescind the aforementioned illegal and unilateral action;

6. *Further condemns* South Africa for its obstruction of the implementation of Security Council resolution 435 (1978) by insisting on conditions contrary to the provisions of the United Nations plan for the independence of Namibia;

7. *Rejects once again* South Africa's insistence on linking the independence of Namibia to irrelevant and extraneous issues as incompatible with resolution 435 (1978), other decisions of the Security Council and the resolutions of the General Assembly on Namibia, including resolution 1514 (XV);

8. *Declares once again* that the independence of Namibia cannot be held hostage to the resolution of issues that are alien to resolution 435 (1978);

9. *Reiterates* that resolution 435 (1978), embodying the United Nations plan for the independence of Namibia, is the only internationally accepted basis for a peaceful settlement of the Namibian problem and demands its immediate and unconditional implementation;

10. *Affirms* that the consultations undertaken by the Secretary-General pursuant to paragraph 5 of resolution 532 (1983) have confirmed that all the outstanding issues relevant to resolution 435 (1978) have been resolved, except for the choice of the electoral system;

11. *Decides* to mandate the Secretary-General to resume immediate contact with South Africa with a view to obtaining its choice of the electoral system to be used for the election, under United Nations supervision and control, for the Constituent Assembly, in terms of resolution 435 (1978) in order to pave the way for the adoption by the Security Council of the enabling resolution for the implementation of the United Nations plan for the independence of Namibia;

12. *Demands* that South Africa cooperate fully with the Security Council and the Secretary-General in the implementation of the present resolution;

13. *Strongly warns* South Africa that failure to do so would compel the Security Council to meet forthwith to consider the adoption of appropriate measures under the Charter, including Chapter VII, as additional pressure to ensure South Africa's compliance with the above-mentioned resolutions;

14. *Urges* States Members of the United Nations that have not done so to consider in the meantime taking appropriate voluntary measures against South Africa, which could include the following:

(a) Suspension of new investments and application of disincentives to that end;

(b) Re-examination of maritime and aerial relations with South Africa;

(c) Prohibition of the sale of krugerrands and all other coins minted in South Africa;

(d) Restrictions on sports and cultural relations;

15. *Requests* the Secretary-General to report on the implementation of the present resolution not later than the first week of September 1985;

16. *Decides* to remain seized of the matter and to meet immediately upon receipt of the Secretary-General's report for the purpose of reviewing progress in the implementation of resolution 435 (1978)

³⁴*Ibid.*, pp. 12 and 13.

³⁵For the vote on the revised draft resolution (S/17284/Rev. 2), see S/PV.2595, p. 13; see also chap. IV of the present *Supplement*.

and, in the event of continued obstruction by South Africa, to invoke paragraph 13 of the present resolution.

Decision of 15 November 1985 (2629th meeting): rejection of a six-Power draft resolution.

In pursuance of Security Council resolution 566 (1985) concerning the implementation of Council resolutions 435 (1978) and 439 (1978) concerning the question of Namibia, the Secretary-General, on 6 September 1985, submitted a further report³⁶ to the Security Council informing it that there had been no progress in his recent discussions with the Government of South Africa regarding the implementation of resolution 435 (1978). He further stated that, while the international community had an inescapable responsibility to advance the process of implementing resolution 435 (1978), the failure to proceed on Namibia was affecting the reactions of the international community to other grave developments in the region and that it was time for the Government of South Africa to display the statesmanship and wisdom that the situation required and to provide the opportunity for the people of Namibia to exercise their inalienable right to self-determination and independence in accordance with the relevant decisions of the Security Council.

By a letter³⁷ dated 11 November 1985 addressed to the President of the Council, the representative of India requested an urgent meeting of the Security Council to resume its consideration of the situation in Namibia, pursuant to a decision taken at the Conference of Foreign Ministers of Non-Aligned Countries, held at Luanda from 4 to 7 September 1985.³⁸

By a letter³⁹ dated 11 November 1985 addressed to the President of the Council, the representative of Mauritius, on behalf of the Group of African States, requested an urgent meeting of the Council to consider the question of Namibia.

At the 2624th meeting, on 13 November 1985, the Council included in its agenda⁴⁰ the letters dated 11 November 1985 from India and Mauritius, respectively, and considered the item at the 2624th, 2625th, 2628th and 2629th meetings, between 13 and 15 November 1985.

In the course of its deliberations, the Council invited the representatives of Cameroon, Canada, Cuba, Czechoslovakia, the German Democratic Republic, the Federal Republic of Germany, Ghana, the Islamic Republic of Iran, the Libyan Arab Jamahiriya, Mauritius, Senegal, South Africa, the Syrian Arab Republic, Tunisia and Zambia, at their request, to participate, without vote, in the discussion of the item.⁴¹

The Council also extended invitations as requested, under rule 39 of the provisional rules of procedure, to the delegation consisting of the Acting President and Vice-Presidents of the United Nations Council for Namibia, to the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and

Peoples, to the Chairman of the Special Committee against Apartheid, and to Mr. Andimba Toivo ja Toivo of the South West Africa People's Organization (SWAPO).⁴²

At the outset of the consideration of the agenda item at the 2624th meeting, on 13 November 1985, the President drew the attention of the members of the Council to a letter⁴³ dated 12 November 1985 from South Africa addressed to the Secretary-General, informing him that the South African Government had complied with the decision, at a cabinet meeting on 6 November 1985, of the Transitional Government of National Unity at Windhoek, requesting the South African Government to select a system of proportional representation as the framework for elections leading to the independence of South West Africa/Namibia; and that agreement would have to be reached on how the system of proportional representation would be implemented in practice.

At the 2624th meeting, on 13 November 1985, the Minister of State for External Affairs of India said that, despite the solemn resolutions of the General Assembly and the Security Council and the tide of decolonization that had swept across Asia and Africa in the past four decades, Namibia had remained an occupied and militarized territory and a victim of racism. The Namibian problem, he emphasized, was strictly one of decolonization, notwithstanding the attempts to superimpose on it artificially an aspect of East-West conflict. He recalled the Conference of the Non-Aligned Movement,³⁸ held at Luanda from 4 to 8 September 1985, and said that the Non-Aligned countries had, at that meeting, condemned South Africa for the installation in Namibia of an "interim government" in violation of resolution 435 (1978) and that they had renewed the call for the imposition of comprehensive mandatory sanctions under Chapter VII of the Charter of the United Nations. He stressed, moreover, that they had called for the present series of the Council's meetings in pursuance of resolution 566 (1985), which had warned South Africa that failure on its part to cooperate in the implementation of the terms of that resolution would compel the Security Council to meet forthwith to consider the adoption of appropriate measures under the Charter, including Chapter VII, to ensure South Africa's compliance with United Nations resolutions. He further emphasized that the Non-Aligned Movement had long believed that only comprehensive mandatory sanctions would make the Government of South Africa heed the resolutions of the Council as well as the demands of world public opinion; and reasserted that such measures, far from hurting the people of South Africa, would in fact help them in finding a way out of an intolerable impasse and in avoiding a social, economic and political explosion in that country.⁴⁴

At the same meeting, the representative of Mauritius, in his capacity as the current Chairman of the Group of African States, stated that, for 25 years since the adoption of General Assembly resolution 1514 (XV) on decolonization and nearly 20 years after the termination by the United Nations of South Africa's mandate over Namibia, South Africa had persistently defied the United Nations, the opinion of the International Court of Justice (ICJ) and international law.

³⁶S/17442.

³⁷S/17618.

³⁸See S/17610 and Corr.1, Final Political Declaration, Conference of Ministers for Foreign Affairs of Non-Aligned Countries held at Luanda from 4 to 7 September 1985, circulated under the double symbol A/40/854-S/17610 and Corr.1.

³⁹S/17619.

⁴⁰For the adoption of the agenda, see S/PV.2624, p. 6.

⁴¹For details, see chap. III of the present *Supplement*.

⁴²For details regarding the invitations under rule 39 of the provisional rules of procedure, see chap. III of the present *Supplement*.

⁴³S/17627, annex.

⁴⁴S/PV.2624, pp. 11-16.

The advisory opinion given by ICJ on 21 June 1971, at the request of the Security Council, had declared that South Africa's continued presence in Namibia was illegal; that it was under the obligation to withdraw its administration from the Territory; and that States Members of the United Nations had the obligation to refrain from any acts implying recognition of or lending support or assistance to such presence and administration. He stressed that, while the Security Council had endorsed that opinion of the ICJ in its resolution 301 (1971),⁴⁵ the termination of the mandate by the General Assembly had been a recognition of the principle that a party to a treaty the provisions of which it ignored could no longer claim any benefits which might have flowed from that treaty and that it had in fact renounced the treaty of its own accord. He regretted that South Africa had so far been able to resist the intense international pressure owing to the support of certain Western Powers through collaboration in the economic and military fields and the use of the veto in the Security Council to block most forceful proposals for pressure. He said that certain multilateral sanctions that had already been considered by the Council and a few that had been enforced were clearly inadequate to bring about fundamental changes in the internal and regional policies of the Pretoria regime. He further stated that, while there was increasing pressure in the major Western countries and in the international community for more decisive action, the Council of Ministers of the Organization of African Unity (OAU), at its Addis Ababa meeting in July 1985, and the Foreign Ministers of the Non-Aligned Movement, at their Luanda meeting in September 1985, had reiterated the call for mandatory sanctions under Chapter VII of the Charter. He then stressed that it was the responsibility and the duty of the Security Council to recommend sanctions beyond those contemplated by certain States and to ensure South Africa's compliance with the decisions of the United Nations.⁴⁶

At the same meeting, the representative of South Africa regretted that the Council's meetings were once again devoted to a discussion of the relatively peaceful South West Africa/Namibia where the violence that existed had been initiated by SWAPO with the support and encouragement of the United Nations, which had been established for promoting the peaceful resolution of disputes. He said that South Africa, for its part, had consistently tried to solve the problems of the region peacefully and that during the previous year it had twice offered to enter into a cessation of hostilities with SWAPO in order to enable the members of that organization to return freely to the Territory and to participate peacefully in the domestic political process. He referred to his Government's decision relating to the selection of a system of proportional representation for the election that would lead to the independence of Namibia,⁴⁷ and said that that decision would help in achieving progress towards the resolution of the last outstanding problems which affected the international settlement plan. He then asserted that, while some progress had been made and some momentum restored to the negotiations between the United States and South Africa, a great deal of work remained to be accomplished in order to achieve agreement on the question of the withdrawal of Cuban troops from

Angola. He further stated that, if a firm agreement could be reached on genuine Cuban withdrawal from Angola, South Africa would not only carry out its undertaking to implement the international settlement plan, but would also strive for stability and peace in the region by encouraging all the parties, including SWAPO and Angola, to resolve their differences by peaceful means. He stressed that his Government, while continuing to encourage reconciliation between all the South West African/Namibian parties, would also insist that the United Nations demonstrate the ability to carry out its functions impartially.⁴⁷

At the 2629th meeting, on 15 November 1985, the representative of Trinidad and Tobago said that the Council must demonstrate to South Africa that Pretoria had seriously miscalculated the determination and commitment of the Council to ensure the implementation of its resolutions and its resolve to carry out its duties and responsibilities under the Charter. He stated that the Council should affirm, in the context of Articles 39, 41 and 42 of the Charter of the United Nations, that South Africa's aggressive acts against the people of Namibia and its non-compliance with the Security Council resolutions on Namibia constituted a threat to international peace and security; and that the deliberations of the Council on the question must always take account of the fact that the occupied Territory of Namibia was used as a springboard by South Africa for acts of aggression against other countries in the region in contravention of the Charter. He then referred to a draft resolution⁴⁸ submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago, and said that the text provided a framework for action by which the Council should impose mandatory sanctions against South Africa under Chapter VII of the Charter and in conformity with the Council's responsibilities for the maintenance of international peace and security. He further stated that the Council should also adopt enforcement measures, including those outlined in operative paragraph 8 of the draft resolution. He concluded by asserting that the imposition of mandatory sanctions under Chapter VII would be one of the most effective ways to obtain South Africa's compliance with the relevant Council resolutions, and urged the Council to act unanimously in support of the draft resolution.⁴⁹

At the same meeting, the Council proceeded to vote on the draft resolution, which received 12 votes in favour to 2 against, with 1 abstention, and which was not adopted owing to the negative votes of two permanent members.⁵⁰ Under the draft text, the Council would have, *inter alia*, determined that South Africa's refusal to comply with Security Council and General Assembly resolutions on Namibia constituted a serious threat to international peace and security and that the repeated armed attacks perpetrated from Namibia by South Africa against the neighbouring sovereign States constituted grave acts of aggression; declared that South Africa's refusal to cooperate fully with the Security Council and the Secretary-General in

⁴⁷S/PV.2624, pp. 42-47.

⁴⁸S/17633, which had replaced an identical earlier draft resolution (S/17631), with the exception of textual changes to the ninth preambular para. and paras. 1 (b) and 8 (i).

⁴⁹S/PV.2629, pp. 17 and 18.

⁵⁰For the vote on the draft resolution (S/17633), see S/PV.2629, pp. 27 and 28. For the text of the draft resolution, see note 48. For voting procedures under Article 27 of the Charter, see chap. IV of the present *Supplement*.

⁴⁵See *Suppl. 1969-1971*, under the same title, pp. 105-109.

⁴⁶S/PV.2624, pp. 18-26.

terms of resolution 566 (1985) constituted a direct challenge to the authority of the United Nations and violated the principles of its Charter; and decided under Chapter VII, in particular Article 41, of the Charter to impose mandatory selective sanctions against South Africa, and to adopt enforcement measures, including oil embargo; arms embargo; the prohibition of all new investments, government and bank loans and credit guarantees, importation or enrichment of uranium, supply of technology, equipment and licenses for nuclear plants, visits to and from South Africa and Namibia by military, security, intelligence and other defence personnel, the sale and export of computers capable of being used by the racist army, police and security forces, and the sale of krugerrands and all other coins minted in South Africa and Namibia.

Decision of 9 April 1987 (2747th meeting): rejection of a five-Power draft resolution.

By a letter⁵¹ dated 25 March 1987 addressed to the President of the Council, the representative of Gabon requested, on behalf of the Group of African States, an urgent meeting of the Security Council to consider the situation in Namibia.

The Secretary-General, on 31 March 1987, submitted to the Council a further report⁵² concerning the implementation of resolutions 435 (1978) and 439 (1978) concerning the question of Namibia. In that report, the Secretary-General recalled that, in November 1985, agreement had been reached with the parties concerned on the system of proportional representation for the elections envisaged in resolution 435 (1978) and that, with that agreement, the last outstanding issue relevant to the United Nations plan for Namibia's independence had been resolved. He stated that he had subsequently proposed to the Government of South Africa on 26 November 1986 that it should join him in establishing the earliest possible date for a ceasefire and the implementation of Council resolution 435 (1978). He regretted that South Africa's response that 1 August 1986 be set as the date for the implementation of the settlement plan had run counter to relevant Council decisions, since it had reaffirmed the precondition that prior agreement had to be reached on the total withdrawal of Cuban troops from Angola before implementation. He said that the linkage precondition, which dated back to 1982 and which he could not accept as a pretext to delay any further the independence of Namibia, thus constituted the only obstacle to the implementation of the United Nations plan for Namibia. He emphasized that, while the presence of Cuban troops in Angola was a separate matter that should be dealt with by those directly concerned acting within their sovereign competence, it was his view that the South African Government should urgently reconsider its position on the linkage precondition; and called for a determined effort on the part of all directly concerned, as well as by the international community as a whole, to place the United Nations Transition Assistance Group (UNTAG) in Namibia in 1987.

By a letter⁵³ dated 31 March 1987 addressed to the President of the Council, the representative of Zimbabwe and Chairman of the Coordinating Bureau of the Movement of

Non-Aligned Countries requested an urgent meeting of the Security Council to consider the question of Namibia.

At the 2740th meeting, on 6 April 1987, the Council included in its agenda the letters dated 25 and 31 March 1987 from Gabon and Zimbabwe, respectively, and considered the item at the 2740th to 2747th meetings, between 6 and 9 April 1987.

In the course of its deliberations, the Council invited the representatives of Afghanistan, Algeria, Angola, Bangladesh, Barbados, Burkina Faso, the Byelorussian SSR, Canada, Cuba, Czechoslovakia, Egypt, Ethiopia, Gabon, the German Democratic Republic, Guyana, India, Jamaica, Kuwait, the Libyan Arab Jamahiriya, Mexico, Mongolia, Morocco, Mozambique, Nicaragua, Nigeria, Pakistan, Peru, Qatar, Senegal, South Africa, Sri Lanka, Sudan, the Syrian Arab Republic, Togo, Tunisia, Turkey, Uganda, the Ukrainian SSR, Viet Nam, Yugoslavia and Zimbabwe, at their request, to participate, without vote, in the discussion of the item.⁵⁴

The Council also extended invitations as requested, under rule 39 of the provisional rules of procedure, to a delegation of the United Nations Council for Namibia led by the President of that body, to the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, to Mr. Theo-Ben Gurirab of the South West Africa People's Organization, to Mr. Ahmet Engin Ansay, Permanent Observer of the Organization of the Islamic Conference to the United Nations, to the Chairman of the Special Committee against Apartheid, and to Mr. Francis Meli of the African National Congress (ANC).⁵⁵

At the 2740th meeting, on 6 April 1987, the representative of Ghana, in his capacity as current Chairman of the Group of African States, referred to the Secretary-General's report,⁵² and said that the members of the African Group were justifiably disappointed that Namibians continued to live under repression, torture and political domination with no respect for their right to self-determination. He pointed that the concern for the Territory's future was also shared by the non-aligned countries, which at that meeting of Heads of State or Government at Harare in 1986 had further supported the position of OAU as articulated at its summit meeting also in 1986, and which had called upon the international community to increase its efforts to bring Namibia to immediate independence. He added that it was the same concern that had led to the meeting of the Foreign Ministers of the front-line States and the States members of the European Community at Lusaka on 3 and 4 February 1986, at the end of which a joint communiqué had been issued condemning South Africa's continued illegal occupation of Namibia and reaffirming the centrality and relevance of Council resolution 435 (1978) as the only valid basis for a peaceful solution of the question of Namibia. He stated that the time had thus come for the Security Council to take up the concerns of the overwhelming majority of the international community in order to reach a final and lasting solution, particularly in view of resolution 566 (1985) by which the Council had, *inter alia*, stated that the only outstanding obstacle had been the choice by

⁵¹S/18765.

⁵²S/18767.

⁵³S/18769.

⁵⁴See chap. III of the present *Supplement*.

⁵⁵For details regarding the invitations under rule 39 of the provisional rules of procedure, see chap. III of the present *Supplement*.

South Africa of an electoral system, and by which the Council had also warned South Africa that, in the event of its failure to cooperate with the Council and the Secretary-General, the Council would meet forthwith to consider action against it under Chapter VII of the Charter. He said that the African Group of States and the colleagues in the non-aligned movement had requested the convening of the current series of Council meetings to emphasize that the main obstacle to Namibian independence had been South Africa's refusal to implement resolution 435 (1978); that Namibia remained the moral and political responsibility of the Security Council; that the presence of Cuban forces in sovereign Angola had already been ruled by the Council as irrelevant to the issue at hand; that the Council should assert its responsibility and authority by increasing pressure on South Africa not only to isolate it but also force it to cooperate in the implementation of resolution 435 (1978); and that such pressure could be effected only in the form of comprehensive and mandatory sanctions under Chapter VII of the Charter.⁵⁶

At the same meeting, the representative of South Africa said that it was ironic that the Council was meeting to consider not a possible contribution by the international community to the well-being of the inhabitants of South West Africa/Namibia, but rather the imposition of further punitive measures which, if applied, would certainly harm the economy of the Territory and the well-being of its people, thereby ignoring the spirit of the United Nations Charter and failing to address the real issues that obstruct resolution of the long-standing dispute. He stated that his Government had repeatedly made clear that it stood ready to implement resolution 435 (1978) and that the only remaining obstacle to the independence of Namibia was the lack of commitment on the withdrawal from Angola of the extra-continental force of over 40,000 Cubans. He reminded the members of the Council that the holding of free and fair elections in Namibia under conditions free of intimidation as required by resolution 435 (1978) was inconceivable in the shadow of the "menacing presence of such a major Soviet surrogate force" in the region; and that South Africa would not abandon its obligations to the inhabitants of the Territory. He stated that the principle of the withdrawal of Cuban forces that had been conceded by the Angolan Government on 18 March 1986 had led to the proposal by South Africa's State President that 1 August 1986 be set as the date for commencement of implementation of resolution 435 (1978), but that South Africa's attempt to demonstrate good faith and commitment to settle the Namibian question had slipped away owing to the military and weapon supplies and systems of Soviet origin that had continued to pour into Angola. He stressed that South Africa was assisting South West Africa/Namibia to protect itself against armed attacks from Angolan territory by elements that wished to impose their will on the inhabitants of the Territory by force of arms; that SWAPO was given active support by the armed forces of Angola and the Cuban forces in that country in the perpetration of acts of terror against the inhabitants of Namibia; and that South Africa was making a substantial contribution towards the material well-being of the people of Namibia. He asserted that sanctions, while retarding the eventual independence of the Territory, were also false, dangerous and callous because

they did not address the real issues at stake both for Namibia and the region as a whole, because they would increase tension in the region, and because they would affect most the very people which were supposed to be assisted by such measures. He further asserted that the consequences of a decision by the Council to impose sanctions on South West Africa/Namibia would neither be limited to the frontiers of that Territory or South Africa, nor would the effects be merely economic, but that they would also be debilitating the resistance capacity of all the southern African States against foreign intervention by elements which did not respect the interests of the peoples of the region. He then concluded that, if the negotiation process continued to be deadlocked by a lack of progress on Cuban troop withdrawal, the South African Government and other parties would have to consider alternative means of achieving internationally recognized independence for the Territory.⁵⁷

At the 2741st meeting, on 6 April 1987, the representative of Angola said that the issue of Namibian independence was one regarding which only a few Articles of the United Nations Charter had not been violated by South Africa, a founding Member of the Organization; and that it was also a question in connection with which the Security Council was in default of its own obligations and mandates under the terms of its constitution, the Charter. He stated that the apartheid regime was allowed to get away with flagrant violations of the Charter through a variety of tactics, including the introduction since 1978 of extraneous issues such as the presence in Angola, with the official invitation of the Government, of Cuban internationalist forces, which had nothing to do with Namibian independence. He stressed that South African troops had first launched a full-scale armed invasion of Angola in 1975, months before a single internationalist comrade had arrived in Angola. He stated that Article 51 of the Charter gave each and every country the right to appeal for assistance in the face of vicious and massive external assault and aggression; and that the presence as a sort of peace brigade of the Cuban internationalist forces in Angola was in some ways a deterrent to even more intensive aggression by racist troops in all of southern Africa. He further said that, while the record of negotiations clearly showed that South Africa was responsible for the non-implementation of the settlement plan, in 1978, when resolution 435 (1978) had been freely negotiated and considered ready for implementation, the Cuban internationalist friends had already been in Angola for two and one half years, at his Government's specific request, to assist in the task of national reconstruction and to help stave off racist aggression against the newly independent State. He added that Cuban presence in Angola had not been an issue from late 1976 to 1978 and subsequently until Pretoria, desperately looking for pretexts, had decided to make it one. He referred to the statement by the representative of South Africa at the previous meeting of the Council on the same date, and said that the real menace, under which free elections were inconceivable, was the huge armed machinery of the racist regime which was in military occupation of Namibia, of parts of southern Angola and of South Africa itself. He then said that the tragedies of senseless killing of Namibian freedom fighters, the denial of fundamental human rights and the denial

⁵⁶S/PV.2740, pp. 7-16.

⁵⁷Ibid., pp. 47-53.

of basic civil, economic, political and social rights, as well as the daily humiliation of being a prisoner in one's own land were matched by the other tragedies of virtual inaction by the international community on the issue of Namibian independence and the virtual failure of the Security Council, in the face of Pretoria's intransigence, either to adopt or enforce resolutions which could force the withdrawal of South Africa from Namibia. He reaffirmed that his Government had, in November 1984, offered a platform containing proposals aimed at addressing the major issues in southern Africa; and that, while the international community had categorically rejected any linkage, the Angolan Government had since been prepared to agree to a phased withdrawal of all Cuban forces from the south of the parallel and the complete withdrawal of South African troops from Namibia. He contended that the Pretoria regime had not only neglected, together with its main supporter in Washington, D.C., to undertake negotiations on the basis of that platform, but that it had also proceeded to establish the so-called interim government; and that it had in fact shown its disregard for solutions to the problems facing the region by supporting the renegade groups of UNITA in Angola and Resistência Nacional Moçambicana (RENAMO) in Mozambique. He then stressed that it was time for all, in particular the permanent members of the Council, to note that the only real solution that would precipitate Namibian independence was mandatory comprehensive sanctions under Chapter VII of the Charter and that the States of southern Africa were willing and ready to bear the consequences of such measures, notwithstanding the warning by the representative of South Africa that sanctions would not end at the frontiers of Namibia or South Africa.⁵⁸

At the 2743rd meeting, on 7 April 1987, the President of the Council drew attention to the text of a draft resolution⁵⁹ submitted by Argentina, Congo, Ghana, the United Arab Emirates and Zambia. Under the draft text, the Council would have, *inter alia*, strongly condemned South Africa for its continued illegal occupation of Namibia and its persistent refusal to comply, in particular, with resolutions 385 (1976) and 435 (1978); reiterated that, in accordance with its resolutions 539 (1983) and 566 (1985), the independence of Namibia could not be made conditional upon issues totally alien to resolution 435 (1978) and called upon those countries insisting on extraneous and irrelevant issues to desist from doing so; determined that the refusal by South Africa to comply with Security Council and General Assembly resolutions and decisions on Namibia, and its violation thereof, constituted a serious threat to international peace and security; decided, under Chapter VII of the Charter and in conformity with its primary responsibility for the maintenance of international peace and security, to impose comprehensive mandatory sanctions against South Africa; and called upon all States, in conformity with Article 25 of the Charter, to implement the terms of the text and all other relevant Council resolutions relating to Namibia.

At the 2746th meeting, on 9 April 1987, the representative of the United Kingdom said that his Government would have been prepared to support a resolution that included a considerable list of non-mandatory economic measures aimed at exerting pressure on South Africa to with-

draw immediately from Namibia, but that it could not vote for mandatory sanctions under Chapter VII of the Charter. He further said that mandatory sanctions would be counter-productive, giving South Africa the excuse to remain intransigent; and that the sponsors of the draft resolution before the Council had sadly missed an opportunity to arm the Secretary-General with the weight of the Council's unanimous concern in continuing his mission of good offices.⁶⁰

At the same meeting, the representative of the United States of America regretted that, as yet, Angola had not responded to the critical opportunity to achieve Namibian independence that had been offered by the South African announcement of 1 August 1986 as a date to commence implementation of resolution 435 (1978), provided prior agreement could be reached on Cuban troop withdrawal. He welcomed the readiness, after a 15-month hiatus, that the Angolan Government had shown to resume talks on how to achieve a settlement; and said that the Angolans themselves had accepted, in their letter of 17 November 1984 addressed to the Secretary-General,⁶¹ the reality that Namibian independence could be achieved only in the context of Cuban troop withdrawal from Angola. He stressed that the protracted debate over the "inadmissibility" of relating events in Namibia and Angola should be recognized as fruitless; that many General Assembly and Security Council resolutions, which had condemned linkage despite the Angolan proposal and which had declared SWAPO the "sole and authentic" representative of the Namibian people, had proved unhelpful to achieving the peaceful implementation of resolution 435 (1978). He said that his Government rejected, as a dangerous call to arms in a volatile region, any efforts to legitimize the armed struggle by means of United Nations resolutions or by appeals for support to so-called armed struggle. He further stated that, while mandatory sanctions would complicate and frustrate the achievement of Namibia's independence, his Government, which had fully applied the sanctions, enacted by the Congress the previous year, not only to South Africa but to Namibia as well, believed that each Member State should be free to enact or to alter the policies it deemed most appropriate; and that the Secretary-General's good offices remained a key factor in the search for bringing Namibia to independence in a rapid and peaceful manner.⁶²

During the Council deliberations many speakers expressed support for or urged the application of comprehensive mandatory sanctions against South Africa under Chapter VII of the Charter.⁶³

⁶⁰S/PV.2746, p. 16.

⁶¹S/16838.

⁶²S/PV.2746, pp. 24-29.

⁶³S/PV.2740, pp. 23 and 24-25 (President of the United Nations Council for Namibia); *ibid.*, pp. 42 and 47 (Mr. Gurirab of SWAPO); S/PV.2741, p. 17 (Mr. Mudenge, Chairman of the Coordinating Bureau of the Movement of Non-Aligned Countries); *ibid.*, p. 27 (Venezuela); *ibid.*, p. 33 (Peru); *ibid.*, pp. 38 and 39 (Egypt); *ibid.*, pp. 54-56 (Mr. Ansary, Permanent Observer for the Organization of the Islamic Conference); S/PV.2742, p. 8 (Nicaragua); *ibid.*, p. 14 (Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples); *ibid.*, p. 26 (Zambia); *ibid.*, pp. 33-36 (Togo); p. 41 (Tunisia); *ibid.*, p. 49 and 50 (Mozambique); *ibid.*, pp. 54 and 55 (German Democratic Republic); S/PV.2743, p. 21 (Argentina); *ibid.*, p. 31 (China); *ibid.*, p. 36 (Yugoslavia); *ibid.*, pp. 44-45 (Senegal); *ibid.*, pp. 53, 54 and 58-60 (Chairman of the Special Committee against

⁵⁸S/PV.2741, pp. 58-66.

⁵⁹S/18785.

At the 2747th meeting, on 9 April 1987, the President put to the vote the five-Power draft resolution⁶², which received 9 votes in favour to 3 against, with 3 abstentions, and was not adopted owing to the negative votes of two permanent members.⁶⁴

Following the vote, the representative of Ghana, on behalf of the African Group of States, said that the "veto mechanism" with which the founding fathers of the Organization had endowed the Security Council had been intended, *inter alia*, to ensure the strongest consensus for decisions on substantive questions; and that the present "veto" in the Council was a negation of the lofty hopes that had given birth to the unique decision-making mechanism. He recalled paragraphs 1 and 5 of the General Assembly Declaration⁶⁵ on the Granting of Independence to Colonial Countries and Peoples, according to which the subjection of peoples to alien subjugation, domination and exploitation constituted a denial of fundamental human rights, which was contrary to the Charter of the United Nations and an impediment to the promotion of world peace and cooperation; and that immediate steps should be taken to transfer all powers to such peoples, without any conditions or reservations, in accordance with their freely expressed will and desire. He then said that it was those principles, together with the principles of the Charter and the Universal Declaration of Human Rights, and the attainment of the inalienable rights of Namibians that the present negative votes of permanent members had thus frustrated.⁶⁶

Decision of 21 August 1987: Statement by the President.

On 21 August 1987, after consultations among the members of the Council, the President issued a statement⁶⁷ on behalf of the members. The statement reads:

The members of the Security Council express their grave concern over the continuing deterioration of the situation in Namibia resulting from the increasing repression of the Namibian people by South African occupation forces throughout the Territory, including the so-called operational zone in northern Namibia, which has led to the loss of innocent lives, particularly in the last few weeks.

They condemn all acts of repression of, and brutalities against, the Namibian people, the violation of their human rights and the disregard for their inalienable rights to self-determination and genuine independence. They further condemn South Africa's attempts to undermine the national unity and territorial integrity of Namibia.

They condemn particularly the arrest of five leaders of the South West Africa People's Organization and the repressive measures against student and labour organizations since 18 and 19 August 1987. They demand the immediate release of the detainees.

They call upon South Africa to put an immediate end to the repression of the Namibian people and to all illegal acts against neighbour States.

Apartheid); *ibid.*, pp. 6-65 (Sudan); *ibid.*, p. 71 (Pakistan); S/PV.2744, p. 12 (Turkey); *ibid.*, pp. 17-20 (Ukrainian SSR); *ibid.*, pp. 28-30 (Nigeria); *ibid.*, pp. 34 and 35 (Cuba); *ibid.*, pp. 42 and 43 (Kuwait); *ibid.*, pp. 47 and 48 (Bangladesh); S/PV.2745, pp. 8-10 (Viet Nam); p. 16 (Afghanistan); *ibid.*, pp. 19 and 20 (Sri Lanka); *ibid.*, p. 23 (Morocco); *ibid.*, p. 28 (United Arab Emirates); *ibid.*, pp. 38-40 (Ghana); *ibid.*, pp. 57 and 58 (Syrian Arab Republic); *ibid.*, p. 62 (Mongolia); S/PV.2746, p. 33 (Libyan Arab Jamahiriya); *ibid.*, p. 42 (Soviet Union); *ibid.*, p. 46 (Czechoslovakia); *ibid.*, p. 52 (Byelorussian SSR); and S/PV.2747, pp. 4-5 and 8 (the President, Bulgaria).

⁶⁴For the vote on the draft resolution (S/18785), see S/PV.2747, p. 21; see also chap. IV of the present *Supplement*.

⁶⁵General Assembly resolution 1514 (XV) of 14 December 1960.

⁶⁶S/PV.2747, pp. 22-27.

⁶⁷S/19068.

They recall previous resolutions in which the Council affirmed the primary and direct responsibility of the United Nations over Namibia.

They call once again upon South Africa to comply fully with Security Council resolutions 385 (1976) and 435 (1978) and to put an end to its illegal occupation and administration of Namibia.

Decision of 30 October 1987 (2759th meeting): resolution 601 (1987)

By a letter⁶⁸ dated 23 October 1987 addressed to the President of the Security Council, the representative of Madagascar, in his capacity as current Chairman of the Group of African States, requested the convening of an urgent meeting of the Council to consider the situation in Namibia.

On 27 October 1987, the Secretary-General submitted a further report⁶⁹ with which he provided the Council an account of developments since his previous report⁷⁰ of 31 March 1987 concerning the implementation of Council resolutions 435 (1978) and 439 (1978). In the present report, the Secretary-General said that, following consultations and in-depth discussions he had held with the concerned parties in New York and at Addis Ababa during the summit meeting of OAU in July 1987, his Special Representative for Namibia had visited South Africa and the front-line States for further consultations; and that he had been assured that the Republic of South Africa would not accept constitutional steps by the "interim government", which might impair South Africa's international interests and obligations. The Secretary-General regretted that successive attempts to finalize arrangements for the emplacement of the United Nations Transition Assistance Group (UNTAG) in Namibia, in order to commence the implementation of the settlement plan, which had been blocked in recent years by South Africa's insistence on the linkage precondition, a question that had been rejected by the Security Council. He concluded, however, that he remained convinced that concerted action by the international community was needed to achieve the implementation of the United Nations plan and to permit the people of Namibia to enjoy the freedom and independence that was their right.

By a letter⁷⁰ dated 27 October 1987 addressed to the President of the Council, the representative of Zimbabwe, in his capacity as Chairman of the Coordinating Bureau of the Movement of Non-Aligned Countries, requested the convening of an urgent meeting of the Council to consider the question of Namibia.

At the 2755th meeting, on 28 October 1987, the Council included in its agenda the letters dated 23 and 27 October 1987 from Madagascar and Zimbabwe, respectively, and considered the item at the 2755th to 2759th meetings, between 28 and 30 October 1987.

In the course of its deliberations the Council invited the representatives of Algeria, Angola, Bangladesh, Botswana, Burkina Faso, Cameroon, Canada, Cuba, Cyprus, Egypt, Ethiopia, the German Democratic Republic, Guyana, India, Jamaica, Kenya, Kuwait, the Libyan Arab Jamahiriya, Madagascar, Mozambique, Nicaragua, Nigeria, Pakistan, Panama, Peru, Senegal, South Africa, Tunisia, Turkey, the Ukrainian SSR, the United Republic of Tanzania, Yugoslavia and Zimbabwe, at their request, to participate, without vote, in the discussion of the item.⁷¹

⁶⁸S/19230.

⁶⁹S/19234.

⁷⁰S/19235.

⁷¹See chap. III of the present *Supplement*.

The Council also extended invitations as requested, under rule 39 of the provisional rules of procedure, to a delegation of the United Nations Council for Namibia led by the President of that body, to Mr. Theo-Ben Gurirab of the South West Africa People's Organization, to the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, to Mr. Solly Simelane of the African National Congress of South Africa, and to the Acting Chairman of the Special Committee against Apartheid.⁷²

At the 2755th meeting, on 28 October 1987, the representative of Madagascar, speaking in his capacity as Chairman of the Group of African States for the month of October, said that the African States deeply regretted the fact that the Security Council had been unable to compel South Africa to implement United Nations resolutions on Namibia; but that, despite the disappointment and because of the real threat that South Africa posed to regional and international peace and security, the African Heads of State or Government had pledged themselves to step up diplomatic efforts to break the impasse constituted by the policy of linking Namibia's attainment of independence to the withdrawal of Cuban troops from Angola. He then quoted paragraph 16 of the final communiqué⁷³ of 2 October 1987 by the Ministerial meeting, held in New York, of the United Nations Council for Namibia, which stated:

The Ministers urgently requested the Security Council to set an early date for the commencement of the implementation of resolution 435 (1978), no later than 31 December 1987, bearing in mind that all the necessary conditions had already been fulfilled, and to commit itself to applying the relevant provisions of the Charter, including comprehensive and mandatory sanctions under Chapter VII, in the event that South Africa continued to defy the Security Council in that regard. In that connection, they urged the Security Council to undertake forthwith consultations for the position and emplacement of the United Nations Transition Assistance Group (UNTAG) in Namibia.

He concluded by emphasizing that the attainment of self-determination in a united Namibia was vital to Africa; and by expressing the hope that the Council would affirm its authority to force South Africa to withdraw from Namibia, to abandon its policy of apartheid and to put an end to its acts of aggression and destabilization against the independent States of the region.⁷⁴

At the same meeting, the President of the United Nations Council for Namibia said that, throughout the 21 years of its existence, the Council for Namibia had striven vigorously towards the fulfilment of the Declaration on the Granting of Independence to Colonial Countries and Peoples⁵⁵ so that the people of Namibia could exercise their inalienable right to self-determination and independence. He appealed to the United States to abandon the linkage policy; and said that the time was long overdue for the Security Council to begin the implementation of the United Nations plan for Namibia. He further emphasized that the outcome of the present series of meetings should be a firm agreement mandating the Secretary-General to proceed with the arrangements for a ceasefire between the parties to the conflict as well as the emplacement of UNTAG, to

ensure free and fair elections under the supervision and control of the United Nations.⁷⁵

At the same meeting, Mr. Gurirab of the South West Africa People's Organization said that the Secretary-General's reconfirmation⁵⁵ that agreement had been reached between South Africa and SWAPO on the system of proportional representation for the elections envisaged in resolution 435 (1978) had opened the way for the Security Council to fix a date for the ceasefire. He reaffirmed SWAPO's readiness to sign an immediate ceasefire, and reiterated that, if the obstruction of the will of the majority in the Security Council continued to prevail, the General Assembly should assume full responsibility for the decolonization of Namibia, in accordance with the Charter of the United Nations.⁷⁶

At the 2757th meeting, on 29 October 1987, the representative of South Africa said that the Council was meeting to consider the situation in South West Africa/Namibia against the background of a serious deterioration in conditions in Angola, which continued to be used as a springboard for terrorism by elements of SWAPO against the population of Namibia. He reaffirmed, as had been stated in the Secretary-General's further report,⁵⁵ that South Africa remained committed to resolution 435 (1978) and to an internationally recognized independence in Namibia, and said that it was because of his Government's endeavours to find a peaceful solution to the problems of southern Africa in general, and Namibia in particular, that it had repeatedly called for the withdrawal from Angola of the more than 40,000 Cubans. He urged the Secretary-General to direct his concern to the plight of the people of Angola and called upon the Security Council to concern itself with the political, social and economic crisis in that country, which had attracted the attention of the super-Powers, portending tragic consequences for the Angolan people and threatening regional security and stability. He further said that, while his Government's role was protective in nature, the need for South African forces to operate against SWAPO would end as soon as SWAPO ceased its acts of terrorism and cross-border raids against Namibia and that that was the context in which his Government viewed the consideration that was being given to authorize the Secretary-General to arrange a ceasefire between the parties to the conflict.⁷²

At the 2759th meeting, on 30 October 1987, the representative of the United Arab Emirates stated that the question of Namibia posed two interrelated issues that confronted the international community: (a) the independence of the Namibian people; and (b) the struggle against apartheid.

He said that neither of those goals could be achieved unless the South African regime was forced to submit to international will; and that it was the international community's duty to ensure that its will was not flouted. He further said that, as was clear from the Articles of Chapter VII, the Charter of the United Nations had given that responsibility to the Security Council; and that it was in the interest of all to safeguard international peace and security, since the underlying philosophy of Chapter VII was that regional problems were no longer confined to a region and

⁷²For details regarding the invitations under rule 39 of the provisional rules of procedure, see chap. III of the present *Supplement*.

⁷³S/19187.

⁷⁴S/P.V. 2755, pp. 12-15.

⁷⁵*Ibid.*, pp. 17-20.

⁷⁶*Ibid.*, pp. 27-30.

⁷⁷S/P.V. 2757, pp. 19-24.

that, unlike previous times, they affected the international community as a whole. He stated that Chapter VII should, therefore, be applied to serve both as a lesson to those Governments that flouted the resolutions of the Organization and as a deterrent to other States which might find it expedient and feasible to defy international will. He then referred to the draft resolution before the Council as a practical text, and said that it was based on the two reports⁷⁸ of the Secretary-General to the Council.⁷⁹

At the same meeting, the representative of the United States of America said that his Government was currently actively involved in negotiations to achieve the independence of Namibia and that great progress had been made in clarifying the procedural technicalities of implementing resolution 435 (1978); that election timetables had been established while political freedoms for all Namibians were guaranteed; that a constitutional and security framework for a future independent Government had been outlined; and that United Nations supervision to ensure an orderly transition had been agreed upon. He stated that the international preconditions for an agreement, however, remained to be achieved and that, without a settlement that addressed the security concerns of both Angola and South Africa, the implementation of resolution 435 (1978) would not be achieved. He stressed that previous resolutions of the Security Council ignored the fact that the parties to the conflict in Namibia had recognized the hard political realities of the region and the possibility of further prolonged stalemate, and that they were therefore willing to work towards the implementation of resolution 435 (1978) in the context of the withdrawal of Cuban troops from Angola and of South African troops from Namibia. He declared that it was in the context of its negotiations with the Governments of Angola and South Africa, aimed at securing the withdrawal of foreign troops from the region so that resolution 435 (1978) could be implemented, that the United States viewed the draft resolution before the Council; and that his Government, while it shared the goals and concerns expressed in the text, would abstain in the vote because it was unrealistic and inappropriate for the Council to ask the Secretary-General to proceed to the final procedural steps prior to the establishment of an agreed political settlement.⁸⁰

At the same meeting, the draft resolution (S/19242) submitted by Argentina, Congo, Ghana, the United Arab Emirates and Zambia was voted upon and adopted by 14 votes to none, with 1 abstention, as resolution 601 (1987).⁸¹ The resolution reads as follows:

The Security Council,

Having considered the reports of the Secretary-General of 31 March and 27 October 1987,

Having heard the statement by the President of the United Nations Council for Namibia,

Having also considered the statement by Mr. Theo-Ben Gurirab, Secretary for Foreign Affairs of the South West Africa People's Organization,

Recalling General Assembly resolutions 1514 (XV) of 14 December 1960 and 2145 (XXI) of 27 October 1966 as well as resolution S-14/1 of 20 September 1986,

Recalling and reaffirming its resolutions 269 (1969), 276 (1970), 301 (1971), 385 (1976), 431 (1978), 432 (1978), 435 (1978), 439 (1978), 532 (1983), 539 (1983) and 566 (1985),

1. *Strongly condemns* racist South Africa for its continued illegal occupation of Namibia and its stubborn refusal to comply with the resolutions and decisions of the Security Council, in particular resolutions 385 (1976) and 435 (1978);

2. *Reaffirms* the legal and direct responsibility of the United Nations over Namibia;

3. *Affirms* that all outstanding issues relevant to the implementation of its resolution 435 (1978) have now been resolved as stated in the Secretary-General's reports of 31 March and 27 October 1987;

4. *Welcomes* the expressed readiness of the South West Africa People's Organization to sign and observe a ceasefire agreement with South Africa, in order to pave the way for the implementation of resolution 435 (1978);

5. *Decides* to authorize the Secretary-General to proceed to arrange a ceasefire between South Africa and the South West Africa People's Organization in order to undertake the administrative and other practical steps necessary for the emplacement of the United Nations Transition Assistance Group;

6. *Urges* States Members of the United Nations to render all the necessary practical assistance to the Secretary-General and his staff in the implementation of the present resolution;

7. *Requests* the Secretary-General to report to the Security Council on the progress in the implementation of the present resolution and to submit his report as soon as possible;

8. *Decides* to remain seized of the matter.

By a note verbale⁸² dated 10 August 1988 addressed to the Secretary-General, the Permanent Mission of the United States transmitted the text of the joint statement issued on 8 August 1988 by the Governments of Angola, Cuba, South Africa and the United States of America. It was declared, in the joint statement, that Angola, Cuba, and South Africa had agreed on a sequence of steps necessary to prepare the way for the independence of Namibia in accordance with Council resolution 435 (1978) and to recommend to the Secretary-General of the United Nations the date of 1 November 1988 for the commencement of the implementation of that resolution. It was further stated that the parties had approved a comprehensive series of practical steps, including the staged and total withdrawal of Cuban troops from Angola, that would enhance mutual confidence, reduce the risk of military confrontation and create the conditions in the region necessary to conclude the negotiations; and that a de facto cessation of hostilities was already in effect.

By a letter⁸³ dated 17 August 1988 addressed to the Secretary-General, the representatives of Tunisia and Zambia transmitted the text of a letter dated 12 August 1988 from the President of the South West Africa People's Organization addressed to the Secretary-General expressing SWAPO's compliance with the cessation of all hostile acts and its readiness to sign a ceasefire agreement with South Africa.

Decision of 29 September 1988 (2827th meeting): President's statement.

By a letter⁸⁴ dated 27 September 1988 addressed to the President of the Security Council, the representative of

⁷⁸See notes 52 and 69.

⁷⁹S/PV.2759, pp. 11-13.

⁸⁰Ibid., pp. 39-42.

⁸¹For the vote on the draft resolution (S/19242), see *ibid.*, pp. 78 and 79. For voting requirements under Article 27, see chap. IV of the present *Supplement*.

⁸²S/20109, annex.

⁸³S/20129, annex.

⁸⁴S/20203.

Zambia requested the convening of a Council meeting to consider the situation in Namibia.

At the 2827th meeting, on 29 September 1988, the Council included in its agenda the letter dated 27 September from Zambia, and considered the item at the same meeting.

Following the adoption of the agenda, as a result of consultations held among members of the Council, the President made a statement⁸⁵ on behalf of the members of the Council. The statement reads as follows:

Ten years ago, on 29 September 1978, the Security Council adopted resolution 435 (1978) in order to ensure an early independence of Namibia through free elections under the supervision and control of the United Nations.

The members of the Council express grave concern that such a long time after the adoption of resolution 435 (1978) the Namibian people have not yet attained their self-determination and independence.

Reaffirming the pertinent resolutions of the Security Council and the legal responsibility of the United Nations with regard to Namibia, the members of the Council once again call upon South Africa to comply at last with these resolutions and to cease its illegal occupation of Namibia. In this respect, they stress the Council's continuing commitment to discharge its particular responsibility for furthering the interests of the people of Namibia and their aspirations for peace, justice and independence through a full and definitive implementation of resolution 435 (1978).

They support the resolute action led by the Secretary-General with a view to the implementation of resolution 435 (1978) and encourage him to continue his efforts to that end.

The Council notes developments in recent weeks in efforts by a number of parties to find a peaceful solution to the conflict in southwestern Africa that are reflected in the joint statement of 8 August 1988 by the Governments of Angola, Cuba, South Africa and the United States, which has been circulated as a Security Council document.

The Council also notes the expressed readiness of the South West Africa People's Organization to sign and observe a ceasefire agreement with South Africa, as stated in documents S/20129 of 17 August 1988, in order to pave the way for the implementation of resolution 435 (1978), its early implementation is the common aspiration of the international community. The members of the Council urge the parties to display the necessary political will to translate the commitments they have made into reality in order to bring about a peaceful settlement of the Namibian question and peace and stability in the region.

In particular, they strongly urge South Africa to comply forthwith with the Security Council's resolutions and decisions, particularly resolution 435 (1978), and to cooperate with the Secretary-General in its immediate, full and definitive implementation. To this end, the

⁸⁵S/PV.2827, the President (France), pp. 3 and 4; see also S/20208.

Council urges States Members of the United Nations to render all necessary assistance to the Secretary-General and his staff in the administrative and other practical steps necessary for the emplacement of the United Nations Transition Assistance Group.

By a note verbale⁸⁶ dated 14 December 1988 addressed to the Secretary-General, the representative of the United States transmitted the text of the Protocol of Brazzaville reached with the mediation of the Government of the United States of America. The parties agreed, *inter alia*, to recommend to the Secretary-General that the date of 1 April 1989 be established for the implementation of Security Council resolution 435 (1978). Angola and Cuba further undertook to have concluded by 22 December 1988, when they would meet in New York together with South Africa, an agreement with the Secretary-General on verification arrangements to be approved by the Security Council.

By a note verbale⁸⁷ dated 22 December 1988 addressed to the Secretary-General, the representative of the United States transmitted the text of the agreement signed by Angola, Cuba and South Africa on the same date at United Nations Headquarters. The parties agreed, *inter alia*, immediately to request the Secretary-General to seek authorization from the Security Council to commence implementation of resolution 435 (1978) on 1 April 1989; and to cooperate with the Secretary-General to ensure the independence of Namibia through free and fair elections and to abstain from any action that could prevent the execution of resolution 435 (1978). The parties further agreed, consistent with their obligations under the Charter of the United Nations, to refrain from the threat or use of force and to respect the principle of non-interference in the internal affairs of the States of southwestern Africa. Furthermore, Angola and Cuba agreed to implement their bilateral agreement, signed on the date of the signature of the tripartite agreement, providing for the staged and total withdrawal of Cuban troops from Angola and the arrangements⁸⁸ made with the Security Council for the on-site verification of the withdrawal.

⁸⁶S/20325, annex and appendix.

⁸⁷S/20346, annex.

⁸⁸See S/20338; see also, in this chap., decision of 20 December 1988 (2834th meeting): resolution 626 (1988), under the heading: "Letter dated 17 December 1988 from Angola to the United Nations addressed to the Secretary-General"; "Letter dated 17 December 1988 from Cuba to the United Nations addressed to the Secretary-General".

6. LETTER DATED 6 MAY 1985 FROM THE REPRESENTATIVE OF NICARAGUA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Decision of 10 May 1985 (2580th meeting): resolution 562 (1985)

By a letter¹ dated 6 May 1985 addressed to the President of the Security Council, the representative of Nicaragua requested that a meeting of the Security Council be urgently convened to consider the "extremely serious" situation in the Central American region.

At its 2577th meeting, on 8 May 1985, the Council included the letter by Nicaragua in its agenda. Following the adoption of the agenda, and in the course of its delibera-

tions, the representatives of Algeria, Brazil, Ecuador, Ethiopia, Mexico, Nicaragua, the United Republic of Tanzania and Yugoslavia were invited to participate in the discussions. At the 2578th meeting, the representatives of Bolivia, Colombia, Cuba, Cyprus, the Dominican Republic, Guatemala, the Islamic Republic of Iran, Mongolia, Poland and Zimbabwe; at the 2579th meeting, the representatives of Argentina, the German Democratic Republic, Guyana, the Lao People's Democratic Republic and Viet Nam. At the 2580th meeting, the representatives of Costa Rica, Honduras, Spain and the Syrian Arab Republic, were invited, at their request, to participate in the discussion.

¹S/17156.

At the 2577th meeting, the representative of Nicaragua gave a detailed account of the aggressive actions of the United States Government against his country preceding the latest imposition of a total embargo. He asserted that, despite some public declarations the Reagan Administration refused to accept the existence of an independent, democratic, non-aligned State in Central America and aimed at overthrowing the Nicaraguan Government on the pretext that it was exporting its revolution to various countries. That pretext was used to justify the creation and foundation of a huge mercenary force, the construction of a large permanent military infrastructure on Honduran territory, the presence of United States troops there, as well as the establishment of military manoeuvres on land, sea and air; this was followed by a systematic financial blockade, the almost complete reduction of the sugar quota, the closing of the consulates, the mining of the ports and the blocking of the efforts of the Contadora Group. Having been unable to prove the export of its revolution, the United States accused the Nicaraguan Government of being totalitarian and repressive, and had invested considerable amounts to finance the counter-revolution. The representative of Nicaragua indicated that, when the United States Congress had refused to grant more funds, President Reagan had submitted a so-called peace plan for Nicaragua, authorizing the money intended for humanitarian aid to be used for military purposes unless the Government of Nicaragua committed itself to undertaking negotiations with the assassins of its people. That plan, which the speaker described as "a dictatorial interference in the affairs" of his country, was rejected by Nicaragua as threatening its sovereignty and reducing it to a neo-colonial status. Instead of taking the opportunity to resume bilateral negotiations and move from a policy of domination to one of mutual respect and cooperation, President Reagan had notified the Congress of his decision to impose a total trade embargo upon Nicaragua. A note verbale from the State Department suspended the Treaty of Friendship, Trade and Navigation between the United States and Nicaragua for a period of one year, beginning on the date of the note. The latest measures of the Administration included the prohibition of all imports and exports between the two countries, except for the so-called democratic resistance; all the activities of air carriers and vessels, because, according to President Reagan, Nicaragua constituted an unusual and extraordinary threat to the national security and foreign policy of the United States. The speaker denounced those actions as unreal, out of proportion and violating the fundamental norms of economic and political relations between States, the principle of self-determination of peoples, the principle of non-interference in the internal affairs of States, and the principle of the peaceful settlement of disputes. He also indicated that the United States rejected the jurisdiction of the International Court of Justice, contrary to the obligations it had entered into, and violated the Charter of the Organization of American States (OAS), of the General Agreement on Tariffs and Trade (GATT) and even the suspended Treaty, which, among other things, stipulated one year's written notice in case one party decided to terminate it. He referred to numerous General Assembly resolutions disregarded by the Government of the United States and announced that Nicaragua was prepared to take formal legal action under GATT and in ICJ. He also considered that the Latin American Economic System (SELA) should intervene in the mat-

ter and conveyed that his Government had called for it to convene a meeting at the ministerial level.

He emphasized that the recent embargo had a clearly political meaning and was another premeditated step by the United States down the road of direct military intervention against Nicaragua; it represented a threat to the peace and stability of Central America, was a severe blow to the Contadora process, and made the possibility for the continuation of the bilateral talks more remote. The representative stated once again the principles of Nicaragua's foreign policy. He recalled the vote in the Security Council of a draft resolution denouncing the mining of Nicaraguan ports a year ago, which had not been adopted owing to a negative vote of the United States. He called for the Security Council to intervene and expressed the hope that it would support his country's efforts in the quest for peace in Central America and would reject the measures he had described, which infringed the rights to self-determination, sovereignty and independence.²

The representative of the United States stated that the remarks of the Nicaraguan Ambassador deserved and would have a response and that his country preferred to respond at the next meeting.²

At the 2578th meeting, on 9 May 1985, the representative of India stated that the situation in the region had steadily deteriorated despite the efforts of the Contadora Group to find a political solution to the problems of Central America. Security Council resolution 530 (1983) of 19 May 1983, recalling all the relevant principles of the Charter of the United Nations, as well as General Assembly resolution 38/10 of 11 November 1983 remained to be implemented. He pointed out that the Coordinating Bureau of the Movement of Non-Aligned Countries, which had been asked by the Seventh Conference of the Heads of State or Government of Non-Aligned Countries to monitor closely the events in the Central American subregion, had met in urgent session to hear the statement by the Permanent Representative of Nicaragua and had issued a communiqué, in which the Bureau strongly condemned the embargo, and other political, economic and military acts against Nicaragua; emphasized the need for a negotiated solution of the problems of the region; reiterated its full support for the efforts of the Contadora Group and called upon the United States Government to resume bilateral talks with the Government of Nicaragua. The representative of India further stated that his Government considered that the cause of the tensions in the region lay in the historical factors and that the disputes could only be resolved by peaceful means. Expressing the hope that the meeting of the Contadora Group and the five Central American countries in Panama City would come to a constructive conclusion, he urged the Council members to shape their actions accordingly.³

The representative of Peru stated that the trade embargo against Nicaragua affected principles enshrined in the Charter of the United Nations and the Charter of the Organization of American States and ignored the important progress achieved by the international community toward harmonizing inter-State relations. He cautioned against an improper assessment of the political priorities on the continent which would be an obvious error of perception of

²S/PV.2577, pp. 6-38.

³S/PV.2578.

the nature of Latin American problems. The conflict, he said, should not be attributed solely to East-West confrontation, but could be regarded as the result of an extraordinary inter-American economic and social crisis, as well as the historical lack of understanding of imbalanced North-South relations. He called upon the member States to reject the economic measures recently taken, which his Government considered a serious mistake and expressed the hope that the United States and Nicaragua, abiding by United Nations principles and the tenets of the Contadora Act would reach a comprehensive and definitive solution.³

The representative of the United States charged that Nicaragua was using the Security Council as a propaganda forum in order either to forestall the progress of the Contadora process or to influence American domestic political debate on Central America. He insisted that the United States was not preparing to invade Nicaragua and expressed the hope that the peoples of Central America would produce popularly elected Governments even in the face of difficult economic, social and political obstacles. Noting the undemocratic nature of the Sandinista regime, he charged Nicaragua with intimidating, destabilizing and subverting its neighbours, and with effecting a military build-up disproportionate to the country's population, economy and legitimate defence needs. Regarding the negotiating efforts of the Contadora Group, he reaffirmed the United States' support and hope for a peaceful regional solution, but expressed scepticism about Nicaragua's commitment to the letter and spirit of Contadora's 21 objectives. With reference to the trade embargo, he maintained that customary international law did not oblige a State to trade with any other State, and cited to that effect articles of the Friendship, Commerce and Navigation Treaty and GATT, containing appropriate provisions, as well as a number of precedents in international practice. He condemned Nicaragua for violating the Charter of the United Nations, the Charter of the Organization of American States and the Rio Treaty, as well as the 1949 General Assembly resolution and the 1970 General Assembly Declaration on Principles of International Law.³

The representative of Mexico expressed the grave concern of his Government with the United States actions against Nicaragua that, in his interpretation, jeopardized international order, led to an escalation of regional tensions and violated Chapter VII of the Charter of the United Nations, the Declaration of Principles of International Law, General Assembly resolution 2625 (XXV) of 24 October 1970 and the Charter of the Organization of American States. He recalled the decisions of the Latin American Economic System (SELA) that had affirmed that the application of coercive measures undermined the peacemaking efforts of the Contadora Group. He called upon the Council to determine the measures that should be adopted to guarantee the sovereignty and territorial integrity of Member States and to establish peace and security in the Central American region. He expressed the willingness of Mexico to assist in resuming the Manzanillo talks and insisted on resolving regional differences in keeping with the provisions of Chapter VI of the Charter of the United Nations.

The representative of China referred to Security Council resolution 530 (1983) and stated that a United States trade embargo against Nicaragua caused further deterioration in relations between the two countries and constituted a

violation of the purposes and principles of the Charter of the United Nations. He reiterated China's resolute support of the Contadora Group peace efforts and stressed the hope of his Government that the Central American question would be settled by the Central American countries free from any outside interference.³

The representative of Denmark described the crisis in Central America as closely related to the processes of change in centuries-old social inequality and economic under-development of the countries of the region that could not be overcome by attributing it to an East-West context and especially by armed force. He expressed his Government's support for the peace efforts of the Contadora Group, as well as its satisfaction with the San José communiqué stating that "the imposition of economic sanctions—though not violating general international law—would in no way help in solving the problems and reducing the conflicts of the region". He acknowledged that the embargo put the Contadora process in serious jeopardy, and appealed to the parties to refrain from any action that would further aggravate the situation.³

The representative of the Soviet Union expressed full support for the statement of the representative of Nicaragua and its request for an urgent meeting of the Security Council. He also agreed with the Coordinating Bureau of the Movement of the Non-Aligned Countries who condemned the lawless action against Nicaragua. He stated that the situation in Central America was deteriorating owing to anti-Nicaraguan action on the part of the United States, such as the direct coordination of the Somozists and their allies' armed operations, the participation of an unprecedented number of United States servicemen in the region, the use of armoured and tank technology in military manoeuvres, turning the territories of certain Central American States into a springboard for a devastating anti-Nicaraguan war. He considered those actions as blocking any means to a political settlement in the region. He blamed the United States for breaking off the United States-Nicaraguan talks and thwarting the peace efforts of the Contadora Group, as well as for rejecting all constructive proposals made by Nicaragua. With regard to the trade embargo and other discriminatory economic measures, he emphasized that they were imposed in spite of established international principles and of the bilateral and multilateral commitments entered into by the United States within the framework of the United Nations and other organizations. He pointed out the discrepancy in the United States attitude towards economic sanctions against Nicaragua and against the apartheid regime in South Africa. He underlined that the Soviet Union considered that a solution to the problems of Central America could be found by seeking a peaceful settlement through negotiations, expressed full support for the activities of the Contadora Group and the initiatives of the Government of Nicaragua, called upon them to observe the United Nations consensus decisions, including Security Council resolution 530 (1983) and General Assembly resolutions 38/10 and 39/4 of 26 October 1987. He assumed that the Security Council would demand that the rights of Nicaragua be respected, including its right to determine its own political, economic and social system; would condemn the intervention in the affairs of Central America and the illegal imposition of economic embargoes and would call for an immediate end to those actions.³

The representative of Australia pointed to the existence of unjust economic and social situations as the basic source of the region's problems, and urged that the East-West conflict be kept out of Central America. He called upon all countries to support the actions of the Contadora Group, believing that solutions could come only from the people of the region themselves and could not be imposed from the outside. In his opinion, the Security Council should support this process of negotiation by pointing to the principles and practices which should guide all States involved, which should fulfil in good faith their obligations under the Charter of the United Nations. He referred to Security Council resolution 530 (1983) underlining the right of Nicaragua to choose its own form of Government without interference. Concerning trade sanctions, he recalled that the Australian Prime Minister and Foreign Minister had made it clear that they did not consider the imposition of an embargo to be an appropriate action in the circumstances, while not denying that the United States had a right to be concerned at the events so close to its own borders.

He made a plea to all countries to refrain from violence, expressed the hope that all the parties would embrace the process of dialogue and negotiation, working together for political, economic and social reforms, as necessary steps towards the emergence of stable Governments, supported by democratic choice, for the improvement of human rights. He expressed Australia's hope that the debate in the Security Council would play some part in the achievement of those objectives.³

The representative of France quoted Security Council resolution 530 (1983) and General Assembly resolutions 38/10 and 39/4 as the basis for finding a lasting regional solution in Central America. He stressed that the undertaking of the Contadora Group could not but be adversely affected by coercive measures taken against Nicaragua and expressed regret that this event had taken place just after the Ten of Europe had sent a goodwill mission to Central America. He reaffirmed his country's commitment to the principles of the Charter of the United Nations, to continuation of the Contadora process, and to the bilateral negotiations to produce urgently needed easing of tension.³

The representative of Cuba stated that the unjustified unilateral embargo imposed by the Washington Administration upon Nicaragua was a new step in the escalation of United States Government action against that country. He reminded the Council that the United States' allies had expressed disagreement with the embargo during their meeting in Bonn. He claimed that the embargo was a harsh blow to the efforts of the Contadora Group and should be rescinded by those who had imposed it, thus making a contribution to easing tension in the area. He called upon the Security Council to act on the basis of the Charter of the United Nations by supporting the Contadora Group so that reason and dialogue might prevail.³

The representative of the United Republic of Tanzania, on behalf of the Non-Aligned Movement and of his country, pointed out that the very principles of the United Nations, as embodied in the Charter, were at stake in the admittedly explosive situation in the area; the security of States was being undermined and a serious threat to international peace was posed. He emphasized that a lasting solution to the problem with regard to Nicaragua and to the whole area depended entirely on the strict observance of

the principles of the Charter of the United Nations, especially in respect to Nicaragua as a non-aligned State. He referred to the endeavours of the Contadora Group to achieve a peaceful settlement of the dispute among the Central American countries, to oppose outside interference, to develop a positive orientation. With regard to General Assembly resolution 38/10, unequivocally supporting the Contadora efforts, he noted that it had not been implemented. The delegation of the United Republic of Tanzania, guided by the common position of the Non-Aligned Movement, maintained that it was of vital importance to put an end to all interference and threats from outside, and urged "all those concerned to refrain from making Central America an arena for their rivalry and from displaying their military might or resorting to intimidation for that purpose". He pledged solidarity with the people and Government of Nicaragua and expressed the hope that the Security Council could "do no less than give encouragement and support to ongoing genuine efforts aimed at bringing about a long-lasting peace and a just solution to the problems of Central America".³

The representative of Poland emphasized that the crisis in Central America could in no way be attributed to East-West rivalry, but rather was the result of the extension of different destabilizing factors, such as the lack of economic development and grave social injustices and a policy of interference, as manifested by United States military activity in the region, pressure and economic coercion against Nicaragua. He condemned the imposition of "so-called economic sanctions" that were not approved by the Security Council, but were wholly ideologically motivated, unlawful and inconsistent with the provisions of the Charter, in particular, Articles 1 and 2.

He proposed that any existing differences be resolved through dialogue and in the spirit of the Charter of the United Nations. He noted that the extension of political tension into the sphere of economic cooperation introduced an element of uncertainty and instability, and made many States reluctant to commit themselves to broader economic cooperation, fearful of increasing exposure to political pressures. He called upon States to start the process of confidence-building in international economic relations, thus providing a favourable stimulus to political relations. Poland shared the conviction that the Contadora process was "the appropriate forum for dealing with the Central American situation"⁴ and considered that the immediate cessation of acts of intervention and economic coercion was the main condition for the restoration of peaceful relations.³

The representative of Algeria observed that a dangerous development of the situation in Central America, following an inexorable logic of confrontation, threatened to break out into a regional conflagration aggravated by the global context in which "tangible signs of renewed confidence could not yet be discerned". He drew attention to the Charter of the United Nations, to Security Council resolution 530 (1983) as well as to the efforts of four Latin American countries (Colombia, Mexico, Venezuela and Panama) to achieve the translation into reality of the goodwill created by the Contadora process in the five Central American countries, and reflected in the Act on Peace and Coopera-

⁴A/40/235.

tion in Central America. He condemned the trade embargo against Nicaragua, adopted by the United States in violation of international law, as seriously reducing the chances of a negotiated political settlement, the impact of the crisis being greater "because of the mobilization of all Nicaragua's national means to face the constant threat to its sovereignty and independence". He considered that persisting in depicting the problem of Central America as an East-West confrontation was "the continuation of a mistaken approach".

He stated that Algeria supported the efforts of the Contadora Group, "since they reaffirm the urgency of reabsorbing regional conflicts within their regional framework, at the precise moment of the welcomed resumption of dialogue between the super-Powers. Quite clearly, then, the work of the Contadora Group by its significance goes beyond the initial limits of an urgent recourse to an ad hoc initiative and reaches the level of symbolic efforts that basically revert to the choice laid down in the Charter of our Organization, which gives pride of place to recourse to dialogue and negotiation."³

The representative of Brazil referred to the statement issued by the Brazilian Government⁵ and expressed deep concern against "transplanting into the region the problems that pertain to the East-West confrontation". His Government deplored the use of unilateral economic measures inconsistent with the Charter of the United Nations and with the Charter of the Organization of American States. He appealed to all the parties involved to abstain from any acts that endangered the prospects for understanding and to make a direct commitment to negotiation efforts.³

The representative of the United States of America, responding to the allegations that the trade embargo was a violation of the Charter of the United Nations, repeated that there was nothing in the Charter that prevented a State from exercising its right to terminate trade. He considered his country's actions to be consistent with the Charter of the Organization of American States, while Nicaragua, in his opinion, was conducting a campaign of subversion and aggression against its neighbours and violating the political and human rights of its people. He said "the United States decision to cease trading with Nicaragua is intended primarily to prevent Nicaragua from deriving benefits from trade with the United States which would, directly or indirectly, support its illegal, aggressive and destabilizing course of action in the region".³

The representative of Nicaragua pointed out that the United States delegation was trying to divert the attention of the Security Council from the central issue, acts of aggression to which Nicaragua had been victim for many years, to arguments related to Nicaragua's internal affairs. He asked why the United States did not use the Security Council or the International Court of Justice if it was so sure that Nicaragua was violating the Charter of the United Nations and the Charter of the OAS, as well as committing aggression and constituting a threat to peace and security.³

The representative of the Soviet Union rejected the accusations of the Soviet Union's involvement in the region. He reminded the Council that the intervention of the United States in Latin America had begun long before the Soviet Union existed on the map of the world, that the United

States had committed 81 acts of intervention, including 10 against Nicaragua.³

At the 2579th meeting, on 10 May 1985, the President drew the attention of the members of the Council to a draft resolution⁶ presented by Nicaragua which was later voted upon paragraph by paragraph.

Among other things, the draft resolution stated that the Security Council, recalling relevant resolutions of the Council and the General Assembly, and seriously concerned about the increased tensions in Central America, aggravated by the trade embargo which undermined the efforts of the Contadora Group, regretted the recent trade embargo as inconsistent with the principle of non-interference and as representing a danger to stability in the region. The draft resolution called for an immediate end to those measures and also called upon the interested States to refrain from any action or intention to destabilize or undermine other States or their institutions.

The representative of Burkina Faso called upon the Security Council to denounce and combat the total United States embargo against Nicaragua thus protecting "mankind from this double standard of justice, which means that, depending upon whether one is powerful or weak, the court judges one to be right or wrong". He referred to General Assembly resolutions 38/10 and 39/4, and expressed the hope that the Security Council would manage to bring both parties to resume dialogue.⁷

The representative of Ethiopia claimed that the decision of the Security Council would "indicate whether the world was headed for the continued supremacy of the rule of law or a dark age of brute force wherein chaos reigns". He characterized the trade embargo as aiming at destabilizing and eventually overthrowing the popularly elected Government of Nicaragua, as well as being a violation of bilateral agreements between the United States and Nicaragua; article 32 of the Charter of Economic Rights and Duties of States and principles of GATT, particularly paragraph 7 (iii) of the Ministerial Declaration adopted on 28 November 1982 by the Contacting Parties. He also referred to General Assembly resolution 39/210 of 18 December 1984, calling on all developed countries to refrain from any economic sanctions against developing countries; resolution 39/204 of 17 December 1984, calling upon all the Governments to contribute to the reconstruction and development of Nicaragua. He stated that his Government was convinced that the Contadora Process was the only "path that will lead to peace, security and development in Central America."⁷

The representative of Cyprus expressed the hope that the Security Council "which is primarily entrusted with the maintenance of international peace and security, will exert every effort to achieve, finally, an immediate end to the hostilities in the region and to the threats directed against the sovereignty, independence and territorial integrity of Nicaragua".⁷

The representative of the Ukrainian SSR supported Nicaragua's claim, called upon the Security Council to "take steps that will lead to the cessation of these acts of aggression and subversion against" Nicaragua.⁷

⁶S/17172. After it was voted upon paragraph by paragraph, the revised draft was adopted as resolution 562 (1985) at the 2580th meeting, on 10 May 1985.

⁷S/PV.2579.

⁵S/17166.

The representative of Madagascar supported Nicaragua's condemnations, the non-aligned countries' communiqué of 7 May 1985, and Nicaragua's draft resolution.⁷

The representative of Bolivia said that his country trusted that the differences existing between the two parties would be solved by means of direct dialogue avoiding actions that might lead to a greater division between the members of the inter-American system. He referred to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, contained in General Assembly resolution 2625 (XXV); the Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States, contained in General Assembly resolution 36/103 of 9 December 1981; the Manila Declaration on the Peaceful Settlement of International Disputes, approved in General Assembly resolutions 37/10 of 15 November 1982 and 39/79 of 13 December 1984.⁷

The representative of Mongolia supported the position of the Government of Nicaragua, totally rejected any policy of diktat directed against sovereign, independent States. He called upon the Security Council to do everything possible to find a peaceful solution to the problems of Central America. He quoted the Declaration of his Government on this matter of 22 April 1985.⁸

The representative of Trinidad and Tobago expressed regret at the recent actions of the United States which had increased tensions and aggravated the existing critical situation in the area. He shared the view that the problems of the countries in the region were rooted in their social and economic conditions and should not be drawn into the wider East-West context. He fully supported the effort of the Contadora Group to achieve a negotiated settlement of the conflict.⁹

The representative of Colombia underlined his country's support of the efforts of the Contadora Group "to resolve the problem of common concern to the countries of America and of fundamental interest to the civilization of the West".⁹

The representative of Zimbabwe was perturbed "at the contemptuous rejection by the super-Power (United States) concerned of repeated proposals of peaceful settlement of the crisis in Central America that had emanated not only from Managua but also from the Contadora Group and from various capitals in Central America and the rest of Latin America. He assured the Council that his country would do its best to encourage a peaceful resolution of the conflict.⁹

The representative of Yugoslavia attributed the conflict to "the attempts to preserve the obsolete relationship of domination" on the part of the United States. He stated that "economic coercive measures are not only unacceptable from the point of view of international relations as such; they are, in the present international economic crisis and in times when developing countries are languishing under the debt burden, an additional, strong element of insecurity and disorder affecting international economic relations at large". He called upon the parties to seek a solution of the problems by negotiation.⁹

The representative of the Lao People's Democratic Republic said that his delegation believed that the Council, which under the Charter bears the primary responsibility for preserving international peace and security, should take the necessary steps to put an end to the aggression of which Nicaragua was victim and contribute to the search for a mutually acceptable negotiated political solution on the basis of mutual respect and respect for the Nicaraguan people's right to self-determination. The Lao Government and people wished to reaffirm their unswerving support for the just cause of the Government and the heroic people of Nicaragua.⁹

The representative of Ecuador reaffirmed his Government's constant support for the action of the countries of the Contadora Group as one possible mechanism that should intensify its efforts to find a way to put an end to the problems affecting the Central American region. A united position by its five countries and acts of dialogue and negotiation was both desirable and necessary for that to be achieved. It was also desirable to try to avoid at all costs the transfer of East-West tensions to the new world. He expressed the hope that this action would lead to a peaceful settlement of disputes, which was the primary goal of the lofty functions of the Security Council.⁹

The representative of the Dominican Republic read a communiqué issued by his Foreign Minister, in which the Government reiterated its devotion to peace and its abiding view that only a negotiated peace, in keeping with the means and principles of international law, particularly those enshrined in the inter-American system and the Charter of the United Nations could guarantee a genuine and effective solution to the conflict; that the peace efforts of the Contadora Group were the best way to achieve both peace and social justice and the strengthening of democratic institutions sought by the peoples of Central America.⁹

The representative of Guyana declared that such disputes must be settled by exclusively peaceful means, with full respect for the right of the people of Nicaragua to choose their own forms of political, economic and social organization and for their right to live in peace, free from outside interference, pressure or coercion; a right that was reaffirmed by the Council in its resolution 530 (1983). He also stated that the problems of Central America were not susceptible to military solutions, nor could solutions be imposed from outside. He hoped that the Security Council would make an effective and worthy response to the serious situation which Nicaragua had brought to its attention.⁹

The representative of Guatemala said that political pluralism must be guaranteed and fundamental human rights must be respected. He reaffirmed his unconditional support for the peace efforts of the Contadora Group and called for the Security Council to try to create a more favourable negotiating climate, enabling progress to be made in the difficult and delicate negotiations in the Contadora Group.⁹

The representative of the German Democratic Republic said that his Government rejected the machinations of attempts at blackmail of Nicaragua by means of economic blockade, and called for an immediate end to those measures, in the interests of the international climate and the free development of international trade. It condemned any form of armed aggression and the exertion of political pressure against Nicaragua, as well as threats against Cuba and the growing attacks on other Central American countries. He supported the demand of the non-aligned coun-

⁸A/40/269; S/PV.2579.

⁹S/PV.2580.

tries for a peaceful solution to the problem of the region in its communiqué of 7 May 1985.⁹

The representative of Argentina noted that the contribution the Security Council could make to regional efforts was of fundamental importance. He reiterated that the only genuine alternatives for achieving peace were political negotiations initiated by the Contadora Group and the resumption of the dialogue begun at the Manzanillo meetings. He hoped that it would be possible to prevent the Central American conflict from becoming part of a much broader confrontation and that the region would not have to bear the consequences of East-West confrontation. He called for the parties to respect the principles of inter-American Law and (the principle) of non-intervention and self-determination of the Charter of the United Nations. He denounced economic sanctions as impeding a speedy solution of the conflict and polarizing positions.⁹

The representative of Viet Nam stated that the trade embargo was in violation of the Charter, International Law and the bilateral treaty. He supported the communiqué of the Co-ordinating Bureau of the Non-Aligned Countries. He urged the Security Council to take effective measures to compel the United States to put an end to its dangerous and hostile acts. He supported the draft resolution which called for the resumption of bilateral talks in Manzanillo.¹⁰

The representative of the Syrian Arab Republic considered the blockade a violation of Security Council resolution 530 (1983), General Assembly resolutions 38/10 and 39/4 and of the Charter of the United Nations. He called upon the Security Council to shoulder its responsibilities under the terms of the Charter.

The representative of Honduras, appraising the balance sheet of the Contadora Group negotiating process Declaration of 17 May 1985¹¹ as positive, emphasized that his Government was studying the trade embargo from the point of view of its implications for the regional economic relations. He informed that the subject would be dealt with at a meeting of the Central American Monetary Council (to be convened on 17 May 1985 in San José, Costa Rica); at the joint meeting of the Ministers of trade and the Presidents of the Central Banks of the Central American States. Regarding the draft resolution, he pointed out that its paragraph 1 was in contradiction with "the broad objective of its request for the convening of the Council". He argued against Nicaragua's role as a spokesman in any objective evaluation of the situation in Central America, for which it was to a very large extent responsible. He gave examples of some conflict situations as being in contradiction with the Charter of the Organization of American States, the Charter of the United Nations and the objectives of the Contadora process.¹² He expressed regret that any Central American country would experience disruption of its traditional foreign trade relations, the victim of which was the entire Central American population. At the same time, he emphasized that any resolution adopted by the Council "would have no value as a precedent in support of a country of the region that publicly refused to admit its own responsibility for the crisis".¹² He stated that the Nicaraguan Government disregarded the substance of resolutions, principles and norms of the inter-American system and of

the United Nations by creating wrenching divisions within its own population, "massive flows of refugees to neighbouring countries, support for subversive movements against those countries, terrorism, the flight of Central American capital, the significant decline of foreign investment, deterioration of inter-regional trade and diversion of resources" from development to the arms build-up. He referred to the Declaration of San Salvador, calling for actions to be taken within the established legal order aimed at achieving national reconciliation in all countries where profound divisions in society had arisen. He commented on the joint military exercises with the United States, and denied the existence of foreign military and security advisers and arms. He urged the Nicaraguan Government to attend the upcoming Contadora meeting and reiterated Honduras' support for the identity of Central America, for the removal of expansionist ambitions, of the arms race, of the foreign presence, and for commitment to the Contadora Act.¹³

The representative of the Islamic Republic of Iran analysed the attitude of the United States to the neighbouring countries said to be in its own backyard and based on over-emphasizing the danger of the spread of communism; supported the people and the Government of Nicaragua; deplored intervention in its internal affairs, as well as any kind of intimidation and called upon the Security Council to exert every effort to terminate acts of hostility against Nicaragua.¹⁴

The representative of Spain expressed concern over economic sanctions, and advocated the course of regional negotiations within the Contadora process.¹⁵

The representative of Costa Rica read a statement of his Government, which expressed concern over the increasing number of elements forming part of the East-West confrontation which were having a particularly exacerbating effect on the regional crisis; recognized that one of the objectives of the embargo was to bring pressure on the Nicaraguan Government to promote internal dialogue and national reconciliation in Nicaragua and El Salvador and to move towards the establishment of democratic institutions. Having studied the situation, the Government of Costa Rica concluded that it was legally impossible for it to participate in the economic measures, or to adopt measures of similar nature, as it could constitute a breach not only of its obligations as a member of the Central American Common Market but also bilateral treaties with Nicaragua and, moreover, could create obstacles to the objectives of the Contadora process.¹⁶

The President, speaking in his capacity as representative of Thailand, expressed grave concern over the issue of the economic embargo which had worsened the relationship between the United States and Nicaragua, with both of whom Thailand enjoyed diplomatic relations. He stated that his concern stemmed from the consequent repercussions of the economic sanctions, which could have adverse effects on the ongoing Contadora process. He noted that, in the instances where the more powerful nations exercised power against the less powerful, the sympathy of his country lay with the less powerful countries. Concerning the

⁹*Ibid.*, pp. 67-75.

¹¹S/17174.

¹²S/PV.2580, p. 86.

¹³*Ibid.*, pp. 78-96.

¹⁴*Ibid.*, pp. 96-106.

¹⁵*Ibid.*, pp. 106-107.

¹⁶*Ibid.*, pp. 108-113.

draft resolutions, he indicated that, while noting its moderate tone and regretting the trade embargo, his country did not go as far as the wording of operative paragraph 1 and would abstain in the voting.¹⁷

The representative of India requested, under the rule 38 of the provisional rules of procedure of the Security Council, that the draft resolution⁶ be put to a vote.¹⁸

The representative of the United States said that his delegation believed that it was always important to search for and to record areas of agreement; that a general principle of its foreign policy was to seek the peaceful resolution of disputes through dialogue and negotiations and requested a paragraph-by-paragraph vote on the draft resolution before the Council¹⁹ in order to demonstrate the existence of broad areas of agreement between the position of his Government and that of Nicaragua.

The President then put the draft resolution to the vote, paragraph by paragraph; the first, second, third, fourth, fifth and seventh paragraphs of the preamble were adopted unanimously; the sixth paragraph was adopted by 14 votes to none, with 1 abstention; the eighth paragraph received 13 votes to 1, with 1 abstention; operative paragraph 1 received 11 votes to 1, with 3 abstentions, and was not adopted, owing to the negative vote of a permanent member; paragraph 2 received 13 votes to 1, with 1 abstention, and was not adopted, owing to the negative vote of a permanent member; paragraph 3 was adopted by 14 votes to none, with 1 abstention; paragraphs 4, 5, 7 and 8 were adopted unanimously; paragraph 6 was adopted by 13 votes to none, with 2 abstentions. Thus the draft resolution as a whole, as amended, was adopted unanimously as resolution 562 (1985).²⁰ It reads as follows:

The Security Council,

Having heard the statement of the Permanent Representative of Nicaragua to the United Nations,

Having also heard the statements of representatives of various States Members of the United Nations in the course of the debate,

Recalling resolution 530 (1983) which reaffirms the right of Nicaragua and of all the other countries of the area to live in peace and security, free from outside interference,

Recalling also General Assembly resolution 38/10, which reaffirms the inalienable right of all the peoples to decide on their own form of government and to choose their own economic, political and social system free from all foreign intervention, coercion, or limitation,

Recalling also General Assembly resolution 39/4, which encourages the efforts of the Contadora Group and appeals urgently to all interested States in and outside the region to cooperate fully with the Group through a frank and constructive dialogue, so as to achieve solutions to the differences between them,

Recalling General Assembly resolution 2625 (XXV), in the annex to which the Assembly proclaims the principle that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind,

Reaffirming the principle that all Members shall fulfil in good faith the obligations assumed by them in accordance with the Charter of the United Nations,

1. *Reaffirms* the sovereignty and inalienable right of Nicaragua and other States freely to decide on their own political, economic and social systems, to develop their international relations according to their people's interests free from outside interference, subversion, direct or indirect coercion or threats of any kind;

2. *Reaffirms once again* its firm support to the Contadora Group and urges it to intensify its efforts; it also expresses its conviction that only with genuine political support from all interested States will those peace efforts prosper;

3. *Calls upon* all States to refrain from carrying out, supporting or promoting political, economic or military actions of any kind against any State in the region which might impede the peace objectives of the Contadora Group;

4. *Calls upon* the Governments of the United States of America and Nicaragua to resume the dialogue they had been holding in Manzanillo, Mexico, with a view to reaching accords favourable for normalizing their relations and regional détente;

5. *Requests* the Secretary-General to keep the Security Council apprised of the development of the situation and the implementation of the present resolution;

6. *Decides* to remain seized of this matter.

Following the vote, the representative of the United Kingdom explained that his delegation abstained on what were originally the sixth preambular paragraph and operative paragraph 3 (paragraph 1 of the adopted resolution) because they referred to the inalienable right freely to decide on political, economic and social systems, which, he insisted, belonged to peoples, not to States. He quoted the Charter of the United Nations, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States and stressed that his country deplored the distortion of this principle in operative paragraph 1 of the resolution as adopted.²¹

The representative of Nicaragua expressed profound satisfaction with the debate and the adoption of the resolution; appealed to the United States to comply with its terms. He denounced the use of the veto three times in one draft resolution by the United States, as well as its abstention on a paragraph that asked for the resumption of the dialogue between the two States.²²

The Council thus concluded that stage of its consideration of the item on the agenda.

¹⁷Ibid., pp. 113-116.

¹⁸S/PV.2580, p. 116.

¹⁹Ibid., p. 117.

²⁰For the vote, see S/PV.2580 and chap. IV of the present *Supplement*.

²¹S/PV.2580, pp. 129-130.

²²Ibid., pp. 131-141.

7. THE SITUATION IN CYPRUS

Decision of 14 June 1985 (2591st meeting): resolution 565 (1985)

Before the mandate of the United Nations Peacekeeping Force in Cyprus (UNFICYP) was due to expire, on 31 May 1985, the Secretary-General submitted to the Council a report¹ on the United Nations operation in Cyprus for the period from 13 December 1984 to 31 May 1985. The Secretary-General recommended that the Council extend the mandate of the Force for a further period of six months² but expressed concern over the worsening financial situation of the Force and reiterated his earlier appeals to all Member States to make voluntary contributions to UNFICYP.

Reporting on his mission of good offices,³ the Secretary-General noted that while the joint high-level meeting held at United Nations Headquarters from 17 to 20 January 1985 had failed to produce an agreement,⁴ the positions on substance of the two sides had appeared closer than ever before. Having appealed to both sides to avoid any action which might interfere with the achievement of a final settlement, the Secretary-General had refined the draft agreement and had pursued his contacts with the parties.

In April, Mr. Denktash had informed the Secretary-General that the Turkish Cypriot side could not engage in substantive discussions until after the referendum and elections which the Turkish Cypriot community would be holding in May and June 1985. In that connection, the representative of Cyprus had addressed letters⁵ to the Secretary-General stating, among other things, that the referendum and elections were in violation of decisions of the Council. The Turkish Cypriot side had responded with a letter⁶ maintaining that it had a right to engage in such a process which would not hinder prospects for a federal solution, to which it remained committed. In the same connection, the spokesman of the Secretary-General, on 6 May 1985, had stated that the Secretary-General could not condone any development or action at variance with the position of the United Nations, which recognized no Cypriot State other than the Republic of Cyprus.

The Secretary-General observed that, since January, he had assumed that the Turkish Cypriot side continued to accept the documentation that had been prepared for the January meeting, and his efforts had been geared towards gaining the acceptance of the Greek Cypriot side. The outcome of those efforts had been positive and he was now waiting for the response of the Turkish Cypriot side to developments since January.

The Secretary-General appealed to both sides to refrain from making public statements which were at variance

with the positions they had taken in the context of his mission of good offices. He concluded that, provided both sides manifested the necessary good will and cooperation, an agreement could be reached without further delay and he intended, therefore, to intensify his diplomatic action in the coming weeks. He would welcome the support of all those who were interested in arriving at an agreement.

The Council considered the Secretary-General's report under the agenda item "Situation in Cyprus" at its 2591st meeting, on 14 June 1985. At the outset of the meeting, the President, with the consent of the Council, invited, at his request, the representatives of Cyprus, Greece and Turkey to participate in the discussion without the right to vote, in accordance with rule 37 of the provisional rules of procedure of the Security Council. The President invited Mr. Ozer Koray to participate in the meeting under the terms of rule 39 of the provisional rules of procedure, as agreed by the members of the Council during consultations.⁷

The President put to the vote a draft resolution⁸ prepared in the course of the Council's consultations which the Council adopted unanimously as resolution 565 (1985). The resolution reads as follows:

The Security Council,

Taking note of the report of the Secretary-General on the United Nations operation in Cyprus of 31 May and 14 June and of 11 June 1985,

Noting the recommendation by the Secretary-General that the Security Council should extend the stationing of the United Nations Peacekeeping Force in Cyprus for a further period of six months,

Noting also that the Government of Cyprus had agreed that in view of the prevailing conditions in the island it is necessary to keep the Force in Cyprus beyond 15 June 1985,

Reaffirming the provisions of its resolution 186 (1964) of 4 March 1964 and other relevant resolutions,

1. *Extends once more* the stationing in Cyprus of the United Nations Peacekeeping Force established under resolution 186 (1964) for a further period, ending on 15 December 1985;

2. *Requests* the Secretary-General to continue his mission of good offices, to keep the Security Council informed of the progress made and to submit a report on the implementation of the present resolution by 30 November 1985;

3. *Calls upon* all the parties concerned to continue to cooperate with the Force on the basis of the present mandate.

The first speaker following the vote was the representative of Cyprus, who thanked the Council for its decision to renew the mandate of UNFICYP and expressed his Government's appreciation and support for the efforts of the Secretary-General. He explained that the Greek Cypriot side had gone to the high-level meeting of January 1985 expecting to negotiate on the document presented by the Secretary-General. The meeting had failed to produce progress because the Turkish Cypriot leader had insisted that the document should either be signed or not, without further negotiation.

The representative of Cyprus maintained that the elections and referendum held in northern Cyprus could not be upheld as internal democratic processes of the Turkish Cypriot community because they had taken place in an area

¹S/17227.

²The Secretary-General subsequently informed the Council that the Governments of Cyprus, Greece and the United Kingdom of Great Britain and Northern Ireland had concurred in the proposed extension, whereas the Government of Turkey and the Turkish Cypriot community had indicated that they could not accept the text of draft resolution S/17266 and would convey their views at the anticipated meeting of the Security Council (S/17227/Add.2).

³S/17227/Add.1.

⁴The Secretary-General had informed the Council of the outcome of that meeting in an addendum to his report of 12 December 1984, dated 2 February 1985 (S/16858/Add.1)

⁵S/17170 and S/17241.

⁶S/17198.

⁷S/PV.2591, p. 2.

⁸S/17266, subsequently adopted without change as resolution 565(1985).

under Turkish occupation; moreover, the results had been skewed by the votes of settlers brought in from Turkey. For the same reasons, it could not be argued that the elections and referendum represented the exercise by the Turkish Cypriots of the right to self-determination embodied in General Assembly resolution 1514 (XV) of 14 December 1960. In any case, the right to self-determination was meant to be exercised by a people as a whole, and not on the basis of factional, religious, communal or ethnic criteria.

Turkey, he claimed, by not implementing the mandatory resolutions of the Council and by undermining the negotiating process through *faits accomplis*, was continuing, unchecked, to consolidate its occupation of Cyprus. Cyprus reserved the right to demand that the Council take effective measures under the Charter for the implementation of its resolutions. Cyprus would continue to cooperate fully with the Secretary-General and remained dedicated to the achievement of a negotiated settlement on the basis of United Nations decisions and the high-level agreements of 1977 and 1979.⁹

The representative of Greece, *inter alia*, expressed his Government's acceptance of resolution 565 (1985), its appreciation for UNFICYP and its support for the Secretary-General and his mission.¹⁰

Mr. Ozer Koray stated that the January meeting had failed because the Greek Cypriot leader had rejected the draft agreement prepared by the Secretary-General. He asserted that elections had always been held separately by the two communities on Cyprus and denied the allegation that settlers from Turkey had been implanted within the Turkish Cypriot community.

In commenting on the Secretary-General's report he stated that the draft agreement as revised since January differed substantially from the original document in terms of both substance and procedures to be followed. The revisions had been carried out through contacts with the Greek Cypriot side only. He regretted that the Secretary-General's report included comments of the spokesman of the Secretary-General,¹¹ which cast a shadow on the basis of the mission of good offices. In that connection, he declared that the Turkish Republic of Northern Cyprus was at least as legitimate an entity as the Greek Cypriot administration in the south, and nobody had the right to pass judgement on its peaceful and democratic internal developments.

Mr. Koray stated that the resolution just adopted contained elements that were unacceptable to the Turkish Cypriot side: references to the "Government of Cyprus", which they considered an illegal entity that was usurping the position of the legitimate bi-communal Government of Cyprus that had been destroyed in 1963; a reference to the "other relevant resolutions" on Cyprus, which included resolutions that the Turkish Cypriots had rejected or accepted with reservations; and a reference to the "present mandate" of the Force, which was no longer compatible with the changed conditions in Cyprus. Nevertheless, the Turkish Cypriots would accept the presence of UNFICYP and would continue to support the good offices of the Secretary-General.¹²

The representative of Turkey stated that since the Greek Cypriots could not legally, constitutionally or legitimately claim to represent the Turkish Cypriots, and in the absence of a joint federal government, the Turkish Cypriots should be represented by organs and authorities elected freely by the Turkish Cypriots themselves.¹³

The representative of Australia expressed his Government's support for the efforts of the Secretary-General and for UNFICYP, in which Australia maintained a contingent of civilian police. He pointed out that the international community had renewed the mandate of UNFICYP time and again, yet the costs borne by the troop-contributing countries had been met only until June 1978. He called for an increase both in voluntary contributions and in the number of countries making contributions to the UNFICYP Special Account.¹⁴

The representatives of Cyprus and Greece made further statements.¹⁵

Decision of 20 September 1985 (2607th meeting): President's statement

At the 2607th meeting of the Council¹⁶ on 20 September 1985, the President made the following statement on behalf of the Council:¹⁷

The Security Council has been seized with the Cyprus question since 1964. The members of the Council have been kept informed of the efforts begun by the Secretary-General in August 1984 as part of the mission of good offices entrusted to him by the Council.

On 20 September 1985, the members of the Council heard an oral report from the Secretary-General, in the course of which he conveyed his assessment that his initiative had brought the positions of the two sides closer than ever before and expressed his conviction that what had been achieved so far should lead to an early agreement on the framework for a just and lasting settlement of the Cyprus question in accordance with the principles of the Charter. Recalling their support for the sovereignty, independence, territorial integrity, unity and non-alignment of the Republic of Cyprus, members of the Council expressed strong support for the mission of the Secretary-General under his mandate from the Council.

The members of the Security Council, therefore, called upon all parties to make a special effort in cooperation with the Secretary-General to reach an early agreement.

Decision of 12 December 1985 (2635th meeting): resolution 578 (1985)

On 30 November 1985, the Secretary-General submitted his report¹⁸ on the United Nations operation in Cyprus for the period from 1 June to 30 November 1985, recommending that the mandate of UNFICYP be extended for a further period of six months.¹⁹

The Secretary-General reported²⁰ that during the period under review he had met with the leaders of both commu-

¹³*Ibid.*, pp. 44-49.

¹⁴*Ibid.*, pp. 52-53.

¹⁵*Ibid.*, pp. 53-58 and 58, respectively.

¹⁶The agenda item of the meeting was entitled "Complaint by Angola against South Africa".

¹⁷S/17486.

¹⁸S/17657.

¹⁹In an addendum dated 11 December 1985, the Secretary-General informed the Council that the Governments of Cyprus, Greece and the United Kingdom of Great Britain and Northern Ireland had agreed to the proposed extension, whereas the Government of Turkey and the Turkish Cypriot community had indicated that they could not accept draft resolution S/17680 and would convey their views at the anticipated meeting of the Security Council (S/17657/Add.2).

²⁰S/17657/Add.1.

⁹S/PV.2591, pp. 4-17.

¹⁰*Ibid.*, pp. 22-23.

¹¹S/17227/Add.1 (containing comments of the Secretary-General on the elections and referendum).

¹²S/PV.2591, pp. 26-40.

nities. With their agreement, he had conducted with each side lower-level discussions that would be continued in January 1986. He believed that the two sides were within reach of agreement on a framework for an overall solution, within which the details of a number of elements could be negotiated. If the two sides agreed to accept the framework and then worked determinedly in cooperation with the Secretary-General, it would be possible to resolve the few remaining issues.

The Council considered the Secretary-General's report at its 2635th meeting, on 12 December 1985. At the outset of the meeting the President invited, at their request, the representatives of Austria, Cyprus, Greece and Turkey to participate under rule 37 of the provisional rules of procedure of the Security Council; he also invited, as agreed by the members of the Council in prior consultations, Mr. Ozer Koray to participate under rule 39 of the provisional rules of procedure of the Council.²¹ The Council began its consideration by voting on a draft resolution²² which had been prepared in consultations. The draft resolution was adopted unanimously as resolution 578 (1985), which reads as follows:

The Security Council,

Taking note of the report of the Secretary-General on the United Nations operation in Cyprus of 30 November and 11 December and of 9 December 1985,

Noting the recommendation by the Secretary-General that the Security Council should extend the stationing of the United Nations Peacekeeping Force in Cyprus for a further period of six months,

Noting also that the Government of Cyprus has agreed that in view of the prevailing conditions in the island it is necessary to keep the Force in Cyprus beyond 15 December 1985,

Reaffirming the provisions of its resolution 186 (1964) of 4 March 1964 and other relevant resolutions,

1. *Extends once more* the stationing in Cyprus of the United Nations Peacekeeping Force established under resolutions 186 (1964) for a further period, ending on 15 June 1986;

2. *Requests* the Secretary-General to continue his mission of good offices, to keep the Security Council informed of the progress made and to submit a report on the implementation of the present resolution by 31 May 1986;

3. *Calls upon* all the parties concerned to continue to cooperate with the Force on the basis of the present mandate.

Following the vote, the representative of Austria, addressing the Council on behalf of all the troop-contributing countries, expressed concern at the financial situation of UNFICYP and appealed to all Member States to increase their contributions.²³

The representative of Cyprus affirmed that the renewal of UNFICYP was imperative. Regarding a final settlement, he claimed that a basic precondition for a solution on Cyprus was the withdrawal of Turkish troops. The dominant presence of the Turkish army prevented the Turkish Cypriot community from negotiating freely and posed an insurmountable obstacle to genuine negotiations.

The Greek Cypriot side had accepted the documentation arrived at in separate meetings with the Secretary-General the previous April; all that was needed was for the Turkish Cypriots also to agree, paving the way to substantial negotiations and a speedy resolution of the problem. Cyprus believed that the members of the Council and of the United

Nations could greatly assist the Secretary-General in obtaining the agreement of the Turkish Cypriots.²⁴

The representative of Greece insisted upon the withdrawal of all Turkish troops from Cyprus before any transitional period or interim Government could be established and declared that Greece would not participate in any agreement that included Turkey among the guarantors. He reiterated the Greek proposal that an eventual agreement should include the presence of UNFICYP under a new mandate for a substantial period of time.²⁵

Mr. Ozer Koray maintained that a Turkish guarantee was indispensable to any effective and lasting settlement. He claimed that successful negotiations could only take place between parties enjoying equal status and suggested that the existence of the Turkish Cypriot State could provide a basis for a return to legality on Cyprus.

He protested against Greek Cypriot initiatives in international forums where the Turkish Cypriots were not represented and said that such initiatives threatened the efforts of the Secretary-General and ran counter to the various agreements that had been concluded.

Mr. Koray reacted to the current resolution in the same terms as those declared on similar past occasions and commented that he hoped the troop-contributing countries would maintain their neutrality.²⁶

The representative of Turkey reaffirmed his Government's agreement with the positions that had been presented by Mr. Koray.²⁷

The representatives of Cyprus, Greece and Turkey made further statements.²⁸

Decision of 13 June 1986 (2688th meeting): resolution 585 (1986)

In his report²⁹ on the Cyprus operation for the period from 1 December 1985 to 31 May 1986, submitted on 31 May 1986, the Secretary-General recommended that the mandate of UNFICYP should be extended for another six months³⁰ and expressed his profound concern over the further deterioration of the financial situation of the Force.

Regarding his mission of good offices, the Secretary-General reported³¹ that on 29 March 1986 he had presented to both sides a draft framework agreement which, if accepted, would allow all outstanding issues to be tackled as an integrated whole for the first time.³²

The Secretary-General further reported that the Greek Cypriot response had been that it could not express its views on the draft framework agreement before the ques-

²⁴*Ibid.*, pp. 9-23.

²⁵*Ibid.*, pp. 26-28.

²⁶*Ibid.*, pp. 29-42.

²⁷*Ibid.*, p. 43.

²⁸*Ibid.*, pp. 49-59.

²⁹S/18102.

³⁰In an addendum dated 12 June 1986, the Secretary-General informed the Council that the Governments of Cyprus, Greece and the United Kingdom had concurred in the proposed extension whereas the Government of Turkey and the Turkish Cypriot community had indicated that they could not accept the text of draft resolution S/18151 and would set forth their positions at the anticipated meeting of the Council (S/18102/Add.2).

³¹S/18102/Add.1.

³²The Secretary-General had provided copies of the draft agreement and covering letter to the Council and to the representatives of Greece and Turkey, and he had briefed the Council on the status of his latest effort at an informal meeting, on 24 April.

²¹S/PV.2635, pp. 2-6.

²²S/17680, subsequently adopted without change as resolution 578 (1985).

²³S/PV.2635, pp. 7-8.

tions of the withdrawal of Turkish forces and settlers, of effective international guarantees and of the application of freedom of movement, freedom of settlement and the right to property had been settled, preferably at an international conference or high-level meeting convened by the Secretary-General. The Turkish Cypriot side had indicated that it accepted the draft framework agreement, but it would not accept any procedure for negotiation other than that contained therein.

The Secretary-General concluded that, since one side was not yet in a position to accept the draft framework agreement, the way was not yet open to proceed with the negotiations he had proposed for an overall solution. He expressed concern at the dangers inherent in the current situation and cautioned that the way forward would require careful reflection by all sides.

At its 2688th meeting, on 13 June 1986, the Council invited the representatives of Cyprus, Greece and Turkey, at their request, under rule 37 of the provisional rules of procedure of the Security Council, and Mr. Ozer Koray, under rule 39 of the provisional rules of procedure of the Council, to participate without the right to vote in the Council's consideration of the report of the Secretary-General.³³ The Council considered the matter at its 2688th and 2689th meetings, on 13 June 1986.

At its 2688th meeting, the Council proceeded to vote on a draft resolution³⁴ that had been prepared in consultations. The draft resolution was adopted unanimously as resolution 585 (1986), which reads as follows:

The Security Council,

Taking note of the report of the Secretary-General on the United Nations operation in Cyprus of 31 May and 11 and 12 June 1986,

Noting the recommendation by the Secretary-General that the Security Council should extend the stationing of the United Nations Peacekeeping Force in Cyprus for a further period of six months,

Noting also that the Government of Cyprus has agreed that in view of the prevailing conditions in the island it is necessary to keep the Force in Cyprus beyond 15 June 1986,

Reaffirming the provisions of its resolution 186 (1964) and other relevant resolutions,

1. *Extends once more* the stationing in Cyprus of the United Nations Peacekeeping Force established under resolution 186 (1964) for a further period ending on 15 December 1986;
2. *Requests* the Secretary-General to continue his mission of good offices, to keep the Security Council informed of the progress made and to submit a report on the implementation of the present resolution by 30 November 1986;
3. *Calls upon* all the parties concerned to continue to cooperate with the Force on the basis of the present mandate.

Following the vote, the representative of Cyprus expressed approval for the resolution just adopted and discussed the Secretary-General's mission of good offices. He said that, following the low-level meetings held by the Secretary-General at the end of 1985, the Greek Cypriots had summarized their concerns on various issues in writing³⁵ and had proposed further negotiations to bridge the apparent gap between the positions of the two sides. Instead, the Secretary-General had produced a draft framework agreement that did not reflect their concerns and did not satisfy previous undertakings. Because of the latter, the

Greek Cypriots did not consider the integrated whole concept to be sufficient protection for their position.

There were three crucial issues that the Greek Cypriots had consistently demanded should be discussed as a matter of priority and at the appropriate high level: the three freedoms (freedom of movement, freedom of settlement and the right to property); the question of guarantees; and the withdrawal of Turkish settlers and troops. The Turkish Cypriot side had refused to enter into meaningful discussions on these issues, whereas the Greek Cypriots, because of their conciliatory attitude and willingness to cooperate with the Secretary-General, had discussed constitutional issues for several years and had made many painful concessions.

If the Greek Cypriot proposal for negotiation of the three issues was not viable because the Turkish Cypriots had rejected it, then in effect the Greek Cypriots were being advised to accept a victor's peace. Turkey was the aggressor and Turkey must account to the Council for its act of aggression and its noncompliance with decisions of the Council. The situation in Cyprus persisted because the Council had not taken decisive steps to force Turkey to comply with its resolutions. The credibility and usefulness of the United Nations depended upon its ability to master the means to implement its decisions and take effective action when the situation warranted.³⁶

The representative of Greece expressed views similar to those expressed by the representative of Cyprus. He stated that in accepting the draft statement and draft agreement of April 1985, the Cypriot Government had made painful concessions, on the clear understanding that this would open the way for the withdrawal of the Turkish army. However, both the content of the agreement and the environment in which the negotiations took place had since changed. He charged that the current draft framework agreement addressed the issues that concerned the Turkish Cypriots but did not address the issues that concerned the Greek Cypriots, and he suggested that if the integrated whole approach provided an adequate safeguard, then the Turkish side should agree to modalities for the withdrawal of Turkish troops subject to an integrated whole approach. He stressed that the question of the withdrawal of the Turkish army from Cyprus was not simply an aspect of a bi-communal dispute; rather, it concerned the military invasion and occupation of a Member State and should be dealt with in accordance with the principles of the United Nations.³⁷

Mr. Ozer Koray expressed resentment at both the content and the tone of the Greek Cypriot statement. He reminded the Council that the Turkish Cypriot side had unreservedly accepted the draft framework agreement prepared by the Secretary-General. The Turkish Cypriots believed that, if concluded and adhered to in good faith, the draft agreement could lead to a bi-communal and bi-zonal federal settlement based on the equal political status of the two sides.

Mr. Koray cited a statement made by the spokesman of the Secretary-General on 31 March 1986 to the effect that the two sides were in agreement on the manner in which the questions of the withdrawal of non-Cypriot troops,

³³S/PV.2688, pp. 2-3.

³⁴S/18151, subsequently adopted without change as resolution 585 (1986).

³⁵See S/18149.

³⁶S/PV.2688, pp. 6-26.

³⁷Ibid., pp. 28-37.

guarantees and the three freedoms should be dealt with and that the text presented by the Secretary-General remained absolutely faithful to what the two sides had agreed. Mr. Koray stated that the failure of the Greek Cypriots to accept the draft framework agreement proved once again that the constructive approach and political will of only one of the parties to a question was not enough to resolve the issue. He claimed that the Greek Cypriot side had rejected the draft agreement only after consulting with the Prime Minister of Greece and he accused them of creating confusion for tactical reasons.

Finally, he stated that the Turkish Cypriots rejected the resolution just adopted by the Council for the same reasons expressed on similar past occasions, but nevertheless accepted the presence of UNFICYP on Turkish Cypriot territory on the basis stated in December 1985.³⁸

The President then adjourned the meeting.³⁹

When the Council resumed its consideration of the item at its 2689th meeting, on 13 June 1986, the representative of Turkey affirmed that the positions expressed by his Government on similar past occasions with respect to Council resolutions on Cyprus and the presence of UNFICYP remained valid. His Government's views on UNFICYP, like those of the Turkish Cypriots, were based on the expectation that there would be a concrete peacemaking process within an agreed framework, which UNFICYP would be called upon to support by performing specific functions. However, if the peace process continued to be hampered by Greek Cypriot intransigence, the need for the continued presence of the Force would become increasingly questionable.

The representative of Turkey claimed that after consulting with the Greek Prime Minister, the Greek Cypriots had reneged on every point to which they had previously agreed. He concluded that there could be no negotiated solution to the Cyprus problem as long as the Prime Minister of Greece was in a position to dictate policies to the Greek Cypriots.⁴⁰

The representatives of Greece and Turkey made statements in exercise of the right of reply.⁴¹

Decision of 11 December 1986 (2729th meeting): resolution 593 (1986)

The Secretary-General on 2 December 1986 submitted his report⁴² on the United Nations operation in Cyprus for the period from 1 June to 30 November 1986, recommending once again that the mandate of UNFICYP should be extended for a further period of six months.⁴³ The Secretary-General expressed concern at the gap between the costs of UNFICYP and the level of voluntary contributions, and he suggested that the Council might wish to consider changing the system of financing so that the costs would in future be financed by means of assessed contributions.

³⁸Ibid., pp. 38-47.

³⁹Ibid., p. 48.

⁴⁰S/PV.2689, pp. 3-10.

⁴¹Ibid., pp. 11-12.

⁴²S/18491 and Add.1.

⁴³In an addendum to his report the Secretary-General informed the Council that the Governments of Cyprus, Greece and the United Kingdom had agreed to the proposed extension, while the Government of Turkey and the Turkish Cypriot community had indicated that they could not accept draft resolution S/18515 and would expound their stands at the forthcoming meeting of the Council (S/18491/Add.1).

The Secretary-General reported that he had met in New York with the leaders of the two communities in September 1986. In November, he had dispatched a mission of Secretariat officials to Cyprus, where they had held follow-up discussions with both sides. The mission had recalled to each side that, under the mandate entrusted to him by the Council, the Secretary-General could not impose anything on either side, nor could he allow his mission of good offices to be frozen because one side found a particular suggestion unacceptable, or because the other side, having accepted a suggestion, insisted that the Secretary-General's effort could not proceed until the other side had done the same. In response, both parties had maintained the positions they had expressed following the submission of the draft framework agreement in March 1986, but each of the parties had reiterated its support for the Secretary-General's mission of good offices, its continuing commitment to the search for a solution leading to the establishment of a federal republic of Cyprus and its understanding that the Secretary-General would have to continue to search for a way out of the current impasse.

The mission had visited Greece and Turkey before returning to New York in order to inform representatives of the respective Governments of its discussions in Cyprus.

The Secretary-General concluded that, although his efforts had not yet yielded the results he had hoped for, he remained convinced that earlier progress continued to provide a foundation upon which a solution could be built.

The Security Council considered the Secretary-General's report at its 2729th meeting, on 11 December 1986. The Council invited the representatives of Cyprus, Greece and Turkey, at their request, to participate in the discussion under rule 37 of its provisional rules of procedure and, as agreed in consultations, invited Mr. Ozer Koray to participate under rule 39. The Council voted upon a draft resolution⁴⁴ prepared in consultations, which it adopted unanimously as resolution 593 (1986). The resolution reads as follows:

The Security Council,

Taking note of the report of the Secretary-General on the United Nations operation in Cyprus of 2 and 10 December 1986,

Noting the recommendation by the Secretary-General that the Security Council should extend the stationing of the United Nations Peacekeeping Force in Cyprus for a further period of six months,

Noting also that the Government of Cyprus has agreed that in view of the prevailing conditions in the island it is necessary to keep the Force in Cyprus beyond 15 December 1986,

Reaffirming the provisions of resolution 186 (1964) and other relevant resolutions,

1. *Extends once more* the stationing in Cyprus of the United Nations Peacekeeping Force established under resolution 186 (1964) for a further period ending on 15 June 1987;

2. *Requests* the Secretary-General to continue his mission of good offices, to keep the Security Council informed of the progress made and to submit a report on the implementation of the present resolution by 31 May 1987;

3. *Calls upon* all the parties concerned to continue to cooperate with the Force on the basis of the present mandate.

Following the vote, the representative of Cyprus noted that his Government would have liked to see the report of the Secretary-General place more emphasis on the crucial

⁴⁴S/18585, subsequently adopted without change as resolution 593 (1986).

matter of the withdrawal of Turkish troops and on the increases in Turkish troop strength and importation of settlers which had led to there now being one Turkish soldier or settler for every Turkish Cypriot. It would also have liked the report to have condemned the visit of the Turkish Prime Minister to the occupied part of Cyprus, the Turkish violations of Cypriot airspace and the forward movement of Turkish troops at Ayios Kassianos.

The representative of Cyprus claimed that for the past 12 years his Government had been negotiating at gunpoint; he concluded that as a result of Turkish faits accomplis there would soon be nothing left to negotiate except its acceptance of the partition, dismemberment and disintegration of the Republic. The Cypriot Government would like to see the Secretary-General pursue the convening of an international conference as a way out of the current situation.

With regard to the good offices of the Secretary-General, the representative of Cyprus observed that the Secretary-General was neither a mediator nor an arbitrator; therefore, any ideas or suggestions he might have were open to discussion and could not be submitted as formal proposals for acceptance or rejection except with the prior approval of both sides. His Government had welcomed the content of the Secretary-General's position and had tried to adopt the most positive response possible in the circumstances. But it could not be expected to remain bound by the April 1985 documents when the Turkish Cypriot side had rejected them; moreover, its acceptance of those documents had been made under specific assurances on many issues which subsequent Turkish actions and positions had negated. It had also made it clear that it would not be bound by those documents if the Turkish Cypriot side raised any new items in subsequent discussions. Subsequent oral and written statements by the Turkish Cypriots on the most important issues in the documents had completely frustrated the *raison d'être* of the documents.⁴⁵

The representative of Greece expressed his Government's agreement with the positions held by the Government of Cyprus.⁴⁶

Mr. Ozer Koray stated that the draft framework agreement presented by the Secretary-General was the correct and the best framework for a negotiated solution to the problem of Cyprus. He claimed that the primary reason a settlement had not been achieved in the past 23 years was that the Greek Cypriot regime had been recognized as the legitimate Government of Cyprus and was unwilling to accept the Turkish people as equal in the body politic of Cyprus. Thus, the Greek Cypriots lacked the political will to arrive at a settlement. The only leverage the international community had in effecting a positive change in the attitude and the approach of the Greek Cypriots was to adopt a more flexible approach in the treatment of the two sides.

Regarding the question of settlers, he noted that throughout the 82 years of British rule in Cyprus thousands of Turkish Cypriots had emigrated to Turkey, while during the 1950s and 1960s Greek Cypriot terrorism and visa policies had caused a second stage of large-scale Turkish Cypriot emigration. At the same time, the Greek Cypriot population had been augmented by the importation of large numbers of people from Greece and by the settlement of

Greek soldiers in Cyprus following their discharge. Thus, the ratio of Turkish Cypriot and Greek Cypriot populations frequently cited by the Greek Cypriots was an arbitrary ratio resulting from adverse circumstances that had forced the Turkish Cypriots to emigrate over many years. The so-called Turkish settlers were people of Turkish Cypriot origin who had opted to return to their original country, the Turkish Republic of Northern Cyprus, and reunite with their families now that conditions of peace, security and stability had been restored.

Mr. Koray responded to the adoption of resolution 593 (1986) in the same terms as those expressed on similar past occasions.⁴⁷

The representative of Turkey denied Greek and Greek Cypriot allegations concerning the Turkish military presence in the island. He declared that Turkey had not reinforced its forces in either personnel or equipment and had no aggressive intentions anywhere. The Greek Cypriot allegations were designed to cover the rearmament efforts of the Greek Cypriot side and the support for and contribution to those efforts by Greece. In order to present the other side of the picture, he analysed the nature and composition of the forces in southern Cyprus, which he said included both Greek mainland and combined Greek and Greek Cypriot forces as well as several private armies. Finally, he argued that the Greek Cypriots pretended to object to only part of the draft agreement when in fact they had consistently refused to accept anything.⁴⁸

The representatives of Cyprus, Greece and Turkey made further statements in exercise of the right of reply.⁴⁹

Decision of 12 June 1987 (2749th meeting): resolution 597 (1987)

In his report for the period from 1 December 1986 to 29 May 1987,⁵⁰ the Secretary-General noted that it had been argued that UNFICYP had become part of the problem in Cyprus by keeping the two sides from suffering the consequences of their failure to agree on a political solution. The Secretary-General forcefully denied that claim, pointing out that a basic principle of the United Nations was settlement by peaceful means versus the threat or use of force. He warned that the withdrawal of UNFICYP could quickly lead to a resumption of hostilities and therefore recommended that the Council renew the mandate of UNFICYP for a further period of six months.

The Secretary-General once again drew attention to the grave discrepancy between expected expenditures for UNFICYP and the amounts contributed or pledged by Member States. He hoped that the necessary agreement would be forthcoming to make the change to assessed contributions.

The Secretary-General related that he had sent another mission to Cyprus in February 1987 with the suggestion that the two sides begin informal discussions with his aides on a strictly confidential and non-binding basis. The discussions would not be aimed at renegotiating any document the Secretary-General had presented since August 1984; their sole purpose would be to help the Secretary-General find a means to pursue his good offices.

⁴⁷Ibid., pp. 26-37.

⁴⁸Ibid., pp. 37-46.

⁴⁹Ibid., pp. 47-51 and 53-56, respectively.

⁵⁰S/18880.

⁴⁵S/PV.2729, pp. 7-20.

⁴⁶Ibid., pp. 21-26.

The Greek Cypriots had accepted this suggestion, but the Turkish Cypriots had refused, insisting that no discussions could take place unless the Greek Cypriot side accepted the document of 29 March 1986. Meanwhile, the Greek Cypriots continued to press the Secretary-General to promote their proposal for an international conference; however, the Secretary-General's soundings had revealed that the Turkish Cypriot side and the Government of Turkey were against that proposal, while the members of the Council were divided on it.

Despite the current impasse, the Secretary-General continued to believe that a settlement could be concluded on the basis of the 1977 and 1979 agreements, to which each side maintained its commitment. However, the conditions upon which each side currently insisted made it impossible for negotiations to take place. If the parties continued to insist upon those conditions, there would be no realistic prospect of negotiating a settlement. He noted that the deepening distrust between the two sides was one of the major causes of the current difficulties and appealed to Turkey to make a start towards improving the climate by reducing its forces on the island, since the strengthening of Turkish forces in the north had heightened the level of distrust in recent months. To reverse the current trend of build-up of military forces, he commended to the Council a proposal⁵¹ whereby UNFICYP would undertake regular inspections to verify the level of forces on both sides.⁵²

The Security Council considered the Secretary-General's report at its 2749th meeting, on 12 June 1987. The Council invited, at their request, the representatives of Cyprus, Greece and Turkey to participate in the discussion under rule 37 of its provisional rules of procedure and, as agreed in consultations, Mr. Ozer Koray, under rule 39.⁵³

The Council voted upon a draft resolution⁵⁴ that had been prepared in consultations, which it adopted unanimously as resolution 597 (1987).⁵⁵ The resolution reads as follows:

The Security Council,

Taking note of the report of the Secretary-General on the United Nations operation in Cyprus of 29 May 1987,

Noting the recommendation by the Secretary-General that the Security Council should extend the stationing of the United Nations Peacekeeping Force in Cyprus for a further period of six months,

Noting also that the Government of Cyprus has agreed that in view of the prevailing conditions in the island it is necessary to keep the Force in Cyprus beyond 15 June 1987,

Reaffirming the provisions of resolution 186 (1964) and other relevant resolutions,

⁵¹The Secretary-General first presented this proposal in 1983; see S/15812, para. 23.

⁵²In an addendum to his report, dated 11 June 1987, the Secretary-General informed the Council that the Governments of Cyprus, Greece and the United Kingdom had agreed to the proposed extension of UNFICYP, while the Government of Turkey and the Turkish Cypriot community had indicated that they could not accept the text of draft resolution S/18909 and would expound their stands at the forthcoming meeting of the Council.

The Secretary-General also indicated that, unfortunately, his consultations had revealed that the necessary agreement did not currently exist for the Council to approve a change in the system of financing UNFICYP.

⁵³S/PV.2749, p. 3.

⁵⁴S/18909, subsequently adopted without change as resolution 597 (1987).

⁵⁵S/PV.2749, pp. 4-6.

1. *Extends once more* the stationing in Cyprus of the United Nations Peacekeeping Force established under resolution 186 (1964) for a further period ending on 15 December 1987;

2. *Requests* the Secretary-General to continue his mission of good offices, to keep the Security Council informed of the progress made and to submit a report on the implementation of the present resolution by 30 November 1987;

3. *Calls upon* all the parties concerned to continue to cooperate with the Force on the basis of the present mandate.

The first speaker following the vote was the representative of Cyprus, who declared that the renewal of UNFICYP was imperative and stated that the Government of Cyprus was prepared to maintain its current high levels of moral and material support for the Force should a process of assessed contributions be agreed upon.

The representative of Cyprus referred to recent increases in Turkish troop strength and a concomitant influx of Turkish settlers. He pointed out that the Security Council and the General Assembly had decreed that a solution to the problem of Cyprus must include the withdrawal of all foreign troops from the island and the cessation of all foreign interference in its internal affairs. Any suggestion, particularly from within the United Nations, that the cardinal principles laid down in United Nations resolutions should be abandoned in order to achieve a quick solution by meeting the demands of the aggressor must be considered both shocking and inconceivable.

He proposed that the way to advance a swift solution to the problem of Cyprus was for the Council to adopt appropriate measures while those in a position to influence Turkey brought strong pressure to bear. The Council should therefore support the proposal for an international conference to consider the external aspects of the problem of Cyprus, i.e., the questions of troop and settler withdrawals and of international guarantees.

The Government of Cyprus remained committed to a negotiated solution to the problem of Cyprus, as demonstrated most recently by its acceptance in March of the Secretary-General's proposal for parallel talks, which the Turkish side had unfortunately rejected. The Greek Cypriot side would continue to support and cooperate with the Secretary-General in his mission of good offices.⁵⁶

The representative of Greece stated that the Government of Cyprus was being asked to commit itself on the constitutional aspect of the problem without knowing Turkey's intentions with regard to the three fundamental issues that had never been discussed: the presence of the Turkish army and settlers in Cyprus and the matter of international guarantees. Indications from the Turkish and Turkish Cypriot side suggested that Turkey meant to keep part of its forces in Cyprus indefinitely and the Greek Cypriot side could not possibly negotiate further without being formally apprised of Turkey's intentions regarding those crucial questions.

Turning to the proposal for a verification system and confidence-building measures contained in the Secretary-General's report, the representative of Greece called for an extremely cautious approach. He expressed concern lest a verification system consolidate the existing situation and legitimize the presence of occupation forces on the island. He argued that the only way to build confidence among the Greek Cypriots and at the same time promote a solution of the problem was for Turkey to withdraw its occupation

⁵⁶*Ibid.*, pp. 7-19.

army. Verification by UNFICYP would be useful for monitoring the withdrawal of Turkish forces, and at the same time UNFICYP, perhaps under a new mandate and for an intermediate period, could meet any legitimate concern of the Turkish Cypriots regarding their security.⁵⁷

Mr. Koray claimed that the Turkish forces in Cyprus were there to protect the Turkish Cypriot people, who faced increasingly hostile Greek and Greek Cypriot forces of overwhelming superiority in numbers and armaments. The Turkish Cypriot side had repeatedly called attention to the Greek military build-up, which had started in 1982 and had since gained momentum, and he regretted that the Secretary-General had omitted any reference to the Greek mainland forces in his report. He warned against measuring the two sides by different yardsticks and took strong exception to paragraph 70 of the Secretary-General's report,⁵⁸ in which the source of heightened mistrust in the island was grossly misidentified; as the Secretary-General was well aware, the cause of increased distrust was the intransigent attitude of the Greek and Greek Cypriot side towards the Secretary-General's mission of good offices.

Mr. Koray responded to the adoption of resolution 597 (1987) by affirming the positions he had indicated on similar past occasions.⁵⁹

The representative of Turkey insisted once again that Turkish troops had come to Cyprus in 1974 to protect the Turkish Cypriot people and that they remained on the island solely for that purpose. He denied any build-up of Turkish forces and explained the reasons for normal fluctuations in the numbers of men and equipment. By contrast, he enumerated in detail a build-up of Greek forces in the island and expressed particular concern at contacts the Greek Cypriots had established with a number of countries in order to procure sophisticated military equipment and armaments.

With regard to negotiations, he declared that the Secretary-General's mission of good offices could not be salvaged by procedural devices and subtleties: it was time for direct negotiations on the only basis which existed, the draft framework agreement of 29 March 1986. Further discussions could have no meaning or purpose so long as the parties did not proceed from the basis to which they had agreed during the talks leading to the submission of the draft framework agreement. By refusing to sign the draft framework agreement the Greek Cypriots were renegeing on their prior consent, with the avowed intention of discarding the draft framework agreement and replacing it with an agenda of their own choosing.

Finally, the representative of Turkey warned against exaggerating the situation on the island. He pointed out that tourists continued to flock to Cyprus without fear of being engulfed in a military crisis, belying any impressions that the Secretary-General's report might inadvertently convey that a dangerous situation prevailed.⁶⁰

The representatives of Cyprus, Greece and Turkey spoke in exercise of their right of reply.⁶¹

Decision of 14 December 1987 (2771st meeting): resolution 604 (1987)

On 30 November 1987, the Secretary-General submitted to the Security Council his report⁶² for the period 1 June to 30 November 1987, in which he informed the Council that he had met with the leaders of both parties in October 1987 in New York. Notwithstanding the efforts of the Secretary-General, each side continued to uphold its basic positions and the situation remained deadlocked.

The Secretary-General had continued to appeal to the Government of Turkey to reduce its forces on the island. He warned that the military build-up by Turkey and recent measures by the Government of Cyprus to improve its own defences, combined with each side's perceptions of the other's intentions, had created a serious situation that needed to be redressed. He continued to believe that the verification scheme referred to in his last report⁶³ would be a useful way of reducing tension between the parties and he hoped they would give the suggestion further thought.

The Secretary-General concluded that, given the precarious situation in Cyprus, the presence of UNFICYP remained indispensable and he therefore recommended that the Council extend the mandate of the Force for a further period of six months. He again drew attention to the worsening financial situation of the Force and reiterated his views regarding a more equitable means of financing.⁶⁴

The Council considered the Secretary-General's report at its 2771st meeting, on 14 December 1987. The Council invited, at their request, the representatives of Cyprus, Greece and Turkey to participate in the discussion under rule 37 of its provisional rules of procedure and, as agreed in consultations, Mr. Ozer Koray, under rule 39.⁶⁵

The Council voted upon a draft resolution⁶⁶ prepared in consultations, which it adopted unanimously as resolution 604 (1987).⁶⁷ The resolution reads as follows:

The Security Council,

Taking note of the report of the Secretary-General on the United Nations operation in Cyprus of 30 November 1987,

Noting the recommendation by the Secretary-General that the Security Council extend the stationing of the United Nations Peacekeeping Force in Cyprus for a further period of six months,

Noting also that the Government of Cyprus has agreed that in view of the prevailing conditions in the island it is necessary to keep the Force in Cyprus beyond 15 December 1987,

Reaffirming the provisions of resolution 186 (1964) and other relevant resolutions,

1. *Extends once more* the stationing in Cyprus of the United Nations Peacekeeping Force established under resolution 186 (1964) for a further period ending on 15 June 1988;

2. *Requests* the Secretary-General to continue his mission of good offices, to keep the Security Council informed of the progress made

⁶²S/19304.

⁶³S/18880; see note 50 above.

⁶⁴In an addendum to his report, the Secretary-General informed the Council that the Governments of Cyprus, Greece and the United Kingdom had agreed to the proposed extension of the Force, whereas the Government of Turkey and the Turkish Cypriot side had indicated that they could not accept draft resolution S/19338 as a basis for extending the Force and would expound their stands at the meeting of the Security Council (S/19304/Add.1).

⁶⁵S/PV.2771, pp. 2-5.

⁶⁶S/19338, subsequently adopted without change as resolution 604 (1987).

⁶⁷S/PV.2771, p. 6.

⁵⁷Ibid., pp. 21-27.

⁵⁸S/18880. In paragraph 70 the Secretary-General stated that distrust in recent months had in particular been heightened by the strengthening of the Turkish forces in the northern part of the island.

⁵⁹S/PV.2794, pp. 28-41.

⁶⁰Ibid., pp. 42-52.

⁶¹Ibid., pp. 52-66.

and to submit a report on the implementation of the present resolution by 31 May 1988.

3. *Calls upon* all the parties concerned to continue to cooperate with the Force on the basis of the present mandate.

Following the adoption of resolution 604 (1987), the representative of Cyprus discussed several proposals put forth by his Government. Cyprus proposed: (a) the appointment of an independent committee of legal experts to investigate the question of mainland Turkish settlers; (b) the convening of an international conference under United Nations auspices, which would strengthen the hand of the Secretary-General in dealing with issues such as the withdrawal of Turkish troops and the questions of settlers and of guarantees; and (c) the withdrawal of Turkish settlers and complete demilitarization of the island, with the exception of a small, mixed police force and an international force under United Nations auspices to strengthen the sense of security internally, which would allow the Greek and Turkish Cypriots to settle their internal problems without foreign interference.

He dismissed Turkish allegations that Turkish troops had invaded and remained in Cyprus in accordance with the Treaty of Guarantee. The Treaty contained no provision justifying the use of force and the presence of foreign troops. Moreover, had the treaty provided for the use of force, it would have been in violation of Article 2, paragraph 4, of the Charter of the United Nations, and *ipso facto* null and void under Article 103.⁶⁸

Also false was the Turkish pretext that the increase in occupation troops was in response to the strengthening of the Greek Cypriot National Guard. Turkey was 110 times the size of Cyprus, and its forces on the island were 4 times larger in number. The Cypriot forces were for defence purposes only; however, the number of Turkish forces, and the establishment of a military airport at Lefkoniko and a military port at Kyrenia, signalled malicious Turkish intentions.

The representative of Cyprus noted that his Government was committed to a peaceful settlement and remained determined to seek justice through the United Nations. At the same time, he respectfully submitted that the time was long overdue for the Council to consider taking effective remedial action.⁶⁹

The representative of Greece expressed agreement with the extension of the mandate of UNFICYP.⁷⁰

Mr. Ozer Koray emphasized that there were two politically and geographically separate entities in Cyprus. In the north, exit and entry policies and procedures were administered according to the laws and regulations of the Turkish Republic of Northern Cyprus, which reserved the right to citizenship to those who possessed that right under the 1960 Treaty of Establishment, i.e., persons who on 5 November 1914 were Ottoman subjects ordinarily resident on the island of Cyprus and their descendants in the male line. Mr. Koray believed that similar laws and regulations applied in the south. He claimed, moreover, that it was the

Greek Cypriots who had in the past attempted to change the demographics of the island. The Greek Cypriots had refused birth certificates to Turkish Cypriot children between 1963 and 1974, had issued Turkish Cypriots one-way passports out of the island and had not allowed them to return, had imported large numbers of people from Greece and had settled discharged mainland Greek soldiers on the island.

Mr. Koray asserted that huge sums of money were being spent in South Cyprus on the purchase of sophisticated weaponry. Past experience proved that the Greek Cypriot military build-up could not be intended for defensive purposes, and if the Greek Cypriot preparations led to undesirable consequences, then those who had helped the Greek Cypriots would bear heavy responsibilities.

Finally, Mr. Koray confirmed the Turkish Cypriots' rejection of resolution 604 (1987) for the reasons put forward on similar past occasions; however, he reiterated their support for the good offices of the Secretary-General and their commitment to the 29 March 1986 "Draft Framework Agreement".⁷¹

The representative of Turkey declared his Government's support for the position expressed by Mr. Koray regarding resolution 604 (1987). He denied the existence of any aggressive intentions on the part of the Turkish forces in northern Cyprus, which were present to protect the Turkish Cypriot people and would withdraw from the island only in the event of a negotiated settlement. The level and composition of those forces fluctuated from time to time in correlation with the military threat directed from the South.

Regarding the question of settlers, he asserted that the population ratio between Greek Cypriots and Turkish Cypriots had not changed, testifying to the falsehood of Greek Cypriot allegations.⁷²

The representatives of Cyprus, Greece and Turkey spoke in exercise of the right of reply.⁷³

Decision of 13 June 1988 (2816th meeting): resolution 614 (1988)

The Secretary-General on 31 May 1988 submitted his report⁷⁴ on the United Nations operation in Cyprus for the period from 1 December 1987 to 31 May 1988. He informed the Council that consultations were currently under way on procedural proposals that had been presented to the two sides by his Special Representative. Despite difficulties which could not be underestimated, he hoped to break the impasse soon and resume negotiations between the two sides for an overall settlement of the Cyprus problem.

The Secretary-General again drew the attention of the Council to the worsening financial situation of UNFICYP and his proposal that the Force should be funded from assessed contributions. He recommended that the mandate of the Force be extended for a further period of six months.⁷⁵

⁷¹Ibid., pp. 37-50.

⁷²Ibid., pp. 48-63.

⁷³Ibid., pp. 63-68, 69-70 and 71, respectively.

⁷⁴S/19927.

⁷⁵In an addendum to his report (S/19927/Add.1, dated 14 June 1988), the Secretary-General informed the Council that the Governments of Cyprus, Greece and the United Kingdom had agreed to the proposed extension of the Force, whereas the Government of Turkey and the Turkish Cypriot side had indicated that they could not accept draft resolution S/19936 as a basis for extending the Force and would expound their stands at the meeting of the Security Council.

⁶⁸Article 2, para. 4, of the Charter of the United Nations states, in part: "All Members shall refrain in their international relations from the threat or use of force . . .". Article 103 states: "In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail."

⁶⁹S/PV.2771, pp. 7-28.

⁷⁰Ibid., pp. 28-36.

The Security Council considered the Secretary-General's report at its 2816th meeting, on 15 June 1988, and invited, at their request, the representatives of Cyprus, Greece and Turkey to participate, under rule 37 of the provisional rules of procedure. The Council further invited, under rule 39, Mr. Ozer Koray, as agreed in prior consultations.⁷⁶ The Council voted upon a draft resolution,⁷⁷ prepared in consultations, which it adopted unanimously as resolution 614 (1988). The resolution reads as follows:

The Security Council,

Taking note of the report of the Secretary-General on the United Nations operation in Cyprus of 31 May 1988,

Noting the recommendation by the Secretary-General that the Security Council should extend the stationing of the United Nations Peacekeeping Force in Cyprus for a further period of six months,

Noting also that the Government of Cyprus has agreed that in view of the prevailing conditions in the island it is necessary to keep the Force in Cyprus beyond 15 June 1988,

Reaffirming the provisions of resolution 186 (1964) of 4 March 1964 and other relevant resolutions,

1. *Extends once more* the stationing in Cyprus of the United Nations Peacekeeping Force established under resolution 186 (1964) for a further period ending on 15 December 1988;

2. *Requests* the Secretary-General to continue his mission of good offices, to keep the Security Council informed of the progress made and to submit a report on the implementation of the present resolution by 30 November 1988;

3. *Calls upon* all the parties concerned to continue to cooperate with the Force on the basis of the present mandate.

Following the vote, the representative of Cyprus referred to the decision by the so-called Turkish Republic of Northern Cyprus to require persons entering the Turkish-occupied territory to produce passports to be stamped by the Turkish Republic of Northern Cyprus, which was in violation of United Nations decisions, including the mandatory decisions of the Council. Nevertheless, believing that improvement in the international climate offered an opportunity for progress, the President of the Republic of Cyprus had offered to meet without preconditions with Mr. Ozal, the Turkish Prime Minister, and with Mr. Denktash, the leader of the Turkish Cypriot community, provided that suitable preparations and a reasonable timetable were envisaged for the completion of the negotiation process.⁷⁸

The representative of Greece emphasized the need for the withdrawal of all Turkish forces from Cyprus. He stressed that the solution of a regional problem arising out of a conflict caused by military intervention in and occupation of a sovereign State could not be envisaged without the withdrawal of all foreign troops. He cited with approval the suggestion presented to the two sides following the appointment of the new Special Representative of the Secretary-General that the high-level agreements of 1977 and 1979 should form the basis of an overall settlement and added that the relevant resolutions of the Security Council and the General Assembly formed equally the basis of such a settlement.⁷⁹

Mr. Ozer Koray stated that, regardless of the attitudes of third parties, there were in Cyprus two separate and independent States. His President, Mr. Denktash, had invited

the newly elected Greek Cypriot leader, Mr. Vassiliou, to meet with him; however, Mr. Vassiliou had insisted that he could only meet Mr. Denktash as the leader of the Turkish Cypriot community and had proposed to negotiate with the Prime Minister of Turkey instead. The Greek Cypriot side had also rejected Turkish Cypriot proposals for goodwill measures.⁸⁰

Regarding proposals for the demilitarization of Cyprus, Mr. Koray stated that the Greek Cypriot side was not entitled to decide how much security the Turkish Cypriots should enjoy. He claimed that the bi-communal republic established in 1960 had been, for all practical purposes, a demilitarized State but that the Greek Cypriots and Greece had unilaterally militarized Cyprus and, from 1963 on, used their forces against the Turkish Cypriots. Although UNFICYP had been sent to the island in 1964, the security problem of the Turkish Cypriots had not been resolved until 1974, when Greece had engineered a coup in Cyprus in order to annex the island, and Turkey, after years of restraint, had had no alternative but to react.

Mr. Koray stated that two recent fatal accidents involving Turkish Cypriots in the neutral zone had raised questions about the impartial conduct of UNFICYP and he expressed the hope that the Secretary-General would take all necessary measures to prevent the recurrence of such incidents. Regarding the resolution just adopted, he reiterated the points he had made on similar past occasions. In conclusion, he affirmed the support of the Turkish Cypriots for the establishment of a final settlement on the basis of the Secretary-General's 29 March 1986 draft framework agreement.⁸¹

With regard to negotiations, the representative of Turkey stated that the draft framework agreement of 29 March 1986, which had been accepted by the Turkish Cypriot side and rejected by the Greek Cypriot side, was the basis for final negotiations. He further stated that since 1974 it had been assumed that the non-Cypriot forces would be withdrawn if the two sides could agree on a settlement, but at no time had a prior withdrawal of forces been contemplated or negotiated. Turkey could not in any circumstances agree to jeopardize the security of the Turkish Cypriots by a premature reduction or withdrawal of its forces.⁸²

The representatives of Cyprus, Greece and Turkey spoke in exercise of their rights of reply.⁸³

Decisions of 15 December 1988 (2833rd meeting): resolution 625 (1988) and statement by the President

In accordance with paragraph 2 of resolution 614 (1988), the Secretary-General submitted a report on the United Nations operation in Cyprus for the period from 1 June to 30 November 1988.⁸⁴ He noted that the leaders of the two communities had met with him in Geneva on 24 August 1988 and had resumed talks, without preconditions, on 16 September 1988 in an agreed attempt to reach a negotiated settlement of all aspects of the Cyprus problem by 1 June 1989. The two leaders had agreed to begin a second round of talks on 19 December 1988, which they would review, together with the Secretary-General, in March 1989.

⁷⁶S/PV.2816, p. 2.

⁷⁷S/19936, subsequently adopted without change as resolution 614 (1988).

⁷⁸S/PV.2816, pp. 6-16.

⁷⁹Ibid., pp. 18-21.

⁸⁰S/19578.

⁸¹S/PV.2816, pp. 22-32.

⁸²Ibid., pp. 33-45.

⁸³Ibid., pp. 46-48 and 53, 48-51 and 52, and 51-52 and 52-53, respectively.

⁸⁴S/20310.

The discussions held to date had revealed that the parties remained far apart on important issues and would have to be willing to break free from long-held positions if they were to arrive at solutions reconciling the interests, concerns, hopes and fears of each community.

The Secretary-General stated that the presence of UNFICYP in Cyprus remained indispensable and he recommended that the mandate of the Force be extended for a further period of six months. Once again, he pointed out UNFICYP's worsening financial situation and expressed hope that in due course the members of the Council would agree to a long-overdue reform of its funding.

At its 2833rd meeting, on 15 December 1988, the Council considered the report of the Secretary-General. The representatives of Cyprus, Greece and Turkey were invited, at their requests, to participate in the meeting under rule 37 of the provisional rules of procedure of the Security Council, and, as agreed in prior consultations, Mr. Ozer Koray was invited to participate under rule 39. At the same meeting, the Council voted upon a draft resolution prepared in consultations, which was adopted unanimously as resolution 625 (1988). The resolution reads as follows:

The Security Council,

Taking note of the report of the Secretary-General on the United Nations operation in Cyprus of 30 November 1988 (S/20310),

Noting the recommendation by the Secretary-General that the Security Council should extend the stationing of the United Nations Peacekeeping Force in Cyprus for a further period of six months,

Noting also that the Government of Cyprus has agreed that in view of the prevailing conditions in the island it is necessary to keep the Force in Cyprus beyond 15 December 1988,

Reaffirming the provisions of resolution 186 (1964) of 4 March 1964 and other relevant resolutions,

1. *Extends once more* the stationing in Cyprus of the United Nations Peacekeeping Force established under resolution 186 (1964) for a further period ending on 15 June 1989;

2. *Requests* the Secretary-General to continue his mission of good offices, to keep the Security Council informed of the progress made and to submit a report on the implementation of the present resolution by 31 May 1989;

3. *Calls upon* all the parties concerned to continue to cooperate with the Force on the basis of the present mandate.

At the same meeting, the representative of Cyprus stated that although the situation in the past six months had in general remained the same, expectations had risen cautiously owing to the beginning of a sustained high-level dialogue under the auspices of the Secretary-General. He stressed that, in line with United Nations resolutions and the high-level agreements, a solution to the Cyprus problem must result in a single free, independent, sovereign, demilitarized and non-aligned federal republic with one international personality. It must have no foreign troops, no settlers and no unilateral interventions and it must provide a place in which all people could live and work wherever they wished and where human rights and fundamental freedoms were guaranteed.⁸⁵

The representative of Greece reaffirmed his country's commitment to a solution of the problem of Cyprus which would ensure the independence, unity, territorial integrity and sovereignty of the Republic of Cyprus in accordance

with the relevant United Nations resolutions. They therefore supported any proposal which would contribute to the withdrawal of foreign troops and settlers and to the resolution of the question of guarantees and the question of the three freedoms.⁸⁶

Mr. Ozer Koray drew the attention of the Council to a recent incident in which a Turkish Cypriot soldier operating within Turkish Cypriot territory had been fatally shot by Greek Cypriot soldiers. In addition, he claimed that the Greek Cypriots had been organizing border disturbances in order to upset the current peaceful conditions in the island which belied the Greek Cypriot argument that the Cyprus problem had been created by the events of 1974.

Mr. Koray cited the fundamental principles which the Turkish Cypriot side considered indispensable to a possible future federal settlement, including political equality, bi-zonality, security and the continuation of Turkey's effective guarantee. He reminded all concerned that the only alternative to the establishment of a bi-zonal federal republic based on the equal political status of the two peoples on Cyprus would be a continuing consolidation of the two independent states in Cyprus.

The success of the next round of talks would largely depend on the readiness of the Greek Cypriots to respect the "integrated whole" approach as agreed upon by the two sides, and before addressing the issues in detail the Greek Cypriots would be required to respond to two questions: Were they willing to work towards the establishment of a partnership state with the Turkish Cypriot side based on the fundamental principle of equality? And were they prepared to share, on an equal basis, the governmental authority in a bi-zonal federal framework?

Regarding the resolution just adopted, Mr. Koray repeated in essence the views he had expressed on similar past occasions.⁸⁷

The representative of Turkey noted that it was important for third parties to refrain from taking positions and adopting postures that might disturb the delicate ongoing negotiations. Turkey was convinced that a solution could only be obtained by the two Cypriot communities, negotiating on an equal footing. It was important, moreover, for the parties to show respect for each other's concerns and discuss with goodwill how those concerns could be met.⁸⁸

The representatives of Cyprus, Greece and Turkey spoke in exercise of the right of reply.⁸⁹

Before adjourning the meeting, the President made the following statement⁹⁰ on behalf of the members of the Council:

The members of the Security Council expressed their support for the effort launched on 24 August 1988 by the Secretary-General in the context of the mission of good offices in Cyprus. They welcomed the readiness of the two parties to seek a negotiated settlement of all aspects of the Cyprus problem by 1 June 1989.

They called upon all parties for full cooperation with the Secretary-General in ensuring the success of the process currently under way.

⁸⁶*Ibid.*, pp. 14-15.

⁸⁷*Ibid.*, pp. 16-27.

⁸⁸*Ibid.*, p. 29.

⁸⁹*Ibid.*, pp. 35-37 and 41; 37-38 and 41-42; and 38 and 41, respectively.

⁹⁰S/20330.

⁸⁵S/PV.2833, p. 11.

8. COMPLAINT BY ANGOLA AGAINST SOUTH AFRICA

Decision of 20 June 1985 (2597th meeting): resolution 567 (1985)

By a letter¹ dated 13 June 1985 addressed to the President of the Security Council, the representative of Angola requested a meeting of the Council, "in view of the threat to regional and international peace and security represented by the continuous acts of aggression and violence" by the armed forces of South Africa, resulting in the violation of the territorial integrity and sovereignty of Angola.

At its 2596th meeting on 20 June 1985, the Security Council included in its agenda the letter dated 13 June 1985 from the representative of Angola and considered the item at its 2596th and 2597th meetings, on 20 June 1985.

In the course of its deliberations, the Council invited, at their request, the representatives of Angola, Argentina, the Bahamas, Congo, Cuba, the German Democratic Republic, Liberia, Pakistan, Sao Tome and Principe, South Africa, the Sudan, the United Republic of Tanzania and Yugoslavia to participate, without the right to vote, in the discussion.²

At the same meeting, the President drew the attention of the members of the Council to a draft resolution³ submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago, and to a letter⁴ dated 12 June 1985 from the representative of Angola addressed to the President of the Council.

At the same meeting, the Minister for External Relations of Angola said that the records of the Security Council were voluminous owing to the "countless times" his Government had brought before it complaints about the death and destruction of the Angolan people and property as well as the constant violation of the sovereignty and territorial integrity of Angola by the minority Pretoria regime, and that, despite all efforts, the Security Council had been unable to stem the policies and actions of South Africa. He recalled seven resolutions⁵ that had been adopted by the Council between March 1976 and January 1984, demanding, *inter alia*, that South Africa respect the independence, sovereignty and territorial integrity of Angola and that South Africa immediately and unconditionally withdraw its forces from Angola. He said that the Council had also called upon South Africa to pay full compensation, and had called upon all States to implement fully the arms embargo that had been imposed against South Africa in resolution 418 (1977).⁶ He further recalled that, on one occasion, in August 1981, following an appeal by his Government addressed to the Security Council, a draft resolution⁷ had failed of adoption, despite having received 13

votes in favour.⁸ He stated that his Government was currently bringing to the Council a case of a threat not merely to civilian Angolan lives but also to American lives, as had been revealed when, on 25 May 1985, a patrol of the Angolan armed forces had caught a South African special commando group that had been ready to launch an attack on one of the oil installations at the Gulf Oil compound at Malongo, in the province of Cabinda, more than 2,000 kilometres inside Angolan territory. If that operation, code-named Argon, had succeeded, dozens would have lost their lives, including American nationals, with a total damage of at least US\$1 billion. Contrary to South Africa's assertion that the goal of Operation Argon had been to detect bases of the South West Africa People's Organization (SWAPO) and the African National Congress of South Africa (ANC), the objectives of that aborted operation had been: (a) to damage the credibility of the Government of Angola with the Governments of Western countries such as that of the United States of America, with which Angola had excellent economic relations; (b) to destabilize Angola's economy and create misery for its people; and (c) to give credit for the aggression to the National Union for the Total Independence of Angola (UNITA), a puppet group which owed its existence to the strategic and operational assistance it received from South Africa. He referred to the recent "murder of civilians" in Gaborone by the Government of South Africa as another example of Pretoria's "lies and machinations" and asked the Council to join his Government in condemning the massacre. He further stated that the declaration of Captain du Toit, the commando that had been captured alive, had revealed all the details of the plan, and that the Captain's testimony together with the arms seized in the operation, including explosives, incendiary bombs and landmines, had clearly belied South Africa's justification for its attempted sabotage. The preparation of Operation Argon, which had been in progress since January 1985, had thus been taking place at the very time that Angolan and South African delegations had been negotiating the holding of a ministerial-level meeting for the purpose of finding peaceful solutions to the region's problems. That showed the extent of bad faith and hypocrisy on the part of the Government of South Africa. Moreover, in March and April of the same year, South African military transport planes had crossed Angolan territory 80 times, parachuting a total of 80 tons of military equipment that had been intended for use by the surrogate army of UNITA in Luanda and Malange provinces. The targeting of those two provinces, together with the attempted incursion into Malongo, represented, respectively, a strike at the production areas of coffee, diamond and oil, the three foremost sources of his country's foreign exchange. The Minister inferred that the objective of those acts of aggression was the suffocation of Angola's economic development and the promotion of Pretoria's plan to create a "constellation of southern African States", which would be economically and militarily dependent on South Africa. The Pretoria regime, having failed in its attempts at stifling his

¹S/17267.

²For details, see chap. III of the present *Supplement*.

³S/17286, subsequently adopted as resolution 567 (1985).

⁴S/17263.

⁵Security Council resolutions 387 (1976), 428 (1978), 447 (1979), 454 (1979), 475 (1980), 545 (1983) and 545 (1984). For the texts of the resolutions, see respectively, *OR, 31st to 39th yrs., Resolutions and Decisions of the Security Council, 1976-1984*.

⁶For the consideration and imposition of a mandatory arms embargo against South Africa under resolution 418 (1977), see *Repertoire, Suppl. 1975-1980*, chap. VIII, part II, sect. 2.

⁷S/14664/Rev.2.

⁸For the vote, see S/PV.2300, para. 45.

country's economy, had resumed air reconnaissance operations against Angolan troop deployments 300 kilometres from the border with Namibia, a territory illegally occupied by South Africa, and 22 violations involving a total of 26 aeroplanes had been recorded between 31 May and 10 June 1985. Furthermore, the Minister referred to a "movement of South African forces", unprecedented since the last big invasion of his country in December 1983, and said that Pretoria had currently deployed along the Angolan border a total of 20,000 men, including an estimated four motorized brigades and 80 to 90 aeroplanes stationed at the air force bases on Ondangua, Oshaki and Ruacana, and that South Africa might at any moment launch a new invasion of Angola. His Government, while it remained committed to the re-establishment of peace and coexistence in southern Africa, considered itself duty-bound, as a Member of the United Nations, to continue supporting SWAPO and the freedom fighters of the people of Namibia and South Africa. The official Angolan position on all outstanding issues had been laid out in the "global platform" submitted by his Head of State in November 1984.⁹ Despite the publicity campaign about troop withdrawal, the South African troops had not only attacked Angola repeatedly since August 1975, they had also continuously occupied the southern parts of his country since 1981 on grounds of fictitious justification fabricated by those who ruled South Africa as a slave State in which the 22-million majority inhabitants were disenfranchised and had no protection from the violation of their human, civil, political and economic rights. The Minister concluded by expressing gratitude to all who had consistently supported Angola in its search for a just peace in southern Africa, a peace that would permit all to live in dignity and mutual respect based on the non-violability of international borders, of the sovereignty of independent States and of the inalienable rights of peoples on the basis of the rights, duties and principles enshrined in the Charter of the United Nations, to the implementation of which all Member States were committed.¹⁰

At the same meeting, the representative of India referred to Security Council resolution 545 (1983) of 20 December 1983, by which the Council had demanded that South Africa unconditionally withdraw forthwith all its occupation forces from the territory of Angola and respect that country's sovereignty and territorial integrity, and said that South Africa's response had been a full-scale offensive. A few days later, on 6 January 1984, the Council had adopted resolution 546 (1984), in the wake of another massive invasion of Angola, reiterating its earlier demands, reaffirming Angola's right, in accordance with the relevant provisions of the Charter of the United Nations, in particular Article 51, to take all measures necessary to defend itself and renewing the request that Member States extend all necessary assistance to Angola in order to enable it to defend itself against South Africa's escalating military attacks and its continuing occupation of parts of Angola. Subsequent events had shown that, while the Angolan Government had demonstrated goodwill and flexibility, South Africa had professed a desire to live in peace with the neighbouring States while at the same time threatening

to carry out further acts of aggression, subversion and destabilization against those very States. The latest act of sabotage by South Africa against the Malongo oil complex deep inside Angolan territory, in violation of the Charter of the United Nations and the resolutions of the Security Council, called for the strongest possible condemnation by the Council. The representative recalled the Conference of Heads of State or Government of Non-Aligned Countries that had been held at New Delhi in March 1983, which had considered the occupation of Angolan territory as an act of aggression against the Movement of Non-Aligned Countries, and expressed the hope that the Council would take firm measures against South Africa as provided for by the Charter before it was too late.¹¹

At the same meeting, the representative of the United Republic of Tanzania stated that the terms of Security Council resolution 546 (1984) remained unimplemented; that, while the aggression continued, there were also reports that the regime was massing its troops along the southern border of Angola in preparation for a fourth full-scale invasion of that country; and that, therefore, the Council was called upon to consider an illegal act of aggression which contravened international law and violated the Charter of the United Nations, in particular Article 2, paragraph 4, which required all States to refrain from the threat or use of force against the territorial integrity and political independence of any State and from acting in any manner inconsistent with the purposes of the United Nations. As a corollary to that violation of the Charter, the Council was also called upon to consider the implications for international peace and security of South Africa's non-compliance with the resolutions of the Security Council. Through the unabating aggression against Angola, the Pretoria regime intended to prevent Namibia's independence as long as possible, and the objective of South Africa's acts of aggression against Botswana, Mozambique, Zimbabwe and Swaziland was the neutralization of opposition to apartheid. While the attempts to destabilize neighbouring independent States were not surprising, it was unexpected that the Pretoria regime should find solace and support from some Members of the United Nations in its campaign to commit those dastardly acts. The Tanzanian representative referred to the letter⁹ dated 24 November 1984, in which the President of the People's Republic of Angola had outlined his Government's elements of a "political platform", and said that the Organization of African Unity (OAU) had firmly supported Angola's position not to accept an arrangement which was inconsistent with those elements of the "political platform" or which did not respond to all the issues relating to the speedy implementation of resolution 435 (1978),¹² to the cessation of aggression by the apartheid regime as well as to the cessation of support of the UNITA puppets by Pretoria; and that OAU had repeatedly reaffirmed its full support for the measures that had been taken by the Government of Angola in accordance with Article 51 of the Charter of the United Nations to guarantee and safeguard its territorial integrity and national sovereignty. He stressed that Angola had come before the Council to seek justice, and he asked the

⁹S/16838.

¹⁰S/PV.2596, pp. 7-17.

¹¹Ibid., pp. 32-34.

¹²The Security Council resolution containing United Nations settlement plan for Namibia.

Council to act firmly to put an end to South African aggression against its neighbours, since procrastination or vacillation by the Security Council in acting in the interest of peace and security would be an abdication of its responsibility.¹³

At the same meeting, the representative of Liberia, speaking in his capacity as the current Chairman of the Group of African States, said that South Africa continued to use the territory of Namibia as a military base for launching armed aggression against neighbouring States in order to force them to desist from supporting the campaign against apartheid and the legitimate struggle of the Namibian people for freedom and independence. He referred to the deteriorating situation in the region and to South Africa's transgression of the borders of the front-line States to commit acts of destabilization with impunity, and stated that the Group of African States condemned and rejected those unprovoked manoeuvres not only as a violation of the principles of international law regarding respect for the sovereignty and territorial integrity of all States but also as an affront to the spirit and letter of the Lusaka Accord of 16 February 1984, according to which Pretoria had undertaken to withdraw its troops from Angola by March of the same year. He requested the Security Council to take strong action in response to South Africa's act of aggression and to call upon the international community to provide, as a matter of urgency, maximum support, including economic and military assistance, to enable the front-line States to exercise their right to self-defence and to reduce their economic dependence on Pretoria by supporting the Southern African Development Co-ordination Conference (SADCC). He further emphasized that the time had come for the Council to reflect its resolve, through the application of Chapter VII of the Charter, and compel South Africa's compliance with the principles of international law, and that the Council was duty-bound to contribute to a peaceful resolution of the worsening situation in southern Africa so that the peoples of Angola, Namibia and the front-line States could live in peace and build their future on the basis of their own options.¹⁴

At the 2597th meeting, also on 20 June 1985, the representative of South Africa recalled his statement¹⁵ to the Council on 10 June 1985 in connection with the situation in Namibia and restated the following "ground rules" of his Government for coexistence in southern Africa: (a) no State should allow the use of its territory by individuals or organizations for the promotion or preparation of violence against other States in the region; (b) no intervention by foreign forces should be permitted in the region; (c) the problems of conflict in the region should be solved only by peaceful means; (d) those problems should be resolved on a regional basis by the leaders of the region themselves; and (e) each country of the region should have the right to order its affairs as it deems fit, while inter-State relations between the neighbours should be based on the promotion of peace, harmony and the pursuit of common interests irrespective of differences in internal policies. Those "ground rules" recognized that each country had its own set of conditions for which it must seek its own solutions

in the interests of its own citizens, and they provided the minimum basis for "healthy" intergovernmental relations anywhere. The representative quoted from the statement of the Foreign Minister of Angola at the Council's previous meeting that morning, where he had said: "Angola will not stop giving its support to SWAPO and the freedom fighters of the people of Namibia and South Africa", and that the Popular Movement for the Liberation of Angola (MPLA) Government of Angola was providing facilities for thousands of ANC terrorists on Angolan territory, including assistance in training, arming and preparing for acts of terrorism against the peoples of South Africa and was also supporting SWAPO's terrorist attacks against South West Africa/Namibia. South Africa, for its part, had sought a peaceful resolution of its dispute with Angola, in accordance with the Charter of the United Nations, and his Government, having tried all peaceful channels in an endeavour to solve the problem, would not allow itself to be attacked with impunity and it should take whatever action was necessary and appropriate to defend itself. South Africa was confident that its actions had been in accordance with international law, since it was an established principle that a State could not permit or encourage on its territory activities for the purpose of carrying out acts of violence against another State, and since it was equally well established that a State had the right to take appropriate steps to protect its own security and territorial integrity against such acts. The representative dismissed the "testimony" of Captain du Toit by asserting that it was clear from the interview that the Captain had been drugged and had been forced to read from a carefully edited text. He challenged the Security Council to allow Captain du Toit to appear before it to give the "uncoerced" version of what had transpired. He referred to the allegation by the Foreign Minister of Angola that South Africa had violated Angolan territory; he did not wish to reply to those distortions but rather to remind the members of the Council of the Alvor Agreement, according to which Portugal and the three movements, the National Front for the Liberation of Angola (FNLA), MPLA and UNITA, had undertaken to hold nationwide elections for a constituent assembly before the end of October 1975, and that the elections had never been held because the MPLA had "imported" foreign troops into Angola to impose its rule, thereby plunging that country into a civil war which was still unresolved. The MPLA government, which South Africa had not recognized, had denied the people of Angola the right to decide their form of government in free elections; he called upon the members of the Council to join his Government in seeking an international agreement for the withdrawal of all foreign forces from Angola.¹⁶

The Council then proceeded to vote on the draft resolution,¹⁷ which was adopted unanimously as resolution 567 (1985).¹⁸ The resolution reads as follows:

The Security Council,

Having heard the statement of the Minister for External Relations of the People's Republic of Angola,

¹³S/PV.2596, pp. 24-29.

¹⁴*Ibid.*, pp. 32-34.

¹⁵S/PV.2533, pp. 88-102.

¹⁶S/PV.2597, pp. 22-27.

¹⁷S/17286, subsequently adopted as resolution 567 (1985).

¹⁸For the vote, see *ibid.*, p. 71.

Recalling its resolutions 387 (1976), 418 (1977), 428 (1978), 447 (1979), 454 (1979), 475 (1980), 545 (1983) and 546 (1984),

Gravely concerned at the renewed escalation of unprovoked and persistent acts of aggression committed by the racist regime of South Africa in violation of the sovereignty, airspace and territorial integrity of Angola, as evidenced by the recent military attack in the Province of Cabinda,

Conscious of the need to take effective steps for the prevention and removal of all threats to international peace and security posed by South Africa's military attacks;

1. *Strongly condemns* South Africa for its recent act of aggression against the territory of Angola in the Province of Cabinda as well as for its renewed intensified, premeditated and unprovoked acts of aggression, which constitute a flagrant violation of the sovereignty and territorial integrity of that country and seriously endanger international peace and security;

2. *Further strongly condemns* South Africa for its utilization of the international Territory of Namibia as a springboard for perpetrating its armed attacks as well as sustaining its occupation of parts of the territory of Angola;

3. *Demands* that South Africa should unconditionally withdraw forthwith all its occupation forces from the territory of Angola, cease all acts of aggression against that State and scrupulously respect the sovereignty and territorial integrity of the People's Republic of Angola;

4. *Considers* that Angola is entitled to appropriate redress and compensation for any material damage it has suffered;

5. *Requests* the Secretary-General to monitor the implementation of the present resolution and report to the Security Council;

6. *Decides* to remain seized of the matter.

Following the vote, the representatives of the United Kingdom of Great Britain and Northern Ireland and the United States of America made statements in explanation of the votes.¹⁹ The representative of the United Kingdom said that, while his Government had held the view that the Council should express strong condemnation of South Africa's illegal and unjustifiable act of force in Cabinda, his delegation's vote in favour of the resolution did not mean that they considered that the third preambular paragraph fell within the provisions of Chapter VII of the Charter of the United Nations or constituted a finding or decision which had specific consequences under the Charter. The representative of the United States shared the view regarding the implicit references to Chapter VII of the Charter in "several paragraphs" of the resolution and added that his Government, which had been in the forefront of the efforts aimed at a peaceful settlement of the conflicts in southern Africa, did not accept the use in the resolution of the term "occupation forces" to describe any continued South African military presence in Angola, particularly since those efforts had resulted in the 1984 Lusaka Accord which had subsequently led to South Africa's announcement of the completion of the disengagement of its forces and the withdrawal of its troops from the dams at Ruacana and Calueque.²⁰

Decision of 20 September 1985 (2607th meeting): resolution 571 (1985)

By a letter²¹ dated 19 September 1985 addressed to the President of the Security Council, the representative of Angola requested a meeting of the Security Council to consider "the armed invasion perpetrated by the racist armed

forces against Angola and the threat it poses to regional and international peace and security".

By a previous letter²² dated 18 September 1985 addressed to the President of the Security Council, the representative of Angola had informed the members of the Council that the armed forces of the apartheid regime had once again crossed the sovereign border of Angola on 16 September 1985 and had engaged in acts of wanton destruction and brutality against his country. He charged that South Africa's State terrorism against its sovereign neighbours was the external manifestation of the internal State terrorism against the majority of the inhabitants of that country; he wished to focus international attention, in particular at the beginning of the fortieth session of the United Nations General Assembly, on the violation of international law and of Angola's sovereignty and territorial integrity by a State that had been expelled from the General Assembly.

At its 2606th meeting, on 20 September 1985, the Security Council included the letter dated 19 September 1985 from the representative of Angola in its agenda and considered the item at its 2606th and 2607th meetings on the same date.

In the course of the two meetings, the Council decided to invite, at their request, the representatives of Angola, Argentina, Brazil, Cuba, Cyprus, Greece, Guyana, Qatar, Senegal, South Africa, Sri Lanka and Zambia to participate, without the right to vote, in the discussion.²³ The Council also extended an invitation, as requested, under rule 39 of the provisional rules of procedure of the Security Council, to the Chairman of the Special Committee against Apartheid.²³

At the same meeting, the representative of Angola said that, on 17 September 1985, when the rest of the world was celebrating the fortieth anniversary of the United Nations, South Africa had launched a major attack on Angolan military units, including massive air raids, in the provinces of Cunene, Cuando Cubango and Mexico, 275 kilometres from the Namibian border. He stated that the attack had been against units of the People's Armed Forces for the Liberation of Angola (FAPLA), which had been advancing from Mavinga towards the UNITA base at Jamba, and that South Africa was not only continuing with its bombarding and raiding of Angolan territory, but was also preparing for more direct confrontation with Angolan troops. The massive invasion of his country, involving the deployment of the mercenary Buffalo Battalion fully armed and assisted by five additional South African battalions and the vast quantities of military hardware that had been air-dropped in eastern Angola, was not a pre-emptive strike against the freedom fighters of SWAPO, as claimed by South Africa, but was rather exclusively intended to save the UNITA puppets, who would not survive politically or militarily without the Pretoria racist regime. He described in some detail what he referred to as the "links" between the internal apartheid policies of South Africa and the external manifestations of that same apartheid ideology as Pretoria desperately sought to survive in an increasingly

¹⁹Ibid., p. 72.

²⁰Ibid. pp. 72-74.

²¹S/17474.

²²S/17472.

²³For details, see chap. III of the present *Supplement*.

hostile world, and said that it was vital for the Security Council and the international community to see that link between the national and regional aspects of apartheid. South Africa, which had signed the Charter in June 1945 in San Francisco as one of the original Members of the Organization, was currently in contravention of many of the provisions of the Charter and those violations had been the subject of "countless" resolutions, including many adopted by the Council itself. He quoted Article 25 of the Charter of the United Nations, which stated: "The Members of the United Nations agree to accept and carry out the decisions of the Security Council . . .", and charged that, despite the provision of Article 30 according to which the Council was "master of its own rules", the Security Council was also in violation of Article 24, which specifically conferred upon it primary responsibility for the maintenance of international peace and security. The Council, in the discharge of those duties, should act in accordance with the Organization's Purposes and Principles, which were among the most lofty ideals of the modern age; he quoted Article 1, paragraph 1, of the Charter, which stated:

To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace . . .

He then asked whether those words had any meaning for the dead and dying in Angola, and said that the only organ that had been designed and created for such situations had been largely insensitive to Angola's pain and pleas, while the source of so much tension and danger in southern Africa had escaped with impunity, except for a symbolic expulsion from the General Assembly. The issue before the Council was not simply South Africa's aggression against Angola; it was apartheid itself that was under indictment. While the votes of the members of the Council would be for or against apartheid, the implementation of the Council's decision would affect apartheid not just in South Africa but in southern Africa as a whole. He urged the Security Council to strongly condemn South Africa for its act of aggression, to demand the immediate and unconditional withdrawal of its armed forces from Angola, to adopt measures for the implementation of its resolutions on the question and to consider punitive measures against South Africa, including sanctions under Chapter VII of the Charter and expulsion from the United Nations. He further appealed to the Security Council, under all the relevant Articles of the Charter, to assist Angola, and concluded by stating that the continuation of the current circumstances might leave his country no choice except the exercise of its right that had been enshrined in the "constitution" of the United Nations under Article 51.²⁴

At the same meeting, the representative of South Africa informed the Security Council of the circumstances that had led to the current situation in southern Angola by referring to the Lusaka Accord which had been signed by South Africa and Angola on 16 February 1984. In that agreement, South Africa had undertaken to disengage all its forces from the occupied area in southern Angola on the understanding that, as the disengagement progressed,

Angola would restrain SWAPO and ensure that neither SWAPO terrorists nor Cuban forces entered the territory from which South African forces had been withdrawn. He charged that SWAPO terrorists had repeatedly moved southward to attack the civilian population of Namibia and a total of 145 such violations had been brought to the attention of the Government of Angola, which had admitted its inability to carry out its commitment, at meetings of the Joint Monitoring Commission of South Africa and Angola. His Government, in an effort to normalize the situation in that part of the region, had announced on 18 April 1985 the completion of the disengagement of its forces in good faith, in accordance with the terms of the Lusaka agreement; it had explored the possibility of establishing some sort of joint South African/Angolan peacekeeping mechanism; and following Angola's refusal to cooperate, South Africa had made it clear that it would continue to take whatever action might be necessary to defend the inhabitants of Namibia against the terror campaign of SWAPO. Since South Africa's disengagement from Angola and despite repeated warnings to SWAPO and appeals to the Government of Angola, SWAPO forces had not only returned to the southern Angolan border but had also announced their intention of increasing the attacks on Namibian civilian targets. In addition to the discovery of 124 kilograms and a further 106 kilograms of explosives in Katatura, near Windhoek, and in the operational area, detailed information had been obtained from two terrorists of SWAPO's Eighth Battalion, who had admitted upon arrest that they had been part of a reconnaissance and sabotage team. On the basis of that information, the tracks of at least 30 terrorists had been traced to the border with Angola, after which a swift follow-up operation had been undertaken in southern Angola, where large arms caches for use in Namibia had been found and destroyed. While the Angolan armed forces had been advised throughout of the South African operation, the Chief of the South African Defence Force had announced the previous day that the contingents involved in that operation had already been ordered to commence withdrawal. He reiterated his Government's view that a serious dialogue with the Government of Angola was an essential requirement for the peaceful and durable resolution of the problem of their region, in particular the volatile situation on the border between Angola and Namibia. He asserted that South Africa's action against SWAPO elements in southern Africa was overshadowed by other developments in Angola and again referred to the 1975 Alvor Agreement which, he said, had been overturned by MPLA, thereby depriving the people of Angola of the right to determine their own future in free and fair elections and plunging that country into civil war. He recalled his Government's belief that there should be no foreign interference from any quarter in the affairs of Angola; at that moment, the Soviet Union and the Cubans were directing the offensive against the Angolan people and had also deployed advanced weapons, including MIG-23 and SU-22 aircraft, M-24 and M-25 helicopters and T-62 tanks. He reminded the members of the Security Council of the "Brezhnev doctrine", and asked whether the Organization's concern for self-determination, free elections and human rights stopped short at the southern banks of the Cunene river and whether the Organization was prepared to do nothing while the Soviets and the

²⁴S/PV.2606, pp. 7-14.

Cubans extinguished the right of the people of Angola to genuine independence and self-determination.²⁵

At the same meeting, the representative of Madagascar, speaking also in his capacity as current Chairman of the Group of African States, noted that South Africa, which had undertaken in April 1985 to withdraw all its occupation forces from southern Angola, sought to justify its latest act of military aggression by an alleged threat to the security of Namibia, a Territory that it was occupying illegally. Such a justification on the basis of the theory of so-called preventive action was unacceptable in "the framework of positive international law"; that theory was the antithesis of the right of self-defence as recognized under Article 51 of the Charter, since it was so vague and subjective as to permit any State to consider as dangerous to its security any action taken by its victim even if that action was in keeping with internationally accepted norms. South Africa, acting both as judge and party in its consideration of a situation which it believed was a threat to its own security, had indeed used force without hesitation and violated the territorial integrity of a sovereign State. The Pretoria regime wished to divert the attention of the international community from its domestic difficulties resulting from the struggle of the South African people to dismantle the apartheid system. He called upon the Security Council, in order to discourage and pre-empt the acts committed in violation of the Charter, to act decisively by making use of the means available to it under the Charter, in particular to ensure the implementation by all States of the arms embargo imposed against South Africa in resolution 418 (1977), the recognition of Angola's right to appropriate compensation for losses and damage resulting from Pretoria's aggression, the evaluation of such losses and damage through an investigation by a fact-finding committee, and the application of effective pressure against South Africa to induce it to comply with the relevant Security Council resolutions and its obligations under the Charter.²⁶

At the 2607th meeting, on 20 September 1985, the President of the Security Council drew the attention of members of the Council to the draft resolution²⁷ submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago.

At the same meeting, the representative of Trinidad and Tobago rejected South Africa's pretext for violating the sovereignty and territorial integrity of Angola and said that there was neither inherent right nor could there be any legality, under contemporary international law, for a military action across borders into the territory of another State on grounds of a pre-emptive strike or hot pursuit. While the South African action against Angola was clearly in violation of international law, the fact that the military attacks were launched from Namibia under the doctrine of hot pursuit or pre-emptive strike compounded the unacceptability and illegality of the acts, particularly since the adventurism was supposedly undertaken on behalf of a Territory which was illegally occupied by South Africa in defiance of United Nations resolutions and contrary to the advisory opinion of the International Court of Justice. He stressed

that it must be clear that the international community would not allow a State, on the basis of an abhorrent theory of human relations or some alleged manifest right, to use Namibian territory as a springboard for armed attacks. The Security Council should serve an unambiguous warning upon South Africa of its determination to oppose violations of international law relating to the non-use of force, and it was imperative for the Council to take decisive action by "instituting" certain provisions of Chapter VII of the Charter of the United Nations.²⁸

The President of the Security Council, speaking in his capacity as the representative of the United Kingdom of Great Britain and Northern Ireland, said that his Government had repeatedly deplored all cross-border military actions, which only undermined the prospects for peace and stability in southern Africa, and that as recently as June of that year it had strongly condemned the South African attacks on Cabinda in Angola and on Gaborone in Botswana. His delegation would vote for the draft resolution before the Council, which neither fell within the terms of Chapter VII of the Charter nor constituted a formal determination under that Chapter but clearly and strongly condemned the South African attack. His delegation did not interpret operative paragraph 5 of the draft resolution as an endorsement of the intervention of combat troops from other countries in the affairs of the South African region, since his Government was concerned that any such intervention risked widening the conflict with the likelihood of exacerbating the problems of finding peace in the region.²⁹ He then resumed his functions as President of the Council, invited the Council to proceed to the vote and read out, on behalf of the sponsors of the draft resolution,³⁰ textual changes relating to operative paragraphs 2 and 5.³¹

At the request of the representative of the United States of America, under rule 33 of the provisional rules of procedure of the Security Council, the meeting was suspended for 10 minutes in order to further discuss the matter before the vote.³²

When the meeting was resumed 20 minutes later, the representative of the United States asked whether, under rule 32 of the provisional rules of procedure of the Security Council, they could have a separate vote on operative paragraph 5 of the draft resolution, which was then put to a separate vote, since there was no objection to the request, and adopted by 14 votes in favour to none, with 1 abstention.³³

The Council then voted on the draft resolution as a whole, as orally revised, and adopted it unanimously as resolution 571 (1985).³⁴ The resolution reads as follows:

The Security Council,

²⁸S/PV.2607, pp. 15-17.

²⁹*Ibid.*, pp. 43-44.

³⁰S/17481, subsequently adopted with oral revisions as resolution 571 (1985).

³¹S/PV.2670, p. 46.

³²*Ibid.*, p. 47. For a brief procedural discussion in connection with the proposal to suspend the meeting, see chap. I, part V, of the present *Supplement*.

³³*Ibid.*, p. 51. For a consideration of the requirements for a separate vote on a part of a draft resolution, under rule 32 of the provisional rules of procedure of the Security Council, see chap. I, part V, of the present *Supplement*. For the vote, see chap. IV.

³⁴For the vote, see *ibid.*, pp. 51 and 52.

²⁵*Ibid.*, pp. 16-21.

²⁶*Ibid.*, pp. 29-32.

²⁷S/17481, subsequently orally revised and adopted as resolution 571 (1985).

Having considered the request by the Permanent Representative of the People's Republic of Angola to the United Nations, contained in document S/17474,

Having heard the statement of the Permanent Representative of Angola,

Recalling its resolutions 387 (1976), 428 (1978), 447 (1979), 454 (1979), 475 (1980), 545 (1983) and 567 (1985), in which it, *inter alia*, condemned South Africa's aggression against the People's Republic of Angola and demanded that South Africa scrupulously respect the independence, sovereignty and territorial integrity of Angola,

Gravely concerned at the further renewed escalation of hostile, unprovoked and persistent acts of aggression and sustained armed invasions committed by the racist regime of South Africa, in violation of the sovereignty, airspace and territorial integrity of the People's Republic of Angola,

Convinced that the intensity and timing of these acts of armed invasions are intended to frustrate efforts at negotiated settlements in southern Africa, particularly in regard to the implementation of Security Council resolutions 385 (1976) and 435 (1978),

Grieved at the tragic loss of human life, mainly that of civilians, and concerned about the damage and destruction of property, including bridges and livestock, resulting from the escalated acts of aggression and armed incursions by the racist regime of South Africa against the People's Republic of Angola,

Gravely concerned that these wanton acts of aggression by South Africa form a consistent and sustained pattern of violations and are aimed at weakening the unrelenting support of front-line States for the movements for freedom and national liberation of the peoples of Namibia and South Africa,

Conscious of the need to take effective steps for the prevention and removal of all threats to international peace and security posed by South Africa's military attacks,

1. *Strongly condemns* the racist regime of South Africa for its premeditated, persistent and sustained armed invasions of the People's Republic of Angola, which constitute a flagrant violation of the sovereignty and territorial integrity of that country, as well as a serious threat to international peace and security;

2. *Strongly condemns also* South Africa for its utilization of the international Territory of Namibia as a springboard for perpetrating armed invasions and destabilization of the People's Republic of Angola;

3. *Demands* that South Africa withdraw forthwith and unconditionally all its military forces from the territory of the People's Republic of Angola, cease all acts of aggression against that State and scrupulously respect the sovereignty and territorial integrity of Angola;

4. *Calls upon* all States to implement fully the arms embargo imposed against South Africa in resolution 418 (1977);

5. *Requests* Member States urgently to extend all necessary assistance to the People's Republic of Angola and other front-line States, in order to strengthen their defence capacity against South Africa's acts of aggression;

6. *Calls* for payment of full and adequate compensation to the People's Republic of Angola for the damage to life and property resulting from those acts of aggression;

7. *Decides* to appoint and send immediately to Angola a commission of investigation, comprising three members of the Security Council, in order to evaluate the damage resulting from the invasion by South African forces and to report to the Council not later than 15 November 1985;

8. *Urges* Member States, pending the report of the Commission of Investigation, to take prompt, appropriate and effective action to bring pressure to bear upon the Government of South Africa to comply with the provisions of the present resolution and of the Charter of the United Nations, to respect the sovereignty and territorial integrity of Angola and to desist from all acts of aggression against neighbouring States;

9. *Decides* to remain seized of the matter.

Following the adoption of the resolution, the representative of the United States said that his delegation had abstained in the separate vote on operative paragraph 5 be-

cause the implementation of that paragraph, which represented a call to arms, would result in an escalation of violence in an already volatile situation. He further said that, while South Africa had no justification for violating Angolan sovereignty, his Government's diplomatic efforts were aimed at the achievement of a peaceful settlement in the region.³⁵

By a note³⁶ dated 30 September 1985, the President of the Security Council announced that, following consultations with the members of the Council, the Commission of Investigation established under paragraph 7 of resolution 571 (1985) would be composed of Australia, Egypt and Peru.

Decision of 7 October 1985 (2617th meeting): resolution 574 (1985)

By a letter³⁷ dated 1 October 1985 addressed to the President of the Security Council, the representative of Angola requested an urgent meeting of the Security Council to consider the acts of aggression and threats to regional and international peace and security by the armed forces of South Africa, resulting in the violation of the territorial integrity and national sovereignty of Angola.

At its 2612th meeting, on 3 October 1985, the Security Council included in its agenda the letter dated 1 October 1985 from Angola and considered the item at its 2612th, 2614th, 2616th and 2617th meetings, from 3 to 7 October 1985.

In the course of its deliberations the Council invited, at their request, the representatives of Afghanistan, Algeria, Angola, Botswana, Cameroon, Cuba, Ethiopia, Ghana, the Islamic Republic of Iran, Kuwait, Morocco, Mozambique, Nicaragua, Nigeria, Senegal, South Africa, Tunisia, the United Arab Emirates, the United Republic of Tanzania, Viet Nam, Yugoslavia, Zambia and Zimbabwe to participate, without the right to vote, in the discussion.³⁸ The Council also extended an invitation, as requested, under rule 39 of the provisional rules of procedure, to Mr. Peter Mueshange of SWAPO and to Mr. M. J. Makatini of the ANC.³⁸

At the outset of the discussion, the President of the Security Council drew the attention of the members to a letter³⁹ dated 1 October 1985 from the representative of India addressed to the Secretary-General, transmitting the text of a special communiqué adopted by the meeting of ministers and heads of delegation of non-aligned countries to the General Assembly at its fortieth session, held in New York on the same date.

At the same meeting, the representative of Angola charged that, only a few days after the unanimous adoption of resolution 571 (1985) and even before the fact-finding mission to Angola established by that resolution had visited the area, the Pretoria regime had responded by duplicating the very operation for which it had been censured by the Security Council on 20 September 1985. On 28 and

³⁵Ibid., pp. 58-59.

³⁶S/17506.

³⁷S/17510.

³⁸For details, see chap. III of the present *Supplement*.

³⁹S/17518.

29 September, South African aircraft had violated the airspace of Angola for the purpose of conducting reconnaissance of the position of Angolan troops; early on 30 September, in addition to a direct clash with the South African infantry, a formation of over eight South African aircraft had flown over Angolan troop positions on a bombing mission that had resulted in more than 65 casualties, the wounding of hundreds and the destruction of six Angolan helicopters. South African forces of a yet undetermined strength had been landed in Angola from Namibia, a Territory which was not only illegally occupied by South Africa but also consistently used for launching armed invasions and other acts of aggression against his country, and those South African forces were currently located in Mavinga, 250 kilometres inside Angolan territory from the Namibian border. The latest South African act of aggression had taken place just as the armed forces of Angola (FAPLA) had been breaking through the third and last defence position of the mercenary group of UNITA; while the target area had never contained any Namibian refugees or SWAPO elements, the South African attack had been aimed primarily at protecting the UNITA bandits and, simultaneously, at the destruction of Angolan national institutions and infrastructure. His Government had been repeatedly presenting its case to the Council since 1976 and it would continue to do so and to demand action by the Security Council, since that was his country's right and the Council's duty under the Charter of the United Nations. It was not only Angola that was currently under attack; the racist Pretoria regime had also shown its contempt for the United Nations by disregarding the resolutions of the Council, and the Security Council must take action so that it did not itself become guilty of contravening the provisions of the Charter by virtue of its silence, neutrality or inaction. He recalled a communication from his State President addressed to the Secretary-General in which reference had been made to the right of a sovereign State to ask for "broader assistance" and said that unless they received concrete assistance in ending South African presence in Angola and the cessation of its interference in the strictly internal affairs of his country, his Government and people would do everything within their means to defend their sovereignty and territorial integrity against the aggressor.⁴⁰

At the same meeting, the representative of India referred to the meeting of ministers and heads of delegation of non-aligned countries to the General Assembly at its 40th session, and said that the special communiqué³⁹ adopted at that meeting had declared, *inter alia*, that the latest instance of aggression by South Africa further testified to the arrogance and intransigence of the racist regime and its utter lack of respect for the purposes and principles of the charter of the United Nations and all norms of international law. The ministers and heads of delegation had urged the Security Council to deal with the serious threat to peace and security that had been posed by the latest acts of aggression; that they had renewed their call for the imposition of comprehensive mandatory sanctions against South Africa under Chapter VII of the Charter.⁴¹

At the same meeting, the representative of South Africa said that, in his statement⁴² to the Council on 20 September 1985, he had apprised the members of the growing conflict in southern Angola and of the role the Soviet Union and its "surrogates" had been playing in the civil war in that country, and that the Council had responded by adopting resolution 571 (1985). Particularly under paragraph 5 of that resolution, the Security Council had, in essence, requested all Member States to export more weapons and military personnel to Angola; taking advantage of that invitation, the involvement of the Soviet Union and its allies in the current fighting was even more extensive than what he had indicated to the Council on 20 September. He charged that Soviet pilots were flying some of Angola's MIG-23 aircraft and MI-25 helicopter gunships, and that SWAPO was still "sending major units southward as part of the Soviet-directed offensive" with the intention of opening new fronts in the terrorist campaign against the people of Namibia. South Africa, despite its limited capabilities, would stand by its responsibilities for the security of its own people and the security of the people of South West Africa/Namibia. He then challenged the Council with his Government's suggestion that it should dispatch a fact-finding mission to southern Angola to "discover" what support UNITA enjoyed in Angola and to establish who was fighting whom, who was directing the operations, what armaments were being used and what the people of Angola preferred. He further challenged the MPLA Government of Angola to confirm its claim by holding free elections and by permitting the people of Angola to determine their future peacefully, thereby enabling them to bring an end to an otherwise endless civil war. The MPLA, if it chose to continue the civil war, should not be the only party entitled to assistance; the United States Congress, by repealing the Clark Amendment, had already recognized the admissibility of aid to UNITA. He reasserted his Government's preference to resolve the problems of southern Africa through negotiation and its conviction that military solutions were not feasible; peace and stability, however, could not be achieved while foreign Powers and foreign interests dictated developments in the subcontinent. He recalled his State President's latest appeal to the leaders of southern Africa to unite in the demand for the withdrawal of all foreign forces from Angola, and submitted, in furtherance of that call, a draft resolution,⁴³ under rule 38 of the provisional rules of procedure of the Security Council. He then stressed that the draft resolution, which was designed to serve the interests of southern Africa as a whole, was a "sincere and serious attempt" by his Government to bring peace to the region, and invited the members of the Council not only to give the text due consideration and support, but also to declare what aspects of the draft text, if any, they disagreed with.⁴⁴

At the same meeting, the representative of Nigeria, speaking in his capacity as current Chairman of the Group of African States, said that the credibility of the Security

⁴⁰S/PV.2612, pp. 3-6.

⁴¹Ibid., pp. 7-9.

⁴²S/PV.2606, pp. 16-21.

⁴³S/17522. For the provisions and application of rule 38 of the provisional rules of procedure of the Security Council, see chap. III, part III, of the present *Supplement*. See also chap. I.

⁴⁴S/PV.2612, pp. 11-16.

Council as the primary organ for the maintenance of international peace and security was severely jeopardized when it could not be seen to act decisively, effectively and objectively in the face of acts of aggression and breaches of the peace committed blatantly. He called upon the Council to recall the seventh preambular paragraph and paragraph 1 of resolution 571 (1985), under which the Council had established that South Africa habitually contravened the Charter of the United Nations, and asked the Council which one of the options it would adopt from among those provided under Article 39 of the Charter. He then recommended, on behalf of the African Group of States, that the Council should go beyond mere condemnation of South Africa for its aggression against Angola and other front-line States and called for the following measures: (a) the immediate payment of full compensation to Angola; (b) the full implementation of the arms embargo against South Africa; (c) the application of comprehensive and mandatory sanctions against the Pretoria regime for its policy and practices of apartheid; and (d) the consideration of other measures under Article 42 of the Charter to stop South Africa from committing further acts of aggression.⁴⁵

At the 2614th meeting, on 4 October 1985, the President drew the attention of the members of the Council to a draft resolution⁴³ submitted by South Africa. Under that text, which was not put to a vote, the Council would have, *inter alia*, demanded the unconditional withdrawal of all foreign military forces from Angola, called upon all States to respect the sovereignty and territorial integrity of Angola, requested the various factions within Angola to settle their differences through peaceful negotiation and in a spirit of national reconciliation and further requested Member States to refrain from intervening in the domestic affairs of Angola so that self-determination could be achieved in that country.

At the same meeting, the representative of the Soviet Union referred to the South African contention of a "direct involvement" of the Soviet Union and Cuba in the actions of the Angolan armed forces against UNITA, and said that that was the usual ploy of a "communist menace" used by aggressors as an ideological screen behind which they could attack other countries. He said that the Western Powers, which had prevented the Security Council from adopting comprehensive mandatory sanctions against South Africa under Chapter VII of the Charter, had stated that they had been introducing limited sanctions of their own, following which the apartheid regime had resumed the military and subversive actions against African countries, thereby demonstrating the total emptiness of the so-called limited economic sanctions. He stated that the proponents of the argument that sanctions would not be effective while they would harm the people of South Africa and neighbouring African countries seemed to believe that sanctions were indeed an effective means of exerting pressure when they had unilaterally imposed those measures, in violation of the Charter of the United Nations, against such countries as Cuba and Nicaragua. Such a double-standard approach benefited only aggressive regimes, particularly at a time of intense discussions on the need to enhance the effective-

ness of the Council in discharging its principal role of maintaining international peace and security. He stressed that the Security Council could become a truly effective body not through procedural or "cosmetic" changes in its work, but only through a renunciation of the policy of appeasement by some of its members and a demonstration of the will to adopt the effective enforcement measures set forth in the Charter.⁴⁶

At the 2616th meeting, on 7 October 1985, the President of the Security Council drew the attention of the members of the Council to a draft resolution⁴⁷ submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago.

At the same meeting, the representative of the United Arab Emirates rejected the invocation by South Africa of the right to self-defence because, he said, such an attempt at justifying the intervention in the internal affairs of Angola ran counter to the principles of the Charter and the rules of international law. In international law and jurisprudence, "urgent need" and "proportionality of the response to the danger posed" were the two fundamental conditions that must be present in order to exercise the right to self-defence; those conditions did not exist in the current case of aggression against a small peace-loving Angola, which represented no danger whatsoever to the militarily strong South Africa. He further elaborated the concept of international law on the conditions for the exercise of the right to self-defence and its applicability to the case before the Council by quoting a spokesman of the United States State Department, who, on 18 September 1985, had stated that any use of force by a State had to be justified under the doctrine of self-defence and that, while there was no inherent right to engage in cross-border military activity on the basis of pre-emptive strike, South Africa's raid had not appeared to have been justified by a clear and imminent danger to Namibian territory, thus rendering the act neither reasonable nor a proportionate response. He stressed that South Africa's acts of aggression required the application of sanctions under Article 39 of the Charter and called upon the Security Council not to cause the loss of faith in that primary organ of the United Nations on the part of the small States of the world.⁴⁸

At the 2617th meeting, on 7 October 1985, the representative of Botswana referred to Security Council resolution 571 (1985) of 20 September 1985, by which the Council had demanded the withdrawal of South African troops from Angola, and said that, while it was well known that Pretoria had never shown any respect for the Council's decisions, the fact that South Africa had grown accustomed to displaying its disrespect was an ominous development which the Council could ignore only at great peril to peace and stability in southern Africa. The presence of Cuban forces in Angola at the invitation of Angola had resulted from the South African invasion and repeated violations of the territorial integrity of that country since 1975; those Cuban forces, which had never set foot in Namibia, had

⁴⁶S/PV.2614, pp. 33-36. For a discussion of enforcement measures under Chapter VII of the Charter (Article 41), see chap. XII of the present *Supplement*.

⁴⁷S/17531, subsequently adopted as resolution 574 (1985).

⁴⁸S/PV.2616, pp. 46-48.

⁴⁵*ibid.*, pp. 18-22.

not in any way threatened the security of South Africa. The source of conflict in southern Africa was neither the Cuban troop presence nor the granting of asylum to South African refugees by the neighbouring countries, but rather the pestilence of apartheid and racism in South Africa and denial of the right of self-determination to the people of Namibia. He then referred to the draft resolution⁴⁹ submitted by South Africa at the 2614th meeting, and said that all the operative paragraphs, in particular paragraph 3, cried out for implementation by Pretoria itself and that the Council should reject the text, since there was nothing positive or moral that South Africa could preach to Angola.⁵⁰

At the same meeting, the President put to the vote a draft resolution⁴⁷ submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago and requested, in his capacity as the representative of the United States, a separate vote on operative paragraph 6 of the draft resolution, which was voted upon and adopted by 14 votes in favour to none against, with 1 abstention.⁵¹

The Council then voted on the draft resolution as a whole, which was adopted unanimously as resolution 574 (1985).⁵² The resolution reads as follows:

The Security Council,

Having considered the request of the Permanent Representative of the People's Republic of Angola to the United Nations contained in document S/17510,

Having heard the statement of the Permanent Representative of Angola,

Bearing in mind that all Member States are obliged to refrain in their international relations from the threat or use of force against the sovereignty, territorial integrity or political independence of any State and from acting in any other manner inconsistent with the principles and purposes of the United Nations,

Recalling its resolutions 387 (1976), 428 (1978), 447 (1979), 454 (1979), 475 (1980), 545 (1983), 546 (1984), 567 (1985) and 571 (1985), which, *inter alia*, condemned South Africa's aggression against the People's Republic of Angola and demanded that South Africa should scrupulously respect the independence, sovereignty and territorial integrity of Angola,

Gravely concerned at the persistent, hostile and unprovoked acts of aggression and sustained armed invasions committed by the racist regime of South Africa in violation of the sovereignty, airspace and territorial integrity of the People's Republic of Angola and, in particular, the armed invasion of Angola carried out on 28 September 1985,

Conscious of the need to take effective steps for the prevention and removal of all threats to international peace and security posed by South Africa's acts of aggression,

1. *Strongly condemns* the racist regime of South Africa for its latest premeditated and unprovoked aggression against the People's Republic of Angola, as well as its continuing occupation of parts of the territory of that State, which constitute a flagrant violation of the sovereignty and territorial integrity of Angola and seriously endanger international peace and security;

2. *Strongly condemns also* South Africa for its utilization of the illegally occupied Territory of Namibia as a springboard for perpetrating acts of aggression against the People's Republic of Angola, as well as sustaining its occupation of part of the territory of that country;

3. *Demands once again* that South Africa cease immediately all acts of aggression and unconditionally withdraw forthwith all military forces occupying Angolan territory, as well as scrupulously respect the sovereignty, airspace, territorial integrity and independence of the People's Republic of Angola;

4. *Reaffirms* the right of the People's Republic of Angola, in accordance with the relevant provisions of the Charter of the United Nations, in particular Article 51, to take all the measures necessary to defend and safeguard its sovereignty, territorial integrity and independence;

5. *Calls upon* all States to implement fully the arms embargo imposed against South Africa in Security Council resolution 418 (1977);

6. *Renews* its request to Member States to extend all necessary assistance to the People's Republic of Angola in order to strengthen its defence capability in the face of South Africa's escalating acts of aggression and the occupation of parts of its territory by the South African military forces;

7. *Requests* the Security Council Commission of Investigation established in pursuance of resolution 571 (1985), consisting of Australia, Egypt and Peru, to report urgently on its evaluation of the damage resulting from South African aggression, including the latest bombings;

8. *Decides to meet* again in the event of non-compliance by South Africa with the present resolution in order to consider the adoption of more effective measures in accordance with the appropriate provisions of the Charter;

9. *Decides to remain seized* of the matter.

Following the adoption of the resolution, the President, speaking in his capacity as the representative of the United States, said that, while his Government supported the territorial integrity of Angola, his delegation had abstained in the vote on operative paragraph 6 for the same reason that it had not supported a similar call to arms in Security Council resolution 571 (1985).⁵³

The representative of the United Kingdom referred to his delegation's statement⁵⁴ at the 2607th meeting of the Council, on 20 September 1985, and said that his Government did not interpret operative paragraph 6 as endorsing the intervention of foreign combat troops. He added that his Government would like to see all forces withdrawn from Angola as soon as possible.⁵⁵

Decision of 6 December 1985 (2631st meeting): resolution 577 (1985)

By a note⁵⁶ dated 15 November 1985, the President announced the extension of the deadline for submission of the report by the Commission of Investigation established under resolution 571 (1985).

On 22 November 1985, the Commission of Investigation submitted its report⁵⁷ to the Council, in accordance with paragraph 7 of resolution 571 (1985) and paragraph 7 of resolution 574 (1985).

At its 2631st meeting, on 6 December 1985, the Security Council included in its agenda the report of the Commission of Investigation established under resolution 571 (1985) and considered the item at the same meeting. In the course of its deliberations, the Council invited, at their request, the representatives of Angola, Burundi and South

⁴⁹S/17522.

⁵⁰S/PV.2617, pp. 32-34.

⁵¹Ibid., p. 49. For a separate vote on a part of a draft resolution, under rule 32, see also chap. I, part V, of the present *Supplement*. For the procedural requirement on voting, see also chap. IV.

⁵²For the vote on the draft resolution as a whole, see *ibid.*, p. 49.

⁵³Ibid., pp. 50-52.

⁵⁴S/PV.2607, pp. 43-44.

⁵⁵S/PV.2617, p. 52.

⁵⁶S/17635.

⁵⁷S/17648.

Africa to participate, without the right to vote, in the Council's discussion.⁵⁸

At the outset of the discussion, the Chairman of the Commission of Investigation⁵⁹ gave a detailed introduction of the Commission's report. He said that the Commission had visited Angola from 13 to 24 October 1985 and that its mandate had been to evaluate the damage resulting from the invasion by South African forces in September 1985. The Council had subsequently included in the Commission's mandate, under paragraph 7 of resolution 574 (1985), an evaluation of the damage resulting from South Africa's further aggression in October 1985. At Cazombo, which had been the target of aggression in September 1985, the Commission had inspected the damage to buildings, the electricity generating system, water-supply equipment, the airstrip and the bridge over the Zambezi river. With regard to the Mavinga region, where South African forces had been involved in combat operations in October 1985, the Commission had been unable to conduct an on-site evaluation of damage owing to ongoing hostilities in the area but the Angolan Government had provided it with information on the nature and extent of damage to military equipment. The Commission estimated that the total damage resulting from South Africa's invasions of Angola in September and October 1985 was of the order of \$36,688,508. The Chairman of the Commission stressed that the estimate was incomplete in that it did not take into account injuries and loss of life or the effects of South Africa's actions on the Angolan economy. He noted that, as a result of its meetings in Angola, field visits, interviews with witnesses of events at Cazombo and Mavinga as well as information available to it, the Commission was convinced of South Africa's direct involvement in the military actions that had taken place in those two areas in September and October 1985. It had been difficult for the Commission to reflect fully in its report the plight of the civilian population and the Commission believed that there was a need for further humanitarian assistance. He stressed the Commission's view that the call to the international community for further assistance for rehabilitation and reconstruction did not in any way diminish South Africa's responsibility to pay full compensation to the Government of Angola as the Council had called for in its resolution 571 (1985).⁶⁰

The representative of South Africa referred to a statement⁶¹ of 27 November 1985 by his Minister for Foreign Affairs rejecting the report of the Security Council Commission of Investigation established under resolution 571 (1985). His Government rejected the report because the authors, far from attempting to present an objective assessment of the situation in Angola, had compiled a biased account that sought to blame South Africa for the situation in Angola. While the Commission's report contained unsubstantiated allegations, the fact of the matter was that the situation prevailing in Angola had resulted from the ongoing civil war between MPLA and UNITA. None of the

issues such as the presence of 35,000 Cuban troops, Soviet advisers and the damage to South West Africa/Namibia that had been inflicted by SWAPO terrorists operating from Angola—which he said were the root causes of the conflict in Angola—had been addressed in the Commission's report, in an apparent hope to persuade the international community that South Africa was responsible for the catastrophic situation in Angola. He regretted that the Security Council had chosen not to respond to his Government's suggestion⁶² to send a fact-finding mission to the area to ascertain who was fighting whom, who was directing the operations and what armaments were being used. Only such a mission as suggested by his Government might have provided the Council with an objective report and the report under consideration represented an attempt at furthering the propaganda campaign against South Africa.⁶³

The representative of Angola conveyed his Government's appreciation to the Commission for the manner in which it had fulfilled its mandate of evaluating the damage caused by the South African forces. No report could adequately reflect the extent of destruction and loss that had been inflicted on Angola within the decade since its independence. The real cost of damage suffered by his country as a result of South Africa's invasions in September and October 1985 was much higher than the total estimate indicated in the Commission's report. He appealed to the Security Council to strongly condemn South Africa for its aggression against Angola and to demand the payment of full and adequate compensation for the damage and losses it had caused.⁶⁴

At the same meeting, the President (Burkina Faso) put to the vote a draft resolution⁶⁵ submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago. At the request of the representative of the United States of America and in the absence of an objection, the President put to a separate vote operative paragraph 6 of the draft resolution, which was adopted by 14 votes in favour to none against, with 1 abstention.⁶⁶

The Council then voted on the draft resolution as a whole, which was adopted unanimously as resolution 577 (1985).⁶⁷ The resolution reads as follows:

The Security Council,

Having examined the report of the Security Council Commission of Investigation established under resolution 571 (1985),

Having considered the statement of the Permanent Representative of the People's Republic of Angola to the United Nations,

Gravely concerned at the numerous hostile and unprovoked acts of aggression committed by the racist regime of South Africa violating the sovereignty, airspace and territorial integrity of the People's Republic of Angola,

⁵⁸S/PV.2612, pp. 11-16.

⁵⁹S/PV.2631, pp. 16-18.

⁶⁰Ibid., pp. 18-23.

⁶¹S/17667, subsequently adopted as resolution 577 (1985).

⁵⁸For details, see chap. III of the present *Supplement*.
⁵⁹For the composition of the Commission of Investigation, see note 35 above.

⁶⁰S/PV.2631, pp. 6-11. For the full text of the Commission's report, see note 56 above.

⁶¹S/17662.

⁶²For the separate vote on operative paragraph 6, see *ibid.*, p. 31. For a consideration of the requirements for a separate vote on a part of a draft resolution, under rule 32, see also chap. I, part V, of the present *Supplement*. For voting in general, see also chap. IV.

⁶⁷For the vote, see *ibid.*, pp. 31 and 32.

Grieved at the tragic loss of human life and concerned about the damage to and destruction of property resulting from repeated acts of aggression committed by the South African racist regime,

Convinced that these wanton acts of aggression by the minority racist regime in South Africa form a consistent and sustained pattern of violations aimed at destroying the economic infrastructure of the People's Republic of Angola and weakening its support of the struggle of the people of Namibia for freedom and national liberation,

Recalling its resolutions 571 (1985) and 574 (1985) by which it, *inter alia*, strongly condemned South Africa's armed invasion perpetrated against the People's Republic of Angola and demanded that South Africa should scrupulously respect the independence, sovereignty and territorial integrity of Angola,

Reaffirming that the pursuance of these acts of aggression against Angola constitutes a threat to international peace and security,

Conscious of the need to take immediate and effective steps for the prevention and removal of all threats to international peace and security,

1. *Endorses* the report of the Security Council Commission of Investigation established under resolution 571 (1985) and expresses its appreciation to the members of the Commission;

2. *Strongly condemns* the racist South African regime for its continued, intensified and unprovoked acts of aggression against the People's Republic of Angola, which constitute a flagrant violation of the sovereignty and territorial integrity of Angola;

3. *Strongly condemns* South Africa's utilization of the international Territory of Namibia as a springboard for armed invasions and destabilization of the People's Republic of Angola;

4. *Demands once again* that South Africa cease immediately all acts of aggression against the People's Republic of Angola and unconditionally withdraw forthwith all forces occupying Angolan territory as well as scrupulously respect the sovereignty, airspace, territorial integrity and independence of Angola;

5. *Commends* the People's Republic of Angola for its steadfast support for the people of Namibia in their just and legitimate struggle against the illegal occupation of their territory by South Africa and for the enjoyment of their inalienable rights to self-determination and national independence;

6. *Requests* Member States urgently to extend all necessary assistance to the People's Republic of Angola, in order to strengthen its defence capacity;

7. *Demands* that South Africa pay full and adequate compensation to the People's Republic of Angola for the damage to life and property resulting from the acts of aggression;

8. *Requests* Member States and international organizations urgently to extend material and other forms of assistance to the People's Republic of Angola in order to facilitate the immediate reconstruction of its economic infrastructure;

9. *Requests* the Secretary-General to monitor developments in this situation and report to the Security Council as necessary, but no later than 30 June 1986, on the implementation of the present resolution and, in particular, of paragraphs 7 and 8 thereof;

10. *Decides* to remain seized of the matter.

Following the adoption of the resolution, the representative of the United Kingdom reiterated that his Government did not interpret any part of the resolution as endorsing the intervention of foreign combat troops, as encouraging a policy of armed struggle or as falling within the provisions of Chapter VII of the Charter of the United Nations, and that it would like to see the withdrawal of all foreign forces from Angola at the earliest possible time.⁶⁸

The representative of the United States said that, while his Government endorsed the report of the Commission of Investigation, it could not support any request for assistance to strengthen the military structure of Angola. His Government was actively pursuing the path of a negotiated settlement of the problems in southern Africa and, accordingly, his delegation had abstained in the vote on operative paragraph 5.⁶⁹

Decision of 18 June 1986 (2693rd meeting): rejection of five-Power draft resolution

By a letter⁷⁰ dated 12 June 1986, the representative of Angola requested the President of the Security Council to convene a meeting of the Council to consider the recent and continuing violation of the sovereignty and territorial integrity of Angola by South Africa.

At the 2691st meeting, on 16 June 1986, the Security Council included in its agenda the letter dated 12 June 1986 from Angola and considered the item at its 2691st to 2693rd meetings, from 16 to 18 June 1986.

In the course of its deliberations the Council invited, at their request, the representatives of Angola, Cuba, Czechoslovakia, the German Democratic Republic, India, Mongolia, Nicaragua, South Africa, the Syrian Arab Republic, the Ukrainian Soviet Socialist Republic, Viet Nam, Zaire and Zambia to participate, without the right to vote, in the Council's discussion.⁷¹

At the same meeting, the representative of Angola said that, on 5 June 1986, South African forces, including frogmen, had mounted a raid on the port of Namibe in southwestern Angola. On that day, the South African divers had mined one Cuban and two Soviet vessels which had been carrying foodstuffs and medical supplies for southern Angola; as a result, one vessel had sunk while the other two had been damaged. Furthermore, Israeli-made Scorpion missiles had fired on three fuel depots, which had been damaged, one of them partially. He recalled that, in May 1986, a contingent of South African troops and UNITA elements had killed more than 53 and wounded dozens of Angolan troops in an attack near Xangong in Cunene Province, some 100 miles north of the Angolan border with Namibia. Also in May 1986, South African troops had committed acts of aggression against the sovereign States of Botswana, Zambia and Zimbabwe, following which the foreign Ministers of the front-line States, at a meeting in Harare, had condemned the raids and called upon the international community to impose comprehensive and mandatory economic sanctions against Pretoria. While South Africa had repeatedly invaded Angola since 1975, there were currently seven South African battalions inside his country and varying strengths of South African troops had been illegally occupying parts of Angola since 1981. He referred to "countless mandatory resolutions" that had been adopted by the Security Council on the question of South African aggression against Angola and asked whether the Council was unable to enforce its own resolutions in accordance with its mandate under the Charter of

⁶⁹*ibid.*, pp. 33 and 34.

⁷⁰S/18148.

⁷¹For details, see chap. III of the present Supplement.

⁶⁸*ibid.*, pp. 32 and 33.

the United Nations. He appealed to the Council to condemn South Africa for its aggression against Angola and other front-line States, to demand the immediate withdrawal of its troops and to impose on it comprehensive mandatory sanctions.⁷²

At the same meeting, the representative of South Africa reiterated, with regard to the latest complaint by Angola, that the South African Defence Force had denied that it had been involved in the operation in the harbour town of Namibe. He said that the United Nations, especially the Security Council, must be aware of the ongoing civil war in Angola and that South Africa could not be held responsible for that conflict. Weapons deliveries were being stepped up and in the past two years alone the Soviet Union had brought at least \$2 billion worth of military equipment. While there was evidence showing the increasing number of Cuban troops and a growing involvement of Soviet advisers, a massive new offensive had recently commenced against the headquarters of UNITA at Jamba. His Government had complied with the 1984 Lusaka Agreement, despite Angola's inability to curtail SWAPO incursions across the Namibian border, and South Africa had repeatedly stated that the problems of Angola should be solved by the Angolan people without any foreign interference. He again wondered why the Security Council was not sending a fact-finding mission to Angola to establish those facts for itself.⁷³

In the course of the Council's deliberations, many speakers condemned the South African acts of aggression against Angola and called for mandatory economic sanctions under Chapter VII of the Charter.⁷⁴

At the 2693rd meeting, on 18 June 1986, the President drew the attention of the members of the Council to a draft resolution⁷⁵ submitted by the Congo, Ghana, Madagascar, Trinidad and Tobago and the United Arab Emirates. The President further drew the attention of the members to the text of a communication⁷⁶ from the President of the World Conference on Sanctions against South Africa, which was currently meeting in Paris. The text of the communication stated that the World Conference had been apprised of the Security Council's meetings regarding the recent South African aggression against the Angolan port of Namibe and that the facts related to that aggression had once more shown the need to adopt the sanctions envisaged in the Charter of the United Nations.

At the same meeting, the representative of Ghana said that the latest South African aggression brought into focus the following three fundamental issues: (a) that there was growing acceptance within the international community of the need to abolish apartheid through the economic isolation of South Africa; (b) that Security Council resolution

435 (1978), which contained the framework for Namibia's independence, should be implemented without linkage to the Cuban troop presence in Angola, which was in accordance with Angola's sovereign right to defend its territorial integrity; and (c) that there was a need, in particular on the part of the permanent members of the Council, to refrain from supporting the Savimbi rebel group, which was attempting to overthrow the legally constituted Government of Angola in violation of international law. He then introduced the above-mentioned draft resolution⁷⁵ which he described as modest and seeking to bring under the ambit of the Security Council parts of the specific measures that had already been agreed upon in the Nassau Accord at the Commonwealth Summit in the Bahamas in November 1985. He further said that the measures proposed in the draft resolution were already being applied by national Governments and multinational organizations.⁷⁷

At the same meeting, the President of the Council put to the vote the five-Power draft resolution,⁷⁵ which received 12 votes in favour to 2 against, with 1 abstention, and was not adopted owing to the negative vote of a permanent member.⁷⁸ Under the draft text the Council would have, *inter alia*, determined that the policies and acts of aggression of South Africa constituted a threat to international peace and security and decided to impose a specified list of selective economic and other sanctions against South Africa as an effective means of combating the apartheid system and bringing peace and stability to the region.

On 30 June 1986, the Secretary-General submitted a report⁷⁹ concerning the implementation of Security Council resolution 577 (1985), in accordance with paragraph 9 of that resolution. In the report, the Secretary-General drew attention to the continuing urgent need for material and other forms of assistance to Angola in order to facilitate the reconstruction of its economic infrastructure, as the Council had requested in paragraph 8 of the resolution, and to provide relief for displaced persons or care and protection for refugees from Namibia and South Africa. He further stated that he would continue to monitor developments in the situation and would report to the Council as necessary.

Decision of 25 November 1987 (2767th meeting): resolution 602 (1987)

By a letter⁸⁰ dated 19 November 1987 addressed to the President of the Security Council, the representative of Angola requested the convening of an urgent meeting of the Council to consider South African aggression against Angola.

By a letter⁸¹ dated 20 November 1987 addressed to the President of the Security Council, the representative of Zimbabwe requested the convening of an urgent meeting

⁷²S/PV.2691, pp. 6-11.

⁷³Ibid., pp. 22-26.

⁷⁴S/PV.2691: Syrian Arab Republic, pp. 18 and 21; Cuba, pp. 29 and 30; USSR, p. 36; S/PV.2692: Ukrainian SSR, p. 6; (Nicaragua, p. 11; Bulgaria, p. 16; China, p. 26; German Democratic Republic, pp. 29 and 30; Zambia, pp. 34-36; S/PV.2693: Czechoslovakia, p. 8; Venezuela, pp. 23 and 24; Ghana, pp. 28-32; India, pp. 37 and 38; Mongolia, pp. 41 and 42; the President (Madagascar), pp. 46 and 47.

⁷⁵S/18163.

⁷⁶S/18168.

⁷⁷S/PV.2693, pp. 28-32.

⁷⁸For the vote on the draft resolution, see *ibid.*, pp. 48-50. See also chap. IV of the present *Supplement*.

⁷⁹S/18195, annex. Subsequently, on 2 September 1986, S/19195/Add.1 was issued.

⁸⁰S/19278.

⁸¹S/19286.

of the Council to consider the renewed acts of aggression by South Africa against Angola.

At its 2763rd meeting, on 20 November 1987, the Security Council included in its agenda the letters dated 19 and 20 November 1987 from Angola and Zimbabwe, respectively, and considered the item at the 2763rd to 2767th meetings, from 20 to 25 November 1987.

In the course of its deliberations the Council invited, at their request, the representatives of Algeria, Angola, Botswana, Brazil, the Byelorussian Soviet Socialist Republic, Cape Verde, Colombia, Cuba, Czechoslovakia, Egypt, Ethiopia, the German Democratic Republic, India, the Libyan Arab Jamahiriya, Malawi, Mauritania, Mozambique, Nicaragua, Nigeria, Portugal, Sao Tome and Principe, South Africa, the Syrian Arab Republic, Tunisia, the United Republic of Tanzania, Viet Nam, Yugoslavia and Zimbabwe to participate, without the right to vote, in the Council's discussion.⁸² The Council also extended invitations, as requested, under rule 39 of the provisional rules of procedure of the Security Council, to Mr. Mfanafuthi Makatini of the African National Congress of South Africa (ANC), to the Acting Chairman of the Special Committee against Apartheid, and to Mr. Theoben Gurirab of the South West Africa People's Organization (SWAPO).⁸²

At the 2763rd meeting, on 20 November 1987, before the commencement of the Council's deliberations, the President drew the attention of the members of the Council to a letter⁸³ dated 18 November 1987 from the President of the People's Republic of Angola addressed to the Secretary-General.

At the same meeting, the Vice-Minister for External Relations of Angola referred to the letter from the President of Angola and said that the situation in the southern part of their country had deteriorated in recent months as a result of the intensification of the military activities of the South African army. There was currently a new large-scale invasion by South Africa aimed at expanding the portion of Angolan territory it had been occupying for several years in the provinces of Cunene and Kuando-Kubango, bordering on Namibia. In the first six months of 1987, South Africa had perpetrated 75 violations of the airspace of his country; it had carried out 33 attacks against Angolan troops, defenceless civilians and the townships of Mupa and Mongwa in southern Angola. There had also been raids against the Namibe railway and the Bibala region. He then gave a detailed account of South African military activities up to 350 kilometres inside Angolan territory during the months of June and July and described the type of weapons and aircraft South Africa had used in those military operations. More recently, the South African Buffalo battalion had attacked the Angolan army, which had resulted in the death of 21 South Africans and the destruction of four AML-90 and three Kasper-type vehicles. Furthermore, he said, six Impala and one Mirage aircraft, which had been conducting reconnaissance flights over Angolan troop positions, as well as one helicopter in Kuito-Kunanavale and three others in the Lomba and Cu-

jamba regions had been shot down by Angolan armed forces. He referred to "violent clashes" in September and October in which 230 South Africans had been killed and said that 11 AML-90 and 24 Kasper Wolf vehicles as well as light arms and equipment of all types abandoned by the invading forces had been displayed on the previous Sunday at the meeting of the Heads of the front-line States. He stressed that the clashes had taken place at a time when the Angolan forces were about to annihilate the UNITA bands and that Pretoria's claim that its incursions were in pursuit of Namibians allegedly operating from Angolan territory was unfounded. Contrary to the norms of international relations, the President of South Africa, together with five of his Cabinet members, had illegally entered Angolan territory to visit his occupation forces. South Africa, which on several occasions had to answer to the Council for its acts of aggression against the sovereignty and territorial integrity of Angola in violation of the principles of the Charter, deserved condemnation by the international community. The representative concluded by calling upon the Council to adopt an appropriate resolution demanding the immediate withdrawal of Pretoria's troops and an end to its aggression.⁸⁴

At the 2764th meeting, on 23 November 1987, the representative of South Africa characterized the Council's current discussion of the complaint by Angola as "a renewed attempt by Angola's MPLA regime" to divert attention from the root causes of the conflict which had plagued that country for more than 12 years. He contended that the Angolan Government was seeking to hide, by casting South Africa as a regional aggressor, the reality that the struggle in Angola was between the Angolan people and MPLA, which wanted to impose its ideology by force on an unwilling majority. The result of the deteriorating security situation was the channelling of the country's diminishing revenue towards the importation and maintenance of foreign troops and sophisticated weaponry at the expense of the basic needs and welfare of the Angolan people. While South Africa was not at war with any party, it was Luanda and SWAPO that were at war with the people of the region. It was the duty of the South African Government to protect the inhabitants of Namibia against "terrorist depredations". He referred to the recent visit to the area of conflict by his State President and said that, as Commander-in-Chief of the South African Defence Force, it was his President's duty to visit the area. He further emphasized that the regional situation had been exacerbated by the support and protection given by the Luanda Government to SWAPO and ANC as well as by the fact that SWAPO troops had an active role in the military attempts to contain the popular opposition to that Government. The current series of battles were led by UNITA, which had recently gained successes against the Soviet- and Cuban-led forces, and that the current South African limited military involvement in southern Angola had been occasioned by the incursion of troops from outside the continent that threatened not only the security interests of South Africa but also the stability of the entire region. He concluded by stressing his Government's conviction that the path to peace in the subregion comprising Angola, South West

⁸²For details, see chap. III of the present Supplement.

⁸³S/19283.

⁸⁴S/PV.2763, pp. 11-17.

Africa/Namibia, Botswana, Zimbabwe, Mozambique and South Africa was neither through debates at faraway international forums nor through military confrontation inside the region, but by the willingness of all parties concerned to come together and to address their differences in order to contribute towards stability and progress for the benefit of all the peoples of the region.⁸⁵

At the 2766th meeting, on 24 November 1987, the President of the Security Council drew the attention of the members to a draft resolution⁸⁶ submitted by Argentina, the Congo, Ghana, the United Arab Emirates and Zambia.

At the 2767th meeting, on 25 November 1987, the representative of Ghana, on behalf of the sponsors, introduced the above-mentioned draft resolution. He said that the numerous acts of aggression by South Africa against Angola and the front-line States constituted a direct affront to the Council's authority and that, as the participants in the Council's current discussion had acknowledged, the aggressive policies of South Africa should be checked before they undermined the very foundations of the Charter. It had also been reaffirmed that the Council had an obligation to preserve the principle of "civilized behaviour" in international relations and it should demonstrate the seriousness with which it viewed Pretoria's violations of the sovereignty and territorial integrity of a State Member of the United Nations. He said that the draft resolution reflected the Council's concern at the implications for international peace and security of the repeated attacks against Angola and expressed the unanimous condemnation of the illegal entry into Angola by the State President of South Africa and some other senior officials. The preambular paragraphs of the draft text would have the Council strongly condemn the violation of Angola's territorial integrity and sovereignty as well as the use of Namibian territory as a springboard for incursions into Angola. With regard to South Africa's occupation forces, the Council should call for the immediate withdrawal of those forces and entrust the Secretary-General with the task of monitoring the withdrawal process and submit a report thereon by 10 December 1987.⁸⁷

At the same meeting, the President of the Security Council put to the vote the draft resolution, which was adopted unanimously as resolution 602 (1987).⁸⁸ The resolution reads as follows:

The Security Council,

Having considered the request by the Permanent Representative of the People's Republic of Angola to the United Nations contained in document S/19278 of 19 November 1987,

Having heard the statement by Mr. Venancio de Moura, Vice-Minister for External Relations of the People's Republic of Angola,

Gravely concerned at the continuing acts of aggression committed by the racist regime of South Africa against Angola,

Deeply concerned at the tragic loss of human life and the destruction of property resulting from such acts,

Further gravely concerned at racist South Africa's persistent violation of the sovereignty, airspace and territorial integrity of Angola,

Recalling its resolutions 387 (1976), 428 (1978), 447 (1979), 454 (1979), 475 (1980), 545 (1983), 546 (1984), 567 (1985), 571 (1985), 574 (1985) and 577 (1985),

Gravely concerned also that the pursuance of these acts of aggression against Angola constitutes a serious threat to international peace and security,

Indignant at the illegal entry into Angola by the head of the racist South African regime and some of his Ministers,

Conscious of the urgent need to take immediate and effective steps for the prevention and removal of all threats to international peace and security posed by South Africa's acts of aggression,

1. *Strongly condemns* the racist regime of South Africa for its continued and intensified acts of aggression against the People's Republic of Angola, as well as its continuing occupation of parts of that State, which constitute a flagrant violation of the sovereignty and territorial integrity of Angola;

2. *Strongly condemns* the illegal entry into Angola by the head of the racist South African regime and some of his Ministers, in flagrant violation of Angola's territorial integrity and sovereignty;

3. *Strongly condemns* South Africa for its utilization of the Territory of Namibia as a springboard for acts of aggression and destabilization of Angola;

4. *Demands once again* that South Africa cease immediately its acts of aggression against Angola and unconditionally withdraw all its forces occupying Angolan territory, as well as scrupulously respect the sovereignty, airspace, territorial integrity and independence of Angola;

5. *Decides* to mandate the Secretary-General to monitor the withdrawal of the South African military forces from the territory of Angola and to report to the Security Council on the implementation of the present resolution not later than 10 December 1987;

6. *Calls upon* all Member States to cooperate with the Secretary-General in the implementation of the present resolution and to refrain from any action which would undermine the independence, territorial integrity and sovereignty of Angola;

7. *Decides* to meet again on receipt of the Secretary-General's report with regard to the implementation of the present resolution;

8. *Decides* to remain seized of the matter.

By a letter⁸⁹ dated 25 November 1987 addressed to the Secretary-General, the representative of South Africa transmitted the text of a statement of the same date by the Minister for Foreign Affairs of South Africa regarding Security Council resolution 602 (1987). The Minister for Foreign Affairs stated that the MPLA regime in Luanda, which had seized power by violating the Alvor Agreement of 15 January 1975 and with the support of Soviet and Cuban forces, was the actual aggressor responsible both for the civil war in Angola and for acts of violence in South West Africa/Namibia and South Africa by ANC and SWAPO terrorists. South Africa rejected the decision of the Security Council, and his Government alone would decide when its troops would be withdrawn from the conflict area, as soon as its security interests were no longer threatened. Regarding the role of the Secretary-General, his Government would welcome a visit by him to the area so that he might ascertain for himself the extent of Soviet and Cuban involvement in the military operations of MPLA.

By a letter⁹⁰ dated 5 December 1987 addressed to the Secretary-General, the representative of South Africa transmitted the text of a statement issued on the same date by the Chief of the South African Defence Force announc-

⁸⁵S/PV.2764, pp. 6-9.

⁸⁶S/19291, subsequently adopted as resolution 602 (1987).

⁸⁷S/2767, pp. 24-26.

⁸⁸For the vote, see *ibid.*, p. 33.

⁸⁹S/19303.

⁹⁰S/19325.

ing the commencement of the withdrawal of South African troops from Angola. The statement stressed that the withdrawal was progressing under "operational conditions" and that, therefore, no specific details could be provided. It was further stated that those national servicemen currently taking part in operations and who were due to complete their service in December would definitely be home before Christmas.

On 18 December 1987, the Secretary-General submitted a report⁹¹ in pursuance of Security Council resolution 602 (1987). In his report, the Secretary-General stated that he had urged the Government of South Africa to cooperate fully in the implementation of resolution 602 (1987) and that, despite the statement⁸⁸ of the Chief of the South African Defence Force that the withdrawal of South African troops from Angola had begun, the Government of Angola had maintained that South African troops were still in the country and that they were in fact engaged in active hostilities. The Secretary-General said that South Africa had not so far provided him with information on the timetable for the troop withdrawal or with the other details relevant to the monitoring functions that had been entrusted to him by resolution 602 (1987). He concluded that, in those circumstances, he would again urge the Government of South Africa to act in accordance with the terms of the Security Council resolution so that it could be promptly implemented, and that he would inform the Council of any new developments in that regard.

Decision of 23 December 1987 (2778th meeting): resolution 606 (1987)

By a letter⁹² dated 22 December 1987 addressed to the President of the Security Council, the representatives of the Congo, Ghana and Zambia requested an urgent meeting of the Council to consider the report⁹¹ of the Secretary-General submitted pursuant to Council resolution 602 (1987).

At its 2778th meeting, on 23 December 1987, the Security Council included in its agenda the letter dated 22 December 1987 from the Congo, Ghana and Zambia and the report of the Secretary-General in pursuance of Council resolution 602 (1987) under the item entitled "Complaint by Angola against South Africa" and considered the matter at the same meeting. The Council invited, at his request, the representative of Angola to participate, without the right to vote, in the discussion.

The President of the Security Council drew the attention of the members to a draft resolution⁹³ submitted by Argen-

tina, the Congo, Ghana, the United Arab Emirates and Zambia.

The representative of Angola said that when the apartheid regime of Pretoria was announcing the withdrawal of its troops from Angola it was in fact reinforcing their positions and even the small number of troops whose tour of duty was said to have been completed in December had been or were being replaced. He referred to the statement of the Chief of the South African Defence Force that no specific details could be provided on the withdrawal as the troops were being withdrawn under operational conditions; that was a demonstration of contempt for international law and the Council should take note of the flouting of the Charter of the United Nations and the authority of the Council itself. Regarding the draft resolution before the Council,⁹³ he said that his Government fully endorsed the request that the Secretary-General should continue monitoring the total withdrawal of South African forces from Angola and should confirm the ending of the six-year occupation of parts of his country's territory by those forces. His Government believed that the Security Council and its mandatory resolutions represented the best chance for a peaceful solution of the illegal occupation of his country.⁹⁴

At the same meeting, the President of the Security Council, on behalf of the sponsors of the draft resolution, announced two changes of a textual nature. The draft resolution, as orally revised, was then voted upon and unanimously adopted as resolution 606 (1987).⁹⁵ The resolution reads as follows:

The Security Council,

Recalling its resolution 602 (1987), which, *inter alia*, mandated the Secretary-General to monitor the withdrawal of the South African military forces from the territory of the People's Republic of Angola and to report thereon to the Security Council,

Taking note of the report of the Secretary-General,

Gravely concerned at the continued occupation by the South African military forces of parts of the territory of Angola,

1. *Strongly condemns* the racist regime of South Africa for its continued occupation of parts of the territory of the People's Republic of Angola and for its delay in withdrawing its troops from that State;
2. *Requests* the Secretary-General to continue monitoring the total withdrawal of the South African military forces from the territory of Angola, with a view to obtaining from South Africa a time-frame for total withdrawal as well as confirmation of its completion;
3. *Requests* the Secretary-General to report to the Security Council on the implementation of this resolution at the earliest date;
4. *Decides* to remain seized of this matter.

⁹¹S/19359.

⁹²S/19377.

⁹³S/19379, subsequently orally revised and adopted as resolution 606 (1987).

⁹⁴S/PV.2778, pp. 6-8.

⁹⁵For the vote, see *ibid.*, p. 11.

9. LETTER DATED 17 JUNE 1985 FROM THE PERMANENT REPRESENTATIVE OF BOTSWANA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

INITIAL PROCEEDINGS

By a letter¹ dated 17 June 1985 addressed to the President of the Security Council, the representative of Botswana requested that an urgent meeting of the Council be convened to consider the serious situation that was arising as a result of South Africa's military attack on Gaborone, the capital city of Botswana, on 14 June 1985.

In a previous letter² dated 14 June 1985 addressed to the President of the Security Council, the representative of Botswana had transmitted the text of a press release issued on the same date by the Office of the President of the Republic of Botswana describing the loss of lives and material damage inflicted during the raid early that morning by members of the South African Defense Force. The Government of Botswana strongly condemned the raid, which had been the most serious of the incidents that had occurred since March 1985 and had been carried out despite the repeated assurances that had been given that Botswana did not permit its territory to be used for launching attacks against neighbouring countries.

By a letter³ dated 17 June 1985, the representative of South Africa transmitted to the Secretary-General the text of a statement of 14 June 1985 by the Minister for Foreign Affairs of South Africa. Commenting on the events at Gaborone on 13/14 June 1985, the Minister had stated that the Government of Botswana had been repeatedly warned by South Africa to curtail the activities of the African National Congress of South Africa (ANC) inside Botswana, and in particular the planning and execution of terrorist activities in South Africa from Botswana. He had also recounted a number of meetings between the Ministers for Foreign Affairs and relevant security forces of the two countries that had been held at various times between 21 April 1983 and 2 February 1985, and had charged that, since August 1984, ANC had been responsible for 36 acts of violence which had been planned and executed from Botswana. Furthermore, he had referred to an "established" principle of international law that a State may not permit on its territory activities for the purpose of carrying out acts of violence on the territory of another State, and declared that it was equally well established that a State had a right to take appropriate steps to protect its own security and territorial integrity against such acts.

At its 2598th meeting, on 12 June 1985, the Security Council included in its agenda the item entitled "Letter dated 17 June 1985 from the Permanent Representative of Botswana to the United Nations addressed to the President of the Security Council" and considered the item at the 2598th and 2599th meetings, on 21 June 1985.⁴

In the course of its deliberations the Council invited, at their request, the representatives of the Bahamas, Benin, the German Democratic Republic, Lesotho, Liberia, Seychelles and the United Republic of Tanzania to participate, without the right to vote, in the Council's discussion.⁵ The

Council also extended an invitation, as requested, under rule 39 of the provisional rules of procedure of the Security Council, to the Vice-Chairman of the Special Committee against Apartheid.⁵

Decision of 21 June 1985 (2599th meeting): resolution 568 (1985)

At the 2598th meeting, on 21 June 1985, at the outset of the discussion, the President of the Security Council drew the attention of the members of the Council to a draft resolution⁶ submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago.

At the opening of the discussion, the Minister for Foreign Affairs of Botswana recalled the events of 14 June 1985 when, at 0140 hours, Botswana had been invaded by South African refugees, two residents, two visitors, including a six-year-old child, and two nationals of Botswana. The invasion had been unprovoked and had been the culmination of the aggressive South African attitude that had progressively deteriorated as the agitation for change had intensified inside South Africa. Because South Africa and Botswana were geographically bound to live together, her country had never allowed opposition to apartheid to undermine its commitment to the principle of peaceful coexistence. Her Government had refused to sign a non-aggression pact as demanded by South Africa, since such a pact, other than compromising its sovereignty, could not enhance its capacity to be any more vigilant than it currently was against guerrilla infiltration into South Africa. As a humanitarian and moral obligation and in fulfilment of its statutory obligations as a party to the 1951 Geneva Convention relating to the Status of Refugees as well as the 1969 Convention of the Organization of African Unity Governing the Specific Aspects of Refugee Problems in Africa, her Government gave political asylum to refugees fleeing the brutalities of apartheid in South Africa, and it would continue to do so regardless of the consequences. She referred to the statement⁷ of 14 June 1985 by the Minister for Foreign Affairs of South Africa and said that the allegation about "ANC terrorist activities" in Botswana had been based on "mere suspicion" or had been fabricated in order to force Botswana to get rid of genuine refugees. It was South Africa, not Botswana, that was responsible for the crimes committed in South Africa by the policies of apartheid. She asked the Security Council to strongly condemn South Africa's terrorist act against Gaborone and against refugees in Botswana. She also appealed to the Council to demand that South Africa desist from further attacks on Botswana and ensure security in the region. Finally, she requested the Council to dispatch a mission to assess the damage caused by South Africa's invasion and to examine the need for possible assistance.⁷

At the same meeting, the representative of the United Kingdom of Great Britain and Northern Ireland emphasized that the explanations that had been given by the Government of South Africa regarding its attack on Gaborone on 14 June 1985 were entirely unsatisfactory and in no way

¹S/17279.

²S/17274.

³S/17282.

⁴For the adoption of the agenda, see S/PV.2598, p. 2.

⁵For details, see chap. III of the present *Supplement*.

⁶S/17291, subsequently adopted, as orally revised, as resolution 568 (1985).

⁷S/PV.2598, pp. 4-19.

justified the violation of sovereignty and the killing or wounding of innocent people. While the United Kingdom was aware of the complexities of the internal situation in South Africa, his Government was nevertheless opposed to violence; South Africa must recognize that a solution to its internal problems would not be found by attacking neighbouring countries. It was for all the people of South Africa to resolve their own future and it was within South Africa, not outside it, that apartheid must be dismantled to enable different groups and races to live together in justice and equity.⁸

At the 2599th meeting, on 21 June 1985, the representative of South Africa said that the "true state of affairs" that had led to the events in Gaborone was contained in the statement of his Foreign Minister³ on 14 June 1985. Subsequently, on 20 June 1985, the Minister for Foreign Affairs of South Africa had dispatched a message to the Minister of External Affairs of Botswana informing her that, since the Nkomati Accord, ANC had focused on Botswana to establish new bases for its attacks on South Africa and all ANC members in Botswana had been secretly placed on full-scale armed alert. The South African Foreign Minister had further asserted that evidence of the violent intentions of ANC operating from Botswana was provided by the discovery of a huge arms cache in Gaborone and that that had been confirmed subsequently by the Government of Botswana on 26 April 1985. Finally, the representative of South Africa quoted extensively from an address by his State President to the South African Parliament on 19 June 1985, where he had said: "Measures which we are taking within the framework of established principles of international law to protect our population and our property are decried as violations of the sovereignty of other States." The State President was further quoted as having declared his Government's readiness to regulate and normalize relations with all its neighbours on the basis of "ground rules" that included: (a) prohibition of support for cross-border violence or the planning of such violence; (b) withdrawal of foreign forces from the region; (c) peaceful settlement of disputes; (d) regional co-operation to address common challenges; and (e) toleration of the different socio-economic and political systems in the region.⁹

At the same meeting, the above-mentioned draft resolution,¹⁰ as orally revised, was voted upon and adopted unanimously as resolution 568 (1985).¹¹ The resolution reads as follows:

The Security Council,

Taking note of the letter dated 17 June 1985 from the Permanent Representative of Botswana to the United Nations and having heard the statement of the Minister for External Affairs of Botswana concerning the recent acts of aggression by the racist regime of South Africa against the Republic of Botswana,

⁸Ibid., pp. 23-27.

⁹S/PV.2599, pp. 31-36.

¹⁰See note 6 above.

¹¹For the vote, see S/PV.2599, p. 78.

Expressing its shock and indignation at the loss of human life, the injuries inflicted, and the extensive damage as a result of that action,

Affirming the urgent need to safeguard the territorial integrity of Botswana and maintain peace and security in southern Africa,

Reaffirming the obligation of all States to refrain in their international relations from the threat or use of force against the sovereignty and territorial integrity of any State,

Expressing its profound concern that the racist regime resorted to the use of military force against the defenceless and peace-loving nation of Botswana,

Gravely concerned that such acts of aggression can only serve to aggravate the already volatile and dangerous situation in southern Africa,

Bearing in mind that this latest incident is one in a series of provocative actions carried out by South Africa against Botswana and that the racist regime has declared that it will continue and escalate such attacks,

Commending Botswana for its unflinching adherence to the conventions relating to the status of refugees and of stateless persons and for the sacrifices it has made and continues to make in giving asylum to victims of apartheid,

1. *Strongly condemns* South Africa's recent unprovoked and unwarranted military attack on the capital of Botswana as an act of aggression against that country and a gross violation of its territorial integrity and national sovereignty;

2. *Further condemns* all acts of aggression, provocation and harassment, including murder, blackmail, kidnapping and destruction of property committed by the racist regime of South Africa against Botswana;

3. *Demands* the immediate, total and unconditional cessation of all acts of aggression by South Africa against Botswana;

4. *Denounces and rejects* racist South Africa's practice of "hot pursuit" to terrorize and destabilize Botswana and other countries in southern Africa;

5. *Demands* full and adequate compensation by South Africa to Botswana for the damage to life and property resulting from such acts of aggression;

6. *Affirms* Botswana's right to receive and give sanctuary to the victims of apartheid in accordance with its traditional practice, humanitarian principles and international obligations;

7. *Requests* the Secretary-General to enter into immediate consultation with the Government of Botswana and the relevant United Nations agencies on measures to be undertaken to assist the Government of Botswana in ensuring the safety, protection and welfare of the refugees in Botswana;

8. *Requests* the Secretary-General to send a mission to visit Botswana for the purpose of:

(a) Assessing the damage caused by South Africa's unprovoked and premeditated acts of aggression;

(b) Proposing measures to strengthen Botswana's capacity to receive and provide assistance to South African refugees;

(c) Determining the consequent level of assistance required by Botswana and to report thereon to the Security Council;

9. *Requests* all States and relevant agencies and organizations of the United Nations system urgently to extend all necessary assistance to Botswana;

10. *Requests* the Secretary-General to monitor developments related to this question and to report to the Security Council as the situation demands;

11. *Decides* to remain seized of the matter.

10. UNITED NATIONS FOR A BETTER WORLD AND THE RESPONSIBILITY OF THE SECURITY COUNCIL IN MAINTAINING INTERNATIONAL PEACE AND SECURITY

Decision: Statement by the President

On 29 August 1985, after informal consultations, the President of the Security Council issued the following statement on behalf of the members of the Security Council:¹

The members of the Security Council agreed to hold a commemorative meeting of the Council at the level of Foreign Ministers to celebrate the fortieth anniversary of the United Nations with the following agenda: "United Nations for a better world and the responsibility of the Security Council in maintaining international peace and security".

It was further agreed that the meeting should be held on 26 September 1985.

Taking into account practical considerations, it was also agreed that the meeting would be open for statements by the members of the Council.

At its 2608th meeting, on 26 September 1985, the Council included the proposed item in its agenda without objection.

The Secretary-General recalled the statement by the first President of the Security Council, at the inaugural meeting, that it would perform a unique function, namely, the direction of collective action for maintenance of peace, justice and the rule of law, and that this concept of a representative, multilateral body was in keeping with the conviction and hope of the founding Members. The Security Council, which had remained in permanent session for almost 40 years, with its members always on call, had taken effective measures on numerous occasions to prove its capacity; Governments had consistently sent representatives of high calibre. The Secretary-General stated that, over those 40 years, the world of which the Security Council was an irreplaceable part had achieved extraordinary progress in meeting, through technological and social advances, basic human needs, although enormous needs still remained to be met. The political divisions had not yet been eliminated; some had grown in depth and intensity. They had their roots in conflicting ideologies, in competing national ambitions, in territorial disputes and in structural changes in the global society. The symptoms of those divisions were fear and suspicion, terrorism, irrational amounts of arms and outbreaks of conflicts. Nevertheless, 15 nations, representing all regions and very divergent political orientations, remained in continuing contact, which was a further confirmation of the unique character of the Security Council. Although seemingly unable to cure political divisions, the Council could still limit and reduce the dangerous fever they produced.

The Secretary-General went on to say that since 1983 the Council had been engaged in consultations on means of enhancing its effectiveness, of which, in course, much could be learned from both its past achievements and inadequacies. He expressed hope that the constructive resolution by a unanimous Council of the problems where the views of all members converged would reassure the Members of the United Nations of its effectiveness. The Secretary-General indicated that as crises had frequently been brought before the Council too late for preventive action, it might be prudent to consider establishing a procedure for an ongoing survey aimed at detecting possible causes of

tension; substantial benefits might be derived from an agreed procedure of fact-finding in instances of potential conflicts. Concerning peacekeeping forces, he indicated that they had proved to be highly useful in preventing the recurrence of conflict and added that in the future they might be used to discourage recourse to arms.

In conclusion, he reiterated that no one doubted the objective or the importance of the Council. He hoped, however, that the ability of its members to work together more effectively would be improved, thus enhancing its corporate capacity to take necessary decisions. Profound political differences between Council members had not always prevented effective action in the past; a fully effective Council would serve the interests of all. He called upon Governments to consider the collective endeavours of the Council individually, bilaterally and multilaterally, and to include this question in the agenda of meetings between national leaders during the commemorative session of the General Assembly. He expressed hope that this event would serve to consolidate and renew the authority and prestige of the Security Council and would mark the beginning of a new spirit and renewed dedication.²

The Minister for Foreign Affairs of the Union of Soviet Socialist Republics said that the urgency of the task of enhancing the role of the United Nations and augmenting the effectiveness of the Security Council was due to the complexity of the international situation, the blame for which rested with those who were unwilling to reckon with the realities of our time, counted on obtaining military superiority and sought to dictate their will to others. The world could either continue to develop along the path fraught with catastrophic consequences or could join the effort to avert the threat of war, to put an end to the arms race and release funds for solving economic and social problems. The principles of cooperation and peaceful coexistence attested to by the experience of the anti-Hitler coalition and by the establishment of the United Nations were the only rational alternative to a nuclear tragedy. He considered that on the occasions where the Members of the United Nations had been able to rise above their ideological, political and other differences for the sake of common interests, the Organization had lived up to its role. He maintained that while a better world was a world free of weapons, their accumulation and qualitative build-up continued, including the plans for acquiring space arms. The Foreign Minister confirmed that his country would not be the first to step into outer space with arms, although it was able to take necessary countermeasures.

The Minister stated further that the Soviet Union had submitted for the consideration of the General Assembly a proposal on developing international cooperation in the peaceful uses of outer space. He called upon all nuclear Powers, in particular since all of them were permanent members of the Security Council, to contribute to the achievement of disarmament, and announced that his country had unilaterally ceased nuclear explosions. He added that verification problems might prove to be an obstacle to a nuclear-test ban and proposed to reach an agreement on the

¹S/17424.

²S/PV.2608, pp. 3-11.

entire complex of issues concerning removal of the nuclear threat.

The Foreign Minister called for a world free from hotbeds of aggression and conflicts, such as the interference in the internal affairs of Nicaragua, the undeclared war against Afghanistan, the illegal occupation of Namibia and others, for which it was essential to observe the principle of the non-use of force, the peaceful settlement of disputes and respect for sovereignty. The Soviet Union was pursuing the objective of dependable security in its bilateral relations as well as at the regional level when it continued to develop the process of the Conference on Security and Cooperation in Europe (CSCE) and put forward the idea of a comprehensive approach to security in Asia. It sought the same objective on a global scale, in particular, in the United Nations.

He also considered that the world should be free from oppression and exploitation of man by man and that complete equality of nations and nationalities and genuine democracy should be achieved. He called for the elimination of discrimination in international economic relations and for expanding mutually beneficial trade and scientific and technological ties, elimination of hunger and backwardness, and the protection of the environment.

Referring to enhancing the effectiveness of the Security Council, the Minister pointed out that when joining the United Nations, all States undertook to abide by the decisions of the Council. The least that was required of Member States was to act in conformity with the Council's decisions. It was inadmissible that resolutions should remain on paper only. In that context, he noted with satisfaction the efforts of the Secretary-General to promote the implementation of decisions adopted by the Security Council and by other United Nations bodies.

In conclusion the Minister underlined that a better world could not be built by taking into account the interests of one State only nor could it be built for a limited group of States. A better world meant peace for all, achieved through the efforts of all. He stressed the importance of the principle of unanimity of the permanent members of the Security Council as well as of the role of the other Council members and all other Member States of the United Nations and expressed hope that whatever their differences they would not overshadow their common responsibility for safeguarding peace.³

The Minister for Foreign Affairs of the Ukrainian Soviet Socialist Republic said that the triumph of the world order over the forces of reaction and war was an example of fruitful cooperation among countries with different social and political systems united against a common threat. His country was proud that the Preamble to the Charter and Chapter I, "Purposes and principles" had been drafted in a committee chaired by the Foreign Minister of the Ukrainian SSR. He recognized the achievements of the Organization and put the blame for its inadequate effectiveness on those States which, in spite of the obligations they had assumed, were unwilling or refused to comply with them. He condemned the policy of threats and blackmail with regard to the United Nations specialized agencies and insisted that the Organization could not be the tool of any State or group of States.

He believed that the Charter possessed a great reserve of creative energy for the purpose of building a greater world and cited as testimony to this the fact that for 40 years it had been possible to prevent the outbreak of a new world war. On the credit side of the United Nations record was the Declaration on the Granting of Independence to Colonial Countries and Peoples, which had been of invaluable assistance to the national liberation struggle of all peoples and had promoted the attainment of independence by dozens of former colonies and hundreds of millions of human beings.

He underlined the important role of the Security Council in overcoming a number of international crises and the fact that the success of its work depended on the political will of Member States. The Council had broad powers in performing its functions, including the right to take effective preventive measures and to impose mandatory comprehensive sanctions. Referring to the Charter, the Minister observed that it had lost none of its significance in the nuclear space age, which had opened up for mankind boundless possibilities and prospects, but at the same time constituted a real threat of global annihilation. He called for elimination of the threat of nuclear war, the cessation of the arms race and prevention of its spreading to space, the political settlement of conflicts and the normalization of international economic relations. In his view, the fortieth anniversary should serve as an additional incentive for Member States to achieve the lofty goals and principles enshrined in the Charter.⁴

The Minister for External Affairs of Trinidad and Tobago recalled that, in 1945, 51 States, reaffirming their faith in human dignity and in the equality of all men and of all nations, had agreed to establish the United Nations in order to achieve a more sober and stable international order. The concerns of the founding fathers remained valid in the contemporary world. The experience of the Security Council showed that it could and had to contribute in creating a climate where a spiralling arms race would not be a guarantee of safety and security. The Minister expressed the conviction that every State desired freedom to survive in a peaceful environment in which it could improve the living conditions of its citizens and be secure from the risk of attack by others. Recognizing the right of every nation to defend itself, one should acknowledge that the intense arms race, both nuclear and conventional, had far exceeded legitimate needs for self-defence and was posing a threat to international peace and security. A mere fraction of the billions of dollars spent yearly on weapons of mass destruction would suffice to eradicate the aggravated famine afflicting the world.

The Minister stated that the fundamental problem of man's inhumanity to man needed to be addressed, such as the system of apartheid, which had been first brought to the attention of the Security Council 30 years ago. He indicated with regret that measures that would hasten the demise of apartheid had not been fully observed by those States which were in the best position to make such measures effective.

The Minister added that among a growing number of conflicts in various parts of the world, such as southern Africa, the Middle East, South-East Asia and Central

³Ibid., pp. 12-21.

⁴Ibid., pp. 21-26.

America, some required solutions at the international level, but certain others could be resolved at the regional level.

The Minister stated further that many conflicts were caused by socio-economic problems and the lack of global economic security. He called upon the financial institutions to change their policies and prescriptions and thus avoid social and political disruptions in a world where democratic collaboration between the developed and developing countries had become indispensable. He considered that the United Nations and the Security Council had been constrained by numerous obstacles such as the non-implementation of resolutions and decisions, the unilateral use of force to serve narrow self-interests and the unwillingness of individual States with differing ideologies to allow collective action to be undertaken. Nevertheless, the United Nations and the Security Council had proved their dynamic capability to meet, to some extent, the demands of an era and of their membership. He supported the recommendations pertaining to the Security Council contained in the Secretary-General's reports on the work of the Organization, especially those of 1982 and 1985.

The Foreign Minister believed that confidence-building measures, at both the regional and the international levels, should be promoted by the Council. He spoke in favour of preventive action, as well as of the need to address conflicts at their roots. He hoped that the ability of the Council to resolve at least minor conflicts would transfer into ever-growing confidence and that the super-Powers would regard themselves maybe as rivals but not as adversaries. He also observed that the right of veto should not be used contrary to the principles of the Charter. He believed that non-procedural issues should be identified on which the veto could be suspended or limited. His Government was of the view that the Secretary-General should be allowed certain flexibility in carrying out his preventive diplomacy role. He praised the United Nations peacekeeping operations. He concluded by calling upon Member States to rededicate themselves to the principles of the Charter.⁵

The Minister for Foreign Affairs of Thailand, in appraising the effectiveness of the United Nations, and in particular of the Security Council, to maintain peace and security, observed that there were wars and threats of war everywhere on the globe and that in some areas wars had not yet broken out because the military alliances had served to uphold a precarious state of no war, no peace. He suggested that the Security Council could take the following steps to fulfil its role, as mandated in the Charter. Firstly, to call upon parties to seek for various means of peaceful settlement of their disputes before bringing matters to the Security Council, in accordance with Article 33, paragraph 1. He added that the Security Council should not rush to sit in judgement on a particular issue until it was satisfied that other peaceful avenues had been tried unsuccessfully by the parties concerned. Secondly, although envisaged in Article 34 of the Charter, the Council had no instrument to investigate any dispute or any situation that might lead to international friction. He felt that the Secretariat staff serving the Security Council could be increased to meet those needs. Also, the Secretary-General should be encouraged and authorized to gather information by all means, which would better enable him to exercise his authority under Article 99 of the Charter. The Secretary-General should make

this information regularly available to the Security Council. Thirdly, the Security Council should encourage genuine negotiations between the conflicting parties once the matter had been brought before it. He felt that the Council should not be a theatre for "public diplomacy" and that the time spent in listening to prepared speeches by countries not directly involved in the dispute was not helping efforts to make the Council a forum of serious negotiations. Such negotiations could be conducted under the auspices of the President of the Security Council with the assistance of the Secretary-General, or of a "conciliation committee", of selected Security Council members, which could be created under Article 29 of the Charter.

The Minister emphasized that the focus should be on the peaceful settlement of disputes and not merely the adoption of yet another resolution that would remain unimplemented thereby undermining the prestige and authority of the Security Council. He appealed to fellow members to contribute to the realization of the purposes of the Charter and added that his Government viewed the United Nations as the last defender of the rights of small countries.⁶

The Minister for External Relations of Peru stated that idealistic and pragmatic motivations, not always clear and readily compatible, had led to the establishment of the United Nations after the Second World War. The main reasons for the collapse of the original concept of international cooperation were, on the one hand, the ideological exacerbation of the debate between the Powers and, on the other, the lack of parallel progress in disarmament and in the institutionalization of collective security. He added that it was imperative to devise machinery that would make possible the establishment of collective security within permanent terms of reference. The principal organs of the United Nations were gravely bogged down, as illustrated by the rhetorical inflation of the General Assembly and the compulsive inhibition with which the Security Council treated international political problems. He noted with concern the gradual removal of major political and economic problems from the sphere of action of the United Nations. This situation proved the anachronistic nature of the international structure created by the generation of the Great War. He added that the system of collective security envisaged in the Charter had been defective from the start, because of the inequality created by the veto and the privileged position given to the permanent members to the detriment of small and medium-sized countries. He reminded Member States that the commitment of the great Powers was to promote peace and security in the interest of the international community. He called for a new political role of the United Nations that would recognize the sovereign and constructive participation of the developing world and for steps to be taken to ensure that the Security Council could focus effectively on seeking agreement and negotiation and discarding any notion of patronage. He also pointed out that the Council's basic peacekeeping functions required a consensus; that the problems of backwardness were a decisive cause of disturbances; and that underdevelopment, the product of injustice, was the reason for instability. The Council should deal with fundamental political problems, not just with trouble spots, and the countries that had been left outside so far should be given a central role. The Secretary-General should be allowed to

⁵Ibid., pp. 26-37.

⁶Ibid., pp. 37-46.

act in the areas or the cases that did not concern matters of global strategy. Referring to non-implementation of the Council's resolutions, he called for replacing lamentations with the action required by the Charter, including measured under Chapter VII. He said that the current paralysis in international cooperation, especially the breach between the countries of the North and the South, endangered not only the survival of the United Nations, but the very concept of multilateralism. In concluding, the Minister stated that his country believed and had committed itself to act in order to secure a genuinely democratic international order, in which peace would be the consequence of a quest for agreement and the development of all countries would be the result of genuine justice. He hoped that the Security Council would rise above its role of merely containing existing disputes and become a framework for resolving grave conflicts.⁷

The Permanent Representative of Madagascar to the United Nations stated that international peace and security should be seen in a global context that included the prevention of war, safeguarding the fundamental rights of man and people's equality in law of nations, maintenance of justice, respect for international obligations and promotion of the economic and social progress of all peoples. The notion of security was, in his view, inseparable from that of economic security and could not be realized unless all States committed their collective responsibility and unless the permanent members of the Security Council agreed to seek among themselves as much common ground as possible. The spirit of consensus should always prevail among Member States and the principles of the Charter should be the pillar of all United Nations actions and decisions. He expressed gratitude to the Secretary-General for reminding the Member States of such important points as the Council's role in the regulation of armaments; the essence of a collective security system; prevention and reduction of conflicts; the need for unanimity and the spirit of cooperation; and the readiness of Member States to turn to the Council for action and to respect and implement its decisions. The international community identified the Council's shortcomings and expected that the Members of the Council would, by their more cooperative attitude, strengthen its capacity and ability to take decisions and to act. He added that the major obstacle paralysing the Council appeared to be the inability of Member States to find, at the right time, a broad consensus on the most important problems. He added that the prevalence of divergent interests among Member States over their obligations to the international community had led to unfortunate consequences for the authority and the integrity of the Council. He called for considering ways to strengthen the respective preventive roles of the Council and of the Secretary-General, which would entail the setting up of a rapid alert system; the making available on a systematic basis of data concerning existing and potential crises; entrusting the Council and the Secretary-General with the power to take initiatives even in the absence of formal notification of a matter; the linking of the Council's efforts with those of regional and subregional organs; and the search for new conciliation procedures. He urged that resort be made to all the resources offered by the Charter, including those in

⁷Ibid., pp. 46-56.

Chapters VI, VII and VIII. He stressed that those countries which did not possess a deterrent force and adequate military potential could only rely upon the role of the Council in the peaceful and negotiated settlement of disputes. In the end, he concluded, international security meant the security of all with the support of all, in particular, the permanent members of the Council.⁸

The Minister of State for Commerce of India, recognizing the importance of the subject under discussion, stated that in a world characterized by mistrust, inequality, tension and conflict, the United Nations had been a beacon of hope. Among the Organization's achievements he listed the process of decolonization, the contribution to socio-economic progress, the creation of universal consciousness of the rights of human beings and the United Nations contribution to the progressive development and codification of international law. He added that the United Nations had proved to be the most appropriate forum for seeking solutions to pressing international problems. He conveyed the firm faith of his country and of the Movement of Non-Aligned Countries in the United Nations and in the purposes and principles enshrined in the Charter. He expressed deep gratitude to the Secretary-General for his thought-provoking report on the work of the Organization and his pragmatic recommendations.

With regard to the Security Council he noted that although it had played a useful role as a safety net in averting the outbreak of war, the Council's weaknesses and shortcomings, especially the lack of a collegial spirit among its members, had prevented it from becoming the effective instrument envisaged in the Charter. In his view the more powerful and wealthy countries lacked the political will to act as trustees of the interests of the weaker and poorer countries and thus the Council was unable to move towards achieving its basic objectives. He underlined that the special position enjoyed by the permanent members of the Council had placed upon them added responsibilities, which should transcend narrow national interests.

The Minister indicated that in the minds of the founding fathers, the primary purpose of the United Nations to maintain international peace and security had been closely linked with the progress of disarmament. He urged Council members to take a leading role, as envisaged in Article 26 of the Charter, in the establishment of a system for the regulation of armaments. In that context he recalled a declaration issued by a meeting of the six Heads of State or Government convened at the initiative of the Prime Minister of India, which urged the nuclear-weapon States to halt all testing, production and deployment of nuclear weapons and their delivery systems. This first step was to be followed by a continuing programme of arms reduction leading to general and complete disarmament, accompanied by measures to strengthen the United Nations system and to ensure an urgently needed transfer of substantial resources into social and economic development.

He commended the valuable ideas presented by the Secretary-General in his report, such as emphasizing the Security Council's role in preventive diplomacy through informal efforts to control crisis situations and the dispatch of fact-finding missions. He was of the view that the responsibility given to the Secretary-General under Article

⁸Ibid., pp. 56-62.

99 of the Charter should be fully explored in order to enable the Secretary-General to pursue quiet diplomacy and to exercise his role of good offices in cooperation with the Security Council. He welcomed the peacekeeping activities of the Council and recommended further use of measures under Chapters VI and VII of the Charter whenever conditions so warranted. He stressed the importance of periodic high-level meetings of the Security Council under Article 28, paragraph 2, and singled out three suggestions made by the Secretary-General, namely, that members of the Security Council, especially the permanent members, should give matters of international peace and security priority over bilateral differences; that Council members should concentrate their efforts to solve one or two major problems such as the elimination of the system of apartheid and the situation in the Middle East, including the question of Palestine; and that the fortieth anniversary should be used by the Member States to reaffirm their obligations under the Charter, in particular those relating to the non-use of force and the peaceful settlement of disputes.

The Minister stated further that the increase in the membership of the Security Council on the basis of equitable representation was long overdue. He also observed that whereas the Security Council had a special responsibility and powers, the General Assembly had both the moral and legislative authority to pronounce and make recommendations on all matters under the Charter and that there was no place or room for any conflict of interest or for confrontation between them.⁹

The Minister for External Relations of France observed that while quiet diplomacy had its virtues, and it was often useful and necessary, the natural role of the Security Council was to take public positions. Forty years after the adoption of the Charter of the United Nations and taking into account the impact of the means of communication, the link between international public opinion and the persons and organs responsible for diplomatic actions was essential. He recognized, however, that this link had actually weakened and that there was a real gulf between the Council and international political opinion. As a result the prestige of the Security Council and of the Organization had been harmed. The strength of the Organization depended to a large extent on a balance between an action-oriented Security Council and the deliberative General Assembly, dominated by the principles of universality and equal voting rights. Any weakening of the Council would endanger that balance and would be prejudicial to the effectiveness and credibility of the Organization. The commemorative meeting of the Security Council gave the opportunity to all members to exchange views on what the Council could and should do better to carry out its responsibilities. Reinvigorating the Council would be the best way of celebrating the fortieth anniversary.

The Minister stated further that the United Nations was not a super-State, or a sort of world Government. It was an Organization of sovereign States that came close to achieving the goal of universality that was implicit in the Charter. While it experienced difficulty and even failure, it was essential for it to remain a centre for harmonizing the actions of nations in the attainment of common ends. Noting that certain matters were either not dealt with at the United Nations or gave rise to resolutions that remained

dead letters, the Minister affirmed that disagreement among certain of its most important members was not the only reason for that phenomenon. He was concerned by the blurring of the distinction between the respective functions of the Security Council and of the General Assembly and by the growing tendency to transform the debates in the Council into a substitute for an Assembly debate.

He considered that any institutional reform would weaken the potential effectiveness of the Organization and introduce divisive subjects. The Charter had entrusted to the Security Council the primary responsibility for the maintenance of peace; the Secretary-General undeniably had a role to play under Articles 98 and 99 of the Charter; the General Assembly could likewise make its contribution, but in a different way, in keeping with the functions assigned to it by the Charter. He was convinced that what was lacking was the political will and determination to make full use of the resources of the Organization.

He underlined the special responsibilities of the permanent members of the Security Council and added that France, for its part, was fully aware of them. He considered it important to extricate the Council from the logic of the East-West confrontation and felt that the members of the Council who pursued a genuine policy of non-alignment could make a vital contribution. He called upon the Security Council not to allow itself to become bogged down in prolonged consultations behind closed doors, to take a public stand on major world problems and to look for ways and means to resolve them. The Minister expressed his support of the Secretary-General's role in facilitating the solution of international disputes and conflicts.

In conclusion, he called for a more realistic role on the part of all Member States and stressed that, in the final analysis, the success or failure of the Organization depended on the collective will of Member States.¹⁰

The Deputy Prime Minister and Minister for Foreign Affairs of Egypt recalled his country's role in the drafting of the Charter of the United Nations, which it had signed as a founding Member. He was proud of Egypt's affiliation with Africa and the Arab world, which enabled the country to play a distinctive role in the activities of the Organization. He considered that 40 years was too short a period for a sound scientific analysis of the experience of the United Nations. He observed that, notwithstanding the great material achievements during that period, the Organization had failed to fulfil the aspirations of peoples for liberation and the exercise of rights endorsed by the Charter.

He referred to the failure of the Security Council to promote just solutions to the question of Palestine, apartheid and the problems of southern Africa, or to eradicate the vast economic disparities between the peoples of the world.

He suggested that the ideas and proposals offered by Member States from the rostrum of the General Assembly and during the meetings of the Security Council should be carefully studied.

The Minister referred to an earlier proposal of the President of the Arab Republic of Egypt to undertake a review and appraisal of the international situation in all its aspects within the framework of the United Nations with a view to establishing a new international order in which justice,

⁹Ibid., pp. 62-70.

¹⁰Ibid., pp. 71-77.

peace and prosperity would reign. He further referred to his country's proposal for the convening of a special session of the General Assembly to discuss the activities and purposes of the United Nations as well as its responsibilities in maintaining international peace and security. He also recalled the opening statement by the President of the current session of the General Assembly, regarding the need to convene a conference to review the Charter of the United Nations in order to eliminate the contradiction between its letter and its spirit. He noted what the President of the General Assembly had said in connection with Article 27 of the Charter, which gave the permanent members a double veto never intended by the authors of the Charter.

The Minister reiterated his country's support for the enhancement of the effectiveness of the United Nations and stated that the principles and provisions of the Charter would remain for Egypt and many developing countries the guarantee for safeguarding their independence and sovereignty. Referring to the methods used by the United Nations in dealing with many international political and economic developments, he observed that the Organization had gradually deviated from the philosophy advocated by the Charter, in particular as regards the system of collective security. He stressed the need for a thorough analysis and a scientific and realistic diagnosis of the current international situation in order to invigorate the concept of interdependence and solidarity. He added that any careful study would confirm the negative impact of the rivalry of the two super-Powers, which resulted in the loss of the ability of the Security Council to adopt decisive resolutions to halt aggression and settle international disputes or to ensure the implementation of the adopted resolutions. He went on to state that the absence of political will had reduced the Council's role to one of merely voicing condemnations. In addition, the right of veto had frequently been abused and that had led to international conflicts getting into the vicious circle of rivalry between the two conflicting blocs. In order to restore the Council's ability to act effectively, the collective will and the availability of means was important. According to the speaker, cooperation among members of the Council and coordination between the Council and the General Assembly was essential. The Council had at its disposal a vast spectrum of mechanisms for tackling situations and conflicts. He made reference to peacekeeping forces, the good offices of the Secretary-General, the holding of periodic meetings of the Council to review the international situation and monitor "grave incidents" within the framework of preventive diplomacy. There was also a possibility for the Secretary-General to bring any matter threatening international peace and security to the attention of the Council as well as to conduct consultations and assemble information on areas of potential conflicts.

The Minister advocated updating and rationalizing the provisional rules of procedure of the Security Council, in order to make them final but at the same time flexible enough to meet the requirements of the international community. He stated further that Egypt intended to introduce a specific initiative aimed at improving the functioning of the Organization.

He referred to particular examples, such as the resolutions of the Council on the Middle East and the Palestinian question and lamented the fact that those resolutions still awaited effective mechanisms for their implementation.

He concluded by stressing the responsibilities vested by the Charter upon the permanent members of the Council, and expressing the hope that new ways to restore confidence in the Security Council would be found. He hoped that the United Nations would soon become a place where cultures mingled and thrived as well as the promoter of international relations based on peace, justice and prosperity for all.¹¹

The Minister for Foreign Affairs of Denmark stated that membership in the United Nations was a cornerstone of Danish foreign policy. His country had demonstrated its strong and consistent support by participating in the Organization's peacekeeping operations and by its active support of United Nations efforts in the economic, social and technological fields. He also referred to Danish efforts in the Security Council, upon which the Charter had conferred the responsibility for the maintenance of international peace and security. He noted that, for reasons known to everyone, the Council was, to a large extent, deprived of its ability to fulfil its mandated responsibility. However, he agreed with the Secretary-General that in the real conditions of international life the Council had played an important role in providing stability and limiting conflicts.

The Minister stated further that his delegation was striving to have the Council function as a forum for negotiation rather than debate. It should be clearly distinguished from the General Assembly, as both organs were important, but in separate ways. The Council needed to speak with one voice in order to send an unequivocal signal to the conflicting parties and to ensure the implementation of its decisions. He added that the Council should approach regional conflicts within their regional context and refrain from interpreting any problem as a consequence of a worldwide competition between East and West.

It was his Government's view that the situation in South Africa was a threat to international peace and security and that the international community should increase pressure on South Africa by adopting appropriate measures, including those under Chapter VII of the Charter, in order to bring about the eradication of the apartheid system.

Concerning the situation in southern Lebanon and the war between the Islamic Republic of Iran and Iraq, he expressed disappointment with the actions of the Security Council. Nonetheless, he noted that with the support of the Council the Secretary-General had been able to achieve some results towards restraint in the Iran-Iraq war.

He reiterated the strong support of the members of the Council for the mission of the Secretary-General on the Cyprus question. As a country contributing military forces to UNFICYP for over 20 years, Denmark hoped that the latest effort of the Secretary-General would lead to an early agreement on the framework for a just and lasting settlement of the Cyprus question and urged the parties to cooperate with the Secretary-General.

He also recalled the report of the five Nordic Governments on the strengthening of the United Nations, which had been forwarded to the Secretary-General in June 1983. In that paper the Nordic Governments supported the strengthening of peacekeeping forces, the need for periodic meetings of the Security Council as part of an early warning system and a more frequent use of the powers of

¹¹*Ibid.*, pp. 77-89.

the Secretary-General under Article 99 of the Charter. He voiced support for the suggestion made in the annual report of the Secretary-General that the Council should concentrate on solving one or two of the major problems before it. He felt that the Council should concentrate on the problems of southern Africa in the immediate future. He concluded by emphasizing the need to strengthen the role of the Security Council in maintaining peace and security, through the full implementation of provisions already in the Charter, and, above all, sufficient political will on the part of conflicting parties to avail themselves of the Council's machinery and to heed the Council's decisions.¹²

The State Councillor and Foreign Minister of China stressed the importance of the Security Council meeting at the foreign minister level on such a solemn occasion. During the 40 years of existence of the United Nations, in spite of the absence of a world war, peace had been subjected to constant threats by the arms race and regional conflicts, making the responsibilities of the Security Council not lighter, but heavier. The Council played a positive role in preventing and defusing conflicts and easing international tensions. The Minister noted, however, that it had adopted wrong decisions on certain questions, which went against the will of the world's people and harmed their interests. He added that, measured against the provisions of the Charter, the performance of the Council left much to be desired.

He was of the view that the emergence of a large number of newly independent States that had changed the composition of the United Nations and played an increasingly important and constructive role in its activities was an encouraging sign. The past experience of the Council demonstrated that it achieved success whenever it acted in accordance with the purposes and principles of the Charter of the United Nations and reflected on the just demands of the majority of the Member States, in particular small and medium-sized countries. At the same time, it suffered setbacks whenever the principles of the Charter were contravened and the will of the big Powers was imposed.

Referring to possible ways for strengthening the role of the Security Council, the Minister stated that in all its activities, including its peacekeeping operations, the Council should abide by the provisions of the Charter and all Members should observe and uphold the principles of respect for the territorial integrity and sovereignty of other countries, non-interference in their internal affairs and the settlement of international disputes by peaceful means. Furthermore, in carrying out its duties the Council should earnestly reflect the sound views of the Members of the United Nations, support their reasonable demands and give expression to their legitimate aspirations. The Council should act as stipulated in the Charter "on behalf of" the Members of the United Nations. He went on to add that the permanent members of the Council should fulfil in good faith the special responsibilities conferred upon them by the Charter and should take the lead in complying with its principles, honour the common will of Member States and consult with the other members of the Security Council on an equal footing. He stressed that the veto power should not be used as a tool to shield acts of aggression and injustice.

The Minister praised some ideas put forward in the annual report of the Secretary-General, as well as certain ideas put forward by many members of the Organization, in particular, the need to strengthen coordination and co-operation between the Security Council, the General Assembly and the Secretary-General; the necessity to ensure the implementation of Security Council resolutions and the proposal to support the Secretary-General in his efforts authorized by the Charter or mandated by the Security Council. He expressed the hope that the Council would continue its efforts to enhance its efficiency and that it would prove possible to achieve concrete results in the nearest future.

Concerning the United Nations as a whole, the Minister believed that, apart from the functions of the Security Council, it was imperative to enhance the functions of the General Assembly, which had a wider representation than the Security Council. He observed that in recent years the Assembly had adopted a number of important resolutions on maintaining peace and security, opposing aggression and upholding justice, thanks to the efforts of the third world and small and medium-sized countries.

He concluded by stating that as a founding member of the United Nations and a permanent member of the Security Council, China had always abided by the purposes and principles of the Charter of the United Nations, and had developed its relations with other countries in line with principles of peaceful coexistence.¹³

The Minister for Foreign Affairs and Cooperation of Burkina Faso said that, 40 years ago, having learned the lessons of two world wars, the peoples of the world had expressed their determination to save future generations from the scourge of war and proclaimed their faith in fundamental human rights, in equality for all human beings and nations. The establishment of the United Nations was the practical expression of that common determination. Discussing the role of the United Nations and the Security Council in creating "a better world for all" the speaker wondered what was meant by "a better world for all" and what role the Security Council had played and should play to achieve that goal. For his country—one of the poorest in the world—it meant a world without racial and cultural prejudice, without exploitation, oppression and domination, without ignorance, hunger, thirst and disease.

The Minister believed that the purposes of the United Nations had been intended to transform the world precisely that way and that it was time to evaluate, individually and collectively, its successes and failures, as well as to open new perspectives for an Organization that would be better aligned to the new situations of its members. That had been especially true of the Security Council, which, as assigned by the Charter, determined through its positive or negative actions whether or not the purposes of the Organization had been achieved. He commended the constructive action taken by the United Nations, especially the task of decolonization, which had not been completed, as well as a certain measure of international cooperation, which had helped prevent a third world war. During the same 40 years the Charter of the United Nations had been frequently flouted. The hope that the feeling of racial superiority, which had been the basis of colonialism, would disappear

¹²*ibid.*, pp. 89-93.

¹³*ibid.*, pp. 94-100.

had not come true. The refusal to accept others as they were and the aggressive determination to impose on them alien economic, social, cultural and political values created tension and confrontations, which could be seen in Africa, Asia, Latin America and elsewhere. That polarization was, consciously or unconsciously, encouraged by the acknowledgement of the division of the world into the super-Powers and the others.

In metaphorical form, the speaker warned of the dangers for the destruction of the world and lamented the counter-productive use of the veto by permanent members of the Security Council. He considered that the Charter of the United Nations had been drawn up as a "forward-looking" document to ensure the Organization's dynamism and effectiveness. It would be in the interests of all nations to transform the Organization so as to enable it to deal better with the developing concerns of Member States. The Minister stated further that the Security Council had been only marginally effective, and proposed that it be enlarged and that the right of veto be reviewed and rectified, if not simply annulled.

The Minister also proposed to hold a high-level Security Council meeting in 1986 to discuss the question of disarmament, which should be viewed in association with the economic and social development of mankind as a whole. In his opinion, it was not normal that such an important issue, which represented a permanent threat to international peace and security, was not included on the agenda of the Security Council.

In conclusion the Minister called for unifying efforts to put an end to aggression, eradicate hunger and ignorance and to ensure the triumph of the legitimate struggle of peoples against the injustice of the present order.¹⁴

The Minister for Foreign Affairs of Australia recalled that his country was one of the 51 nations that had taken part in the creation of the United Nations. While clearly understanding the determinant effect on international relations of the great Powers and the existence of spheres of influence, his country tried to emphasize important points for smaller nations and make them accepted as a factor in the decision-making process, especially on matters affecting their well-being. One of those matters was arms control and disarmament and the impact on it of the relations between the United States and the Union of Soviet Socialist Republics. Proud to be a member of the Western association of nations, Australia was concerned about the mistrust between the super-Powers. He urged the super-Powers to reach an understanding on the need to contain the danger of conflict and to seek effective arms control and disarmament, especially through a comprehensive ban on nuclear testing. He went on to say that the great Powers should understand the common concerns among smaller nations and that it was now impossible to ignore the consequences of even regional unrest, let alone the consequences of nuclear war.

Regarding the situation in South Africa, the Minister expressed deep concern at the threat of the activities of the Government of South Africa, such as the obstruction of the independence of Namibia and its aggression against its neighbours, activities that were stemming from the evil system of apartheid. Australia was in favour of the appli-

cation of sanctions against South Africa and had the intention of submitting specific proposals at the forthcoming meeting of the Commonwealth Heads of Government. If South Africa did not respond to the selective sanctions, his Government would support the consideration by the Security Council of mandatory economic sanctions under Chapter VII of the Charter.

The Minister commended the efforts of the Secretary-General in dealing with major disputes using powers assigned to him by Article 99 of the Charter, such as sending a mission to investigate allegations about the use of chemical weapons in the war between the Islamic Republic of Iran and Iraq and undertaking an initiative to end the hostilities over the Falklands. His Government would welcome a more intensive involvement of the Secretary-General as mediator, arbitrator, negotiator or catalyst in seeking solutions to international problems.

He favoured improving the capacity of the Security Council for quiet diplomacy. He did not favour transforming the Council into a deliberative body. His Government had suggested the holding of periodic meetings to review the state of international security. He was in favour of the Secretary-General's approach that the Council should make a concerted effort to deal with one or two of the major problems before it. He regretted that the idea of having a private, informal session of the Council to exchange views freely had not found support, and concluded by expressing the hope that the Council, as the world's peacekeeper, would be improved for the benefit of the following generations.¹⁵

The Secretary of State of the United States of America said that the United Nations and its Charter had embodied mankind's most cherished hopes for a better world. He emphasized expectations for a world where international disputes could be settled peacefully, where self-determination would be advanced, where economic cooperation would promote prosperity and where human rights would be honoured. He added that each Member State, especially members of the Security Council, had a duty to their own people and to posterity to keep that vision alive. He observed that the global landscape was marred by international conflicts, aggression and violence. The United Nations was, he said, a troubled Organization reflecting the realities of a troubled world. He added that hunger and disease claimed many victims and that basic freedoms and human rights were trampled upon in many parts of the world. However, he did not consider that the United Nations had failed and that its founders were little more than utopian idealists. In his view the founders of the United Nations knew that pressing the ideas of the Charter in a world of sovereign States would be an endless, often disappointing task; yet by setting standards towards which all nations should aspire, the drafters of the Charter had hoped to help Member States move forward to greater prosperity, freedom and peace. He stated that over the past 40 years the United Nations had many successes. He mentioned the peacekeeping and peacemaking efforts in Korea, in the Congo, in Cyprus and on the Golan Heights, as well as the activities of various specialized agencies for the eradication of diseases, relief to refugees and services in the areas of communication and transportation. Unfortunately, the United Nations had often failed to remain true to its own principles. It had been

¹⁴Ibid., pp. 101-108.

¹⁵Ibid., pp. 108-113.

abused in the service of selfish national or bloc interests. It had been used as a platform for voices of hatred and bigotry, as in the case of the resolution equating Zionism with racism. Too often disputes among peoples had been magnified instead of being resolved through reasoned debate and discussion. The United States recognized that it had an important role to play and it was committed to protecting the United Nations against harmful and abusive practices.

He stated further that the Security Council was entrusted by the Charter with formidable powers to help resolve disputes, but those powers should be used wisely and courageously in the service of peace. He observed that creative Council actions could provide a basis for realistic, balanced and constructive resolutions thus facilitating the solution of some of the most difficult issues. In that connection, he mentioned resolution 242 (1967), which provided the essential political and legal framework for Middle East peacemaking. One-sided actions could not accomplish anything and that Security Council resolutions could have an impact only if they were realistic, balanced and constructive. Selective condemnation often exacerbated situations. He called for making the Council's work as effective as possible through greater and more systematic involvement of the Council at the early stages of developing conflicts; wider use of fact-finding, observation and good offices; more extensive and regular informal consultations among its members and greater use of the Secretary-General's powers under Article 99. He noted that similar ideas had been expressed by other delegations and that was perhaps suggestive of an emerging consensus. He agreed with the Secretary-General that the members of the Council were "the guardians of peace" and emphasized the need for a greater commitment to fulfilling that role.

In conclusion, the Secretary of State stated that the failure of the United Nations to meet all its lofty aims was no cause for despair. Cautioning against unrealistic expectations, he emphasized that it was necessary to ensure that the United Nations would guide the world on a straight course in a common journey and that Member States should continue to set high goals that inspired hard work and perseverance.¹⁶

The President of the Security Council, speaking in his capacity as Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland, extended his thanks to the previous speakers for their thoughtful presentations and joined them in paying tribute to the Secretary-General. He recalled that the United Kingdom had been a co-architect of the Charter and a host to the first meeting of the Security Council. His Government was well aware of its special responsibilities as a permanent member of the Security Council and it was actively involved in the whole range of activities of the United Nations. In appraising the work of the Organization and of the Security Council, in particular, the Foreign Secretary associated himself with most of the points made by the speakers who preceded him. He echoed, in particular, the points made in the debate on the need for the members of the Security Council to search for common ground and the spirit of cooperative consultation as well as the desirability for the Council to speak with one voice. He observed that over the years the Council had seen its role,

style and methods of work evolve but the objective of the Council, defined in Article 24 of the Charter as the supreme mechanism for the maintenance of international peace and security, had remained the same and so it should remain. He viewed the Council as an agent more of persuasion than of coercion and pointed to the fact that when the Council performed well in its functions it tended to move away from open and public meetings to discussions in confidence. Quoting from the statement of the Danish Foreign Minister that "achievements do not have to be complete to be real", he referred to one of those accomplishments of the Council which had earlier been mentioned by the United States Secretary of State, namely, the defining of the terms of settlement in the Middle East by resolutions 242 (1967) and 338 (1973). He also made reference to the importance of resolution 435 (1978) as a basis for progress on Namibia and the successful use of peacekeeping forces in Lebanon and in Cyprus. However, the question remained whether the Council was effective enough. He agreed with previous speakers who had cautioned against the temptation to adopt a rhetorical approach and recalled that the responsibility for making the Council more effective rested with the members of the Council and depended on their political will.

He referred to the suggestions made on the need to improve the Council's methods, as well as to the objectives to which those methods should be applied. He supported the engagement of the Council in more preventive diplomacy. He was also supportive of instituting regular meetings of the Council to consider potential disputes. He also felt that the Secretary-General should bring matters to the attention of the Council at an early stage and that there should be a critical examination of the Council's procedures. He acknowledged that not every dispute was capable of resolution and supported the idea that certain long-standing disputes, not dominated by the East-West divide, deserved a fresh approach. Among those were the Iran-Iraq dispute, where there was a universal will for settlement; the Arab-Israeli dispute, where there was a striking need for a balanced settlement—based on Security Council resolution 242 (1967)—providing for the secure existence of Israel and self-determination for the Palestinian people; the situation in Cyprus, where the United Nations role was essential because both sides had confidence in it; and the situation in southern Africa and South Africa, where the common objective was the eradication of apartheid.

The Foreign Secretary stated further that the Council could focus attention, elaborate frameworks for settlement and promote negotiation, but ultimately its success depended on the willingness of Member States to recognize its authority and to use its resources.

He concluded by reiterating the importance for all Member States to examine the Security Council practices, recommit themselves to the ideas of the Charter and search for practical ways to pursue its objectives.¹⁷

He resumed his functions as the President of the Security Council and made the following statement on behalf of the members of the Council:¹⁸

The Security Council met in public at Headquarters of the United Nations in New York on Thursday, 26 September 1985, at the level

¹⁶*ibid.*, pp. 113-118.

¹⁷*ibid.*, pp. 118-126.
¹⁸S/17501.

of foreign ministers, to celebrate the fortieth anniversary of the Organization.

The meeting was chaired by the Foreign Minister of the United Kingdom of Great Britain and Northern Ireland as President of the Security Council for September. Statements were made by the Foreign Ministers of the Union of Soviet Socialist Republics, the Ukrainian Soviet Socialist Republic, Trinidad and Tobago, Thailand and Peru; by the Permanent Representative of Madagascar to the United Nations; by the Minister of State for Commerce of India; and by the Foreign Ministers of France, Egypt, Denmark, China, Burkina Faso, Australia, the United States of America and the United Kingdom of Great Britain and Northern Ireland, as well as by the Secretary-General.

The agenda for the commemorative meeting was: 'United Nations for a better world and the responsibility of the Security Council in maintaining international peace and security'.

The members of the Council welcomed the opportunity provided by the fortieth anniversary of the United Nations to reaffirm at a high level their obligations under the Charter and their continued commitment to its purposes and principles. They conducted a wide-ranging review of the international situation. They expressed their deep concern at the existence of various threats to peace, including the nuclear threat. While acknowledging that it has not always proved possible for the Organization to eradicate these threats, they underlined the continuing relevance of the United Nations as a positive force for peace and human advancement. They welcomed the continuing growth of the membership of the Organization to a point where the objective of universality of membership, which they endorsed, has almost been achieved.

The members of the Council were cognizant of the primary responsibility for the maintenance of international peace and security conferred by the Charter on the Security Council and of the special rights

and responsibilities of its permanent members. They stressed that a collegial approach within the Council was desirable to facilitate considered and concerted action by the Council as the main instrument for international peace. They acknowledged that the high hopes placed in the Organization by the international community had not been fully met and undertook to fulfil their individual and collective responsibility for the prevention and removal of threats to the peace with renewed dedication and determination. They agreed to employ appropriate measures available under the Charter when considering international disputes, threats to the peace, breaches of the peace and acts of aggression. They recognized the valuable contribution made on many occasions by United Nations peacekeeping forces. They called again upon the entire membership of the United Nations to abide by their obligations under the Charter to accept and carry out decisions of the Security Council.

They agreed that there was an urgent need to enhance the effectiveness of the Security Council in discharging its principal role of maintaining international peace and security. Accordingly, they resolved to continue the examination of the possibilities for further improvement of the functioning of the Security Council in carrying out its work in accordance with the Charter. In this context they paid special attention to the suggestions addressed to the members of the Security Council in the Secretary-General's annual reports on the work of the Organization. They thanked the Secretary-General for these reports and encouraged him to play an active role within the scope of his functions under the Charter.¹⁹

The Security Council thus concluded its business for the commemorative meeting.

¹⁹A/41/2, chap. 7, pp. 87 and 88.

11. LETTER DATED 26 SEPTEMBER 1985 FROM THE PERMANENT REPRESENTATIVE OF BOTSWANA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On 11 September 1985, the Secretary-General submitted a report¹ pursuant to Security Council resolution 568 (1985),² concerning the work of the mission dispatched by the Secretary-General to visit Botswana from 27 July 1985 to 2 August 1985. The report outlined projects that had been emphasized by the Government of Botswana to have been strictly related to the needs of refugees and, in particular, to the additional requirements consequent to the South African attack on Gaborone on 14 June 1985. The report stressed that, despite a deep sense of insecurity on the part of the population as a result of the 14 June attack, Botswana remained determined to keep its doors open to South African refugees and that the international community should enhance its assistance to Botswana in ensuring the safety, protection and welfare of refugees. At stake, the report concluded, was the right of refugee asylum countries to be secure from attack or coercion by refugee-producing countries, a fundamental principle of international treaties and conventions dealing with refugees.

By a letter dated 26 September 1985 addressed to the President of the Security Council,³ the representative of Botswana requested that a meeting of the Council be convened to consider and adopt the report of the Secretary-General pursuant to Security Council resolution 568 (1985).

At its 2609th meeting, on 30 September 1985, the Council included in its agenda the item entitled "Letter dated 26 September 1985 from the Permanent Representative of Botswana to the United Nations addressed to the President of the Security Council", included in its agenda, and considered the item, together with the report of the Secretary-General pursuant to Security Council resolution 568 (1985), at the same meeting.⁴

The Council invited, at his request, the representative of Botswana to participate, without the right to vote, in the Council's discussion of the item.⁵

Decision of 30 September 1985 (2609th meeting): resolution 572 (1985)

At the 2609th meeting, on 30 September 1985, the President, at the outset of the discussion, drew the attention of the members of the Council to a draft resolution submitted by Botswana, Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago.⁶

The representative of Botswana said that Gaborone had been unjustly attacked by South African commandos on 14 June 1985 and that it was his Government's right to demand compensation for the damage caused to life and property and for the violation of his country's territorial

¹S/17453.

²For the consideration and adoption of Security Council resolution 568 (1985), see sect. 9.

³S/17497.

⁴For the adoption of the agenda, see S/PV.2609, p. 2.

⁵For details, see chap. III of the present *Supplement*.

⁶S/17503, subsequently adopted as resolution 572 (1985).

integrity and national sovereignty. He stated that, in carrying out its international obligations towards refugees, Botswana should not and could not be left to its own devices and that the right of political asylum in peace and security was a fundamental principle that the international community had the obligation to defend and protect.⁷

The representative of Madagascar, speaking also in his capacity as current Chairman of the Group of African States, said that the report of the Secretary-General's mission to Botswana emphasized the following two points: (a) the economic burden that had been created by the assistance the Government was providing to the refugees; and (b) the security risk that was faced by Botswana because of the presence of those refugees on its territory. He recalled the South African practice of attacking neighbouring independent States and the brutality with which Pretoria repressed anti-apartheid demonstrations, which might result in a new influx of refugees, and said that it was in that context that they had considered the report submitted by the Secretary-General pursuant to Security Council resolution 568 (1985). He said that it was the wish of the sponsors of the draft resolution (S/17503) that the Council endorse the recommendations and conclusions of the report and ensure that South Africa paid reparation for the damage and loss that had resulted from its acts of aggression on 14 June 1985.⁸

The draft resolution was then voted upon and adopted unanimously as resolution 572 (1985).⁹ The resolution reads as follows:

The Security Council,

Recalling its resolution 568 (1985),

Having considered the report of the mission to Botswana appointed by the Secretary-General in accordance with resolution 568 (1985),¹⁰

Having heard the statement of the Permanent Representative of Botswana to the United Nations⁷ expressing the deep concern of his Government over the attack by South Africa against the territorial integrity of Botswana,

Deeply concerned that the attack by South Africa resulted in the loss of life and casualties to many residents and refugees in Gaborone as well as the destruction of and damage to property,

Noting with satisfaction the policy which Botswana follows in regard to the granting of asylum to people fleeing from the oppression

of apartheid as well as its respect for and adherence to the international conventions on the status of refugees,

Reaffirming its opposition to the system of apartheid and the right of all countries to receive refugees fleeing from the oppression of apartheid,

Noting the urgent needs of Botswana to provide adequate shelter and facilities to refugees seeking asylum in Botswana,

Convinced of the importance of international support for Botswana,

1. *Commends the Government of Botswana for its steadfast opposition to apartheid and for the humanitarian policies it is following in regard to refugees;*

2. *Expresses its appreciation to the Secretary-General for having arranged to send a mission to Botswana to assess the damage caused by South Africa's unprovoked and premeditated acts of aggression and for proposing measures to strengthen Botswana's capacity to receive and provide assistance to South African refugees as well as for determining the level of assistance required by Botswana to cope with the situation resulting from the attack;*

3. *Endorses the report of the mission to Botswana pursuant to resolution 568 (1985);¹⁰*

4. *Demands that South Africa pay full and adequate compensation to Botswana for the loss of life and damage to property resulting from its act of aggression;*

5. *Requests Member States, international organizations and financial institutions to assist Botswana in the fields identified in the report of the mission to Botswana;*

6. *Requests the Secretary-General to give the matter of assistance to Botswana his continued attention and to keep the Security Council informed;*

7. *Decides to remain seized of the situation.*

In a letter dated 21 October 1985 addressed to the Secretary-General,¹¹ the representative of South Africa referred to Security Council resolution 572 (1985) and stated that his Government was under no obligation to pay compensation to Botswana. He added that his Government rejected inferences in resolution 572 (1985) that it had carried out an unprovoked "act of aggression" against Botswana or that "terrorist groups" that were established in and operating from Botswana were synonymous with "refugees". The letter concluded by reasserting that Pretoria had exercised its inherent and natural right of self-defence in order to curtail further "imminent acts of violence" in South Africa.

⁷S/PV.2609, pp. 6-12.

⁸Ibid., pp. 13-17.

⁹For the vote, see *ibid.*, p. 17.

¹⁰S/17453.

¹¹S/17586.

12. LETTER DATED 1 OCTOBER 1985 FROM THE PERMANENT REPRESENTATIVE OF TUNISIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

INITIAL PROCEEDINGS

By a letter dated 1 October 1985 addressed to the President of the Security Council,¹ the representative of Tunisia informed the members of the Council that, at 10.07 a.m. on the same date, six low-flying Israeli military aircraft had penetrated Tunisian airspace and dropped five delayed-action bombs, each weighing 1,000 pounds, on the civilian locality of Borj-Cedria, known as Hammam-Plage, in the southern suburbs of Tunis. The operation, for which

Israel had claimed responsibility, had resulted in the death of 50 and nearly 100 wounded; the search for bodies was continuing and there had been extensive material destruction. The Israeli raid constituted a blatant act of aggression against the territorial integrity, sovereignty and independence of Tunisia and a violation of the rules and norms of international law and of the principles of the Charter of the United Nations, and the Government of Tunisia requested an immediate meeting of the Security Council to consider Israel's aggression and to take the steps that were required by the situation resulting from that aggression. The Government of Tunisia called upon the Council to

¹S/17509.

condemn the act of aggression in the strongest terms, to require fair and full compensation for the damage and to take appropriate measures to prevent the recurrence of such acts.

At its 2610th meeting, on 2 October 1985, the Security Council included in its agenda the item entitled "Letter dated 1 October 1985 from the Permanent Representative of Tunisia to the United Nations addressed to the President of the Security Council", and considered it at the 2610th, 2611th, 2613th and 2615th meetings, on 2 to 4 October 1985.²

Decision of 2 October 1985 (2610th meeting): invitation accorded to the Palestine Liberation Organization

In the course of its deliberations the Security Council invited, at their request, the representatives of Afghanistan, Algeria, Bangladesh, Cuba, the German Democratic Republic, Greece, Indonesia, the Islamic Republic of Iran, Jordan, Kuwait, Lesotho, the Libyan Arab Jamahiriya, Malta, Mauritania, Morocco, Nicaragua, Nigeria, Pakistan, Saudi Arabia, Senegal, the Syrian Arab Republic, Turkey, Viet Nam, Yemen and Yugoslavia to participate, without the right to vote, in the Council's discussion.³

At the 2610th meeting, on 2 October 1985, the President informed the Council that he had received a letter from the representative of Egypt requesting the participation of Mr. Farouk Kadoumi of the Palestine Liberation Organization (PLO) in the Council's debate, in accordance with the Council's previous practice. The President noted that the proposal was not made under rule 37 or rule 39 of the provisional rules of procedure of the Security Council but that, if adopted by the Council, the invitation to the PLO to participate in the debate would confer upon it the same rights of participation as those conferred on a Member State invited to participate under rule 37.⁴ Speaking in his capacity as the representative of the United States of America, the President stated that his Government was opposed to special/ad hoc departures from orderly procedure, as it considered such practice as having no legal foundation, and requested that the proposed invitation be put to the vote.⁵ The request to invite the PLO was then voted upon and adopted by 10 votes in favour to 1 against, with 4 abstentions.⁶ Accordingly, the representative of the PLO was invited to take part in the Council's discussion.

The Council also extended an invitation, as requested, under rule 39 of the provisional rules of procedure of the Security Council, to Mr. Clovis Maksoud, Permanent Observer for the League of Arab States (LAS) to the United Nations, to Mr. Adnan Omran, also of LAS, and to Mr. Seid Sherifuddin Pirzada of the Organization of the Islamic Conference (OIC).⁷

Decision of 4 October 1985 (2615th meeting): resolution 573 (1985)

At the 2610th meeting, on 2 October 1985, the Minister for Foreign Affairs of Tunisia referred to the letter from

²For adoption of the agenda, see S/PV.2610, p. 2.

³For details, see chap. III of the present *Supplement*.

⁴S/PV.2610, pp. 3-5.

⁵*Ibid.*, pp. 3-6.

⁶For the vote on the invitation accorded to the PLO, see *ibid.*, pp. 6 and 7.

⁷For details, see chap. III of the present *Supplement*.

his Government¹ describing the aggression committed against his country and said that, contrary to what Israeli officials claimed, the target of the attack was an exclusively residential urban area that had been the traditional home of Tunisian families and a small number of Palestinian civilians who had fled Lebanon after the invasion of that country by the Israeli army. He stated that the crime committed against Tunisia was particularly reprehensible because it was aimed at undermining the efforts to bring about a peaceful, just and durable settlement of the Palestinian problem on the basis of the principles of the Charter and the relevant resolutions of the United Nations, which was also the framework within which Tunisia had extended its hospitality to the Palestinian leadership. He said that his Government's call on the Security Council to condemn the act of aggression and to demand just and full reparation for the damage was aimed not only at seeking the sanction of international legality but also at preserving the chances for a peaceful settlement of the Middle East problem.⁸

At the same meeting, the Deputy Premier and Minister for Foreign Affairs of Kuwait, speaking on behalf of the Group of Arab States, said that the air raid against the Tunisian capital was an act of aggression against the Charter of the United Nations, which guaranteed the sovereignty and territorial integrity of States; and that it was also an aggression against ethics, which constituted the moral arbiter in relations among States that respected the Charter of the United Nations and cherished the sanctity of international laws. He stated that the Arab States, which condemned the blatant aggression, were convinced that the Israeli crime fell within the category of official state terrorism. He referred to Israel's unrelenting efforts to destroy all traces of the PLO, the sole legitimate representative of the Palestinian people, wherever it was to be found and that it had sought to do so through: (a) the invasion of Lebanon; (b) the policies of coercion, repression and deportation of the peoples of the occupied territories, in violation of the provisions of the Fourth Geneva Convention; and (c) the air raid on the PLO headquarters in the capital city of Tunisia, in a heavily populated civilian area. He added that those actions were aimed at the eviction of the Arab population from the remaining Palestinian Arab land in order to gain possession of that land in violation of the principle enshrined in the Charter of the United Nations of the inadmissibility of the acquisition of territory by force. He dismissed the attempt at justifying the air raid as an attack directed against the PLO, not against Tunisia, and as an act of legitimate self-defence and declared that the Charter was meant to be observed and that it was the Security Council's duty to take appropriate measures under the Charter in order to ensure Israel's compliance with relevant United Nations resolutions.⁹

At the same meeting, the representative of India said that the attack against the sovereignty and territorial integrity of Tunisia was another manifestation of Israel's desire to eliminate the Palestinian resistance against it and to consolidate its occupation of Palestinian and Arab territories in flagrant violation of the norms of international law and the purposes and principles of the Charter of the United Nations. He added that the Israeli attack had been dis-

⁸S/PV.2610, pp. 8-11.

⁹*Ibid.*, pp. 12-21.

cussed the previous day at a meeting of Ministers and Heads of Delegation of the Movement of Non-Aligned Countries to the fortieth session of the General Assembly and that a special communiqué had been adopted strongly condemning Israel for its attack on Tunisia. He stated that the Ministers and Heads of Delegation had also renewed the repeated call by the Movement of Non-Aligned Countries for the imposition of comprehensive mandatory sanctions against Israel under Chapter VII of the Charter. He stressed that the only path to peace was through a comprehensive, just and lasting solution of the Middle East problem and that the framework for such a solution, as defined in the relevant resolutions of the General Assembly and the Security Council, had to be based on the following fundamental principles: (a) that the question of Palestine was at the heart of the problem of the Middle East; (b) that the exercise of the inalienable rights of the Palestinian people, including their right to self-determination, would contribute to a final solution of the crisis in the region; (c) that the PLO, the sole and authentic representative of the Palestinian people, should participate on an equal footing in all efforts to find a solution to the Middle East problem; and (d) that no peace could be established in the region without the withdrawal of Israel from all the Palestinian and other Arab territories that it had occupied since 1967, including Jerusalem, and without the guarantee that all States of the region could live within secure and recognized borders. While emphasizing the importance of the early convening of the proposed international conference on peace in the Middle East, he also stressed the significance attached to the forthcoming meeting of the Security Council that had been requested by his delegation in pursuance of the decision of the Meeting of Foreign Ministers of the Movement of Non-Aligned Countries that had been held in September 1985 at Luanda.¹⁰

At the 2611th meeting, on 2 October 1985, the representative of Israel said that over the past year the PLO headquarters in Tunisia had planned and launched more than 600 terrorist attacks, which had killed or wounded more than 75 Israeli civilians, including schoolchildren. The latest victims had been three defenceless tourists on a boat at Larnaca who had been killed by Yasser Arafat's personal bodyguard unit, Force 17, the very people who had occupied the PLO headquarters in Tunisia. He stressed that Israel's "surgical strike" had been carefully aimed at three buildings housing the PLO headquarters and not, as the Foreign Minister of Tunisia had asserted, at scattered private houses. He stated that Israel could not accept the notion of immunity of bases and headquarters of terrorist killers, anywhere or at any time, and that every State had a responsibility to prevent armed attacks from its territory, in particular against civilians. He then emphasized that the sovereignty of a State could not be separated from its responsibilities, among which the major one was preventing a sovereign territory from being used as a launching ground for acts of aggression against another country, and that when a State renounced that fundamental responsibility, deliberately or through negligence, it could not do so without risking the consequences of such dereliction of duty. The interest of a State in exercising protection over its nationals might take precedence over territorial integrity, and quoted from Article 51 of the Charter, which provided:

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations.

The only question, he said, that might arise when a State acted in self-defence to curb armed attacks from other countries was whether alternate remedies were available and asserted that no other remedy had existed in the present case, since Tunisia had shown no desire or intention to prevent the PLO from planning and initiating terrorist activities from its soil. With reference to allegations that Israel's action had been aimed against the peace process, he said that his country remained committed to real peace with all its neighbours while the PLO, which was the obstacle to peace, was "unalterably committed" to the destruction of Israel and to the "practice and espousal of terrorism".¹¹

At the 2615th meeting, on 4 October 1985,¹² Mr. Terzi of the PLO, speaking in exercise of the right of reply, said that at its thirty-fourth session the General Assembly had considered the item entitled "International terrorism" and that it had condemned the continuation of repressive and terrorist acts by colonial and alien regimes that were denying peoples the legitimate right to self-determination and independence. The Assembly had recognized that in order to contribute to the elimination of the causes of the problem of terrorism both the Assembly and the Security Council should pay special attention to situations such as colonialism, racism and alien occupation with a view to the application, as appropriate, of the relevant provisions of the Charter, including those under Chapter VII. He stated that it was a right and a duty of a people under alien occupation to resist and to resort to armed struggle against occupation forces and that the legitimacy of the armed struggle of the Palestinian people under occupation had been clearly spelled out in the resolutions of the General Assembly. He further asserted that terrorism and reprisal, which were the State policy of Israel, were acts of violence with which Palestinians were dealing and that, since armed resistance could not be considered an act of terrorism, he thought it was the Council's duty to carry out the recommendations of the Assembly to remove the causes of the disputes and struggles.¹³

At the same meeting, the President drew the attention of the members of the Council to a draft resolution submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago,¹⁴ which was then put to a vote and adopted by 14 to none, with 1 abstention, as resolution 573 (1985).¹⁵ The resolution reads as follows:

The Security Council,

Having considered the letter dated 1 October 1985,¹ in which Tunisia made a complaint against Israel following the act of aggression which the latter committed against the sovereignty and territorial integrity of Tunisia,

Having heard the statement by the Minister for Foreign Affairs of Tunisia,²

Having noted with concern that the Israeli attack has caused heavy loss of human life and extensive material damage,

¹¹S/PV.2611, pp. 22-28.

¹²The meeting was resumed after a brief suspension at the request of the President (United States of America), see S/PV.2615, pp. 75 and 76.

¹³S/PV.2615, pp. 93-98.

¹⁴S/17535.

¹⁵For the vote, see S/PV.2615, p. 108.

¹⁰*ibid.*, pp. 23-27.

Considering that, in accordance with Article 2, paragraph 4, of the Charter of the United Nations, all States Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or acting in any other manner inconsistent with the purposes of the United Nations,

Gravely concerned at the threat to peace and security in the Mediterranean region posed by the air raid perpetrated on 1 October by Israel in the area of Hammam-Plage, situated in the southern suburb of Tunis,

Drawing attention to the serious effect which the aggression carried out by Israel and all acts contrary to the Charter cannot but have on any initiative designed to establish an overall, just and lasting peace in the Middle East,

Considering that the Israeli Government claimed responsibility for the attack as soon as it had been carried out,

1. Condemns vigorously the act of armed aggression perpetrated by Israel against Tunisian territory in flagrant violation of the Charter of the United Nations, international law and norms of conduct;

2. Demands that Israel refrain from perpetrating such acts of aggression or from threatening to do so;

3. Urges Member States to take measures to dissuade Israel from resorting to such acts against the sovereignty and territorial integrity of all States;

4. Considers that Tunisia has the right to appropriate reparations as a result of the loss of human life and material damage which it has suffered and for which Israel has claimed responsibility;

5. Requests the Secretary-General to report to the Security Council on the implementation of the present resolution by 30 November 1985 at the latest;

6. Decides to remain seized of the matter.

On 29 November 1985, the Secretary-General submitted a report in pursuance of paragraph 5 of Security Council resolution 573 (1985).¹⁶ The Secretary-General annexed to his report the replies he had received from Israel, Oman and Tunisia to his note by which he had transmitted to all Member States the text of resolution 573 (1985), drawing particular attention to paragraph 3 of the resolution. The reply from the representative of Israel¹⁷ contended that Security Council resolution 573 (1985) condemned Israel for defending itself from PLO terrorist attacks, thus distorting not only the principle of self-defence but also the very concept of aggression, and that, therefore, Israel viewed the content of the resolution as entirely unacceptable and rejected, in particular, the improper use of the terms "acts of aggression" and "acts of armed aggression". On the other hand, the reply from the representative of Tunisia,¹⁸ which had been prepared in accordance with paragraph 4 of resolution 573 (1985), included a report evaluating the damage that had resulted from Israel's armed aggression against Tunisian territory on 1 October 1985.

¹⁶S/17659, subsequently replaced by S/17659/Rev.1.

¹⁷Ibid., annex II.

¹⁸Ibid., annex II and appendix.

13. STATEMENT BY THE PRESIDENT OF THE SECURITY COUNCIL [IN CONNECTION WITH THE *ACHILLE LAURO* INCIDENT]

Decision of 9 October 1985 (2618th meeting): Statement by the President

By a letter dated 8 October 1985,¹ the representative of Italy requested that the hijacking of the Italian ship *Achille Lauro* be brought to the attention of the Security Council with a view to firmly condemning the act and to appeal for the prompt liberation of the hostages.

At the 2618th meeting, on 9 October 1985, prior to the adoption of the agenda,² the President made the

following statement on behalf of the members of the Council:³

The members of the Security Council welcome the news of the release of the passengers and the crew of the cruise ship *Achille Lauro* and deplore the reported death of a passenger.

They endorse the Secretary-General's statement of 8 October 1985, which condemns all acts of terrorism.

They resolutely condemn this unjustifiable and criminal hijacking as well as other acts of terrorism, including hostage-taking.

They also condemn terrorism in all its forms, wherever and by whomever committed.

¹S/17548.

²The agenda for the meeting was "The Middle East problem, including the Palestinian question".

³S/17554.

14. THE MIDDLE EAST PROBLEM, INCLUDING THE PALESTINIAN QUESTION

Decision: No decision

By a letter dated 30 September 1985,¹ the representative of India, on behalf of the Movement of Non-Aligned Countries, requested the urgent convening of the Security Council under the item entitled "The Middle East problem, including the Palestinian question".

¹S/17507.

At its 2618th meeting, on 9 October 1985, the Security Council included the item in its agenda. The Council decided to invite the following, at their request, to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure: at the 2619th meeting, the representatives of Israel, Kuwait and the Syrian Arab Republic; at the 2620th meeting, the representatives of Algeria, Czechoslovakia, Morocco, Pakistan and Yugoslavia; at the 2621st meeting, the representatives

of Afghanistan, Bangladesh, the People's Democratic Republic of Yemen, the German Democratic Republic and Indonesia; and at the 2622nd meeting, the representatives of Cuba and Jordan.

At its 2619th meeting, on 10 October 1985, the Council decided, by a vote, and in accordance with the Council's previous practice, to extend an invitation to the representative of the Palestine Liberation Organization (PLO) (the Head of the Political Department and Member of the Executive Committee of the PLO), Mr. Farouk Kadoumi). The Council extended an invitation under rule 39 of the provisional rules of procedure at the 2619th meeting to the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and at the 2620th meeting to the Permanent Observer for the League of Arab States (LAS) to the United Nations (Mr. C. Mak-soud). At the 2621st meeting, on 11 October 1985, an invitation was extended, also under rule 39, to the Secretary-General of the Organization of the Islamic Conference (Mr. S. S. Pirzada).

The Council considered the item at its 2618th to 2622nd meetings, on 9 to 11 October 1985.

At the 2619th meeting, on 10 October 1985, the representative of India stated that the current meeting of the Security Council had been convened in pursuance of the decision taken by the Ministerial Conference of the Movement of Non-Aligned Countries in order to discuss all aspects of the question of Palestine, which was considered to be the crucial element in a just and lasting political settlement in the Middle East. The proposal was aimed at focusing attention on the basic issue of the right of the Palestinian people to self-determination. Recent developments in the area, such as Israel's occupation of Lebanon, in defiance of Security Council resolutions 508 (1982) and 509 (1982), the creation of new settlements in the occupied territories and the latest attack on Tunisia had resulted in further destabilization. India's support for the establishment of the Palestinian State was rooted in its awareness of the historical, territorial and national identity of the Palestinians. However, their lands, even beyond those defined by the General Assembly in its resolution 181 (II) of 29 November 1947 partitioning Palestine, had remained forcibly occupied. Israel, as an occupying Power, by repression, terror and denial of fundamental rights, violated the Geneva Conventions and was seeking to bring about permanent geopolitical and demographic changes in the region at the expense of the Palestinians. The speaker referred to the International Conference on the Question of Palestine held in 1983 and the Geneva Declaration calling for the convening of an international conference on peace in the Middle East on the basis of the principles of the Charter of the United Nations and the relevant United Nations resolutions. The proposed conference was to be convened under the auspices of the United Nations with the participation of all parties to the Arab-Israeli conflict, including the PLO as well as the United States of America, the Union of Soviet Socialist Republics and other concerned States. The Security Council was given the primary responsibility for creating appropriate institutional arrangements to guarantee and carry out the accords of the conference. That recommendation had been endorsed by the General Assembly at its thirty-eighth and thirty-ninth sessions. The representative recalled General Assembly resolutions 38/58 C and 39/49 D requesting the Secretary-General, in consul-

tation with the Security Council, to convene the conference and to report to the Assembly on his efforts. Gratitude was expressed to the Secretary-General for initiating the process of consultations. India agreed with the proposed plan of action, suggesting, however, that there be some flexibility in the selection of the participants. In regard to the time-frame for the conference, he expressed the view that urgent preparatory measures should be undertaken so that it could be convened at the earliest possible time. He regretted that, while most of the States were in agreement with the proposed peace conference, others were not.

The speaker reiterated the position of the Movement of Non-Aligned Countries: that the question of Palestine was the core of the Middle East problem and the root cause of the Arab-Israeli conflict. They had been particularly active in mobilizing international support against Israeli actions in the occupied territories and its invasion of Lebanon; they reaffirmed their opposition to Israeli practices and policies in the occupied territories. The fundamental principles for the solution of the problem, as reaffirmed by the recent Ministerial Conference, were that a durable peace could not be achieved without the total and unconditional withdrawal of Israel from all Palestinian and other Arab territories occupied by it since 1967, including Jerusalem, and without a just solution of the problem of Palestine, on the basis of the inalienable rights of the Palestinian people to self-determination, including the right to establish a Palestinian independent State in its homeland, Palestine.

The speaker acknowledged the important role played by the Committee on the Exercise of the Inalienable Rights of the Palestinian People. He expressed his profound distress at the acts of violence against innocent persons and condemned terrorism in all its forms. He appealed to the international community to join efforts to find a speedy, just and comprehensive solution to the problem. He hoped that the Security Council would demonstrate the necessary will to take resolute action.²

At the same meeting, the President of the Security Council, speaking in his capacity as representative of the United States of America, acknowledged the seriousness of the situation in the Middle East. It grew more violent. The number of innocent lives lost was increased with the murder of his countrymen. Terrorism was one aspect of the situation in the region but it dominated all others. His country welcomed a just and lasting peace in the Middle East, which could be only achieved at the negotiating table. He was relieved at the release of the passengers and crew of the Italian ship *Achille Lauro*, but was angered that one American, a 69-year-old passenger, had been brutally murdered by the terrorists. The speaker recalled other incidents and victims of terrorism, nationals of different States, who were still being held hostage. He compared the terrorists to pirates, who were for centuries considered as *hostis humani generis*. He considered every terrorist attack as an attack on the world community, every justification offered for terrorism as undermining the rule of law. The representative thanked the President of the General Assembly and the Secretary-General for their statements on the subject of terrorism and called upon the United Nations to speak out firmly and unmistakably against such acts. He

²S/PV.2619, pp. 7-15.

also quoted the President of the United States and the Secretary of State who condemned terrorism and political intimidation as antithetical to freedom of political expression, a return to barbarism undermining all that the modern world had achieved and making further progress impossible. He urged all peoples and Governments to renounce terrorism, whatever its presumed justification, as inimical to the norms of civilization.³

Also at the same meeting, the representative of the PLO, referring to the hijacking of the Italian ship, said that during the incident the Government of Italy had asked the PLO to intervene and attempt to save the lives of those on board the ship. Consonant with the belief in the rights of the individual, the PLO had stepped in. The speaker gave an account of the cases in the past when the PLO had been asked and indeed had assisted in protecting the lives of United States citizens despite the position of its Government that was hostile to the PLO cause. The National Council of the PLO had condemned international as well as State terrorism. With respect to the 69-year-old victim of the hijacking, the representative stated that there was no evidence that he had been killed by the hijackers and according to his family he had had heart attacks in the past and was paralysed. He also recalled the 165 Palestinians killed in Tunisia. Turning to the main issue, the representative stated that the United States and Israel were the creators of terrorism and tension in the area and the only obstacles to a solution of the problem.

He thanked the Council for the opportunity to participate in its work. He saw the invitation as a reaffirmation of the conviction that Palestine was at the core of the Middle East conflict. Referring to the recent Israeli aggression against Tunisia and against the PLO, he noted that the Security Council had condemned that act of aggression, but had failed to impose the necessary sanctions against Israel under Chapter VII of the Charter. Israel was not a peace-loving State and its policies posed great dangers to international peace and security. Similarly, by its unwillingness to support that action, the United States persisted in impeding the proceedings of the Security Council, in preventing it from deterring Israel and from taking the necessary steps that would contribute to the advancement of the peace process in the Middle East. The United States thus did not measure up to its role as a super-Power, a permanent member of the Security Council and a State that assumed responsibility in that capacity for the implementation of the resolutions of the United Nations.

The speaker further stated that the debates in the Security Council demonstrated the extent of the isolation of Israel and the United States on the subject. The recent act of aggression was a blow against the peace effort in the area, which could not intimidate the Palestinian people into capitulating. On the contrary, such acts gave them more courage in defending their rights and their territories. The acts had proved that the Israeli iron fist policy in the Palestinian territories and the other occupied Arab territories, as well as the policy of aggression and terrorism against the displaced Palestinian people, would only lead to more violence, destruction and suffering for all the peoples of the world.

Turning to the current meeting of the Security Council, the representative of the PLO noted that it had been convened in the framework of General Assembly resolution 38/58 of 13 December 1983. That resolution called for the convening of an international peace conference on the Middle East and requested the Secretary-General to undertake preparatory measures. It also invited the Security Council to facilitate the organization of the conference. All positive efforts were obstructed by the United States.

The speaker observed that the United States recognized only one Security Council resolution, namely, 242 (1967), as, in their words, not dealing with the political dimension of the Palestinian question. Thus, the American veto was directed solely against the inalienable national rights of the Palestinian people. Furthermore, the United States had regressed and refused a meeting with a joint Palestinian-Jordanian delegation. The representative recalled General Assembly resolution 181 (II) accepting the establishment of an Arab State in Palestine side by side with a Jewish State. It had requested the Security Council to implement that resolution but the Council had not shouldered its responsibilities.

Instead, it recommended that Israel be accepted as a Member of the United Nations, without taking account of the results. Since then, Israel had tried to obliterate the Palestinian people; expropriated its land and property; prevented the return of the refugees. It had waged wars against the neighbouring Arab countries and occupied the territories of Egypt, the Syrian Arab Republic and Lebanon. It had been widening the circle of violence to Iraq and Tunisia. By such a policy and such practices Israel flouted Security Council resolutions. Its arrogance of power, supported by the United States, made it cynical about the rights of the Palestinian people and the international community. Israel had never put forward or accepted any peace initiatives. On the contrary, it had always impeded such initiatives. The Palestinian people, under the leadership of the PLO, confronted the most extreme conditions of occupation, displacement and aggression and faced the Israeli war machine, repression and terrorism. It had never given up its peaceful goal, because a just and lasting peace would guarantee the inalienable rights of the Palestinian people as recognized by the United Nations, including the right to self-determination and the establishment of its independent State. The PLO had welcomed the joint USA-USSR statement of 1 October 1977, the Soviet initiative of 1981 and the Arab Peace Plan of 1982. The PLO also accepted the resolutions adopted in 1983 by the international conference organized by the United Nations, in particular the Geneva Declaration on Palestine containing guidelines for an international peace conference on the Middle East. The representative considered that time was of the essence. The conditions created in the territories by Israel might create negative consequences for the prospects of peace. A feeling of despair about the achievement of a just and comprehensive solution would lead to extremism. All attempts to circumvent the exercise by the Palestinian people of their rights, including the attempt to ignore the PLO, its sole legitimate representative, would never lead to the desired peace. He called on the Security Council, which had the primary responsibility for the maintenance of international peace and security, to bear in mind General Assembly resolution 38/58 and to facilitate the continued efforts of the Secretary-General, as well as those being made interna-

³Ibid., pp. 15-20.

tionally, within the framework of the United Nations on the basis of all the United Nations resolutions concerning the Palestinian question.⁴

At the same meeting, the representative of Egypt stated that convening the Security Council to consider the agenda item proposed by the Conference of the Foreign Ministers of the Movement of Non-Aligned Countries was a reaffirmation of confidence in the United Nations, during the fortieth anniversary of its founding, and of the primary role of the Security Council in the maintenance of international peace and security. The Council was expected to set the Palestinian question—the core of the conflict in the Middle East—on the right path that would lead to the achievement of a comprehensive, just and lasting settlement of that conflict. He recalled that at the commemorative meeting a number of Foreign Ministers of States, members of the Security Council, had pointed out that the resolutions adopted by the Council formed the legal and political basis for the establishment of peace, in particular resolutions 242 (1967) and 338 (1973). During the general debate in the General Assembly the representatives of all Member States had called for speedy and responsible steps to be taken to reach a comprehensive settlement in the Middle East.

He said that Israel's practices against the Palestinians, whether within its territory or against those who had been forced from the occupied territories, would not lead to a solution of the problem. Escalation would not weaken Egypt's resolve to continue efforts towards peace. He welcomed the decisive steps taken by the PLO and Jordan and their joint programme of action aimed at breaking the stalemate. The Arab parties wished to move to serious negotiations with other parties to the conflict within an appropriate international framework. The United Nations should continue to provide support for those initiatives.

The policy of occupation and domination had not achieved either peace or security, rather it had made clear that the restoration of the occupied territories in return for peace, safety and good-neighbourliness was the key to real security.

Egypt was prepared to play its part. It was for the Israeli side to show a real and serious response. In Egypt's view the requirements for establishing peace were, firstly, the affirmation of the right of all peoples and States in the region to live in peace within legitimate borders and free from outside interference; secondly, recognition of the legitimate national rights of the Palestinian people, including self-determination; thirdly, Israel's withdrawal from the occupied Arab territories, including the West Bank, the Gaza Strip, the Syrian Golan Heights and, first and foremost, of the Holy City of Jerusalem; and, fourthly, the establishment of normal relations between all the parties to the conflict. The United Nations had long been witnessing that historical crisis, with its complications and its victims. It had attempted, through its mediation efforts, its envoys, its observers and the peacekeeping troops to contain the repercussions and deal with the implications. It was high time for the Organization to demonstrate true collective will and to establish stability in the region.

In conclusion, the representative turned to the *Achille Lauro* incident. He said that Egypt, proceeding from its firm principle to condemn violence by whomsoever com-

mitted, condemned the hijacking of that Italian vessel. He pointed out that the statement of the Ministry of Foreign Affairs of Egypt noted among other things that the establishment of a just and comprehensive peace in the Middle East was the best guarantee of a halt to acts of violence and counterviolence and the only path that could lead to stability in the region and the maintenance of regional security. As the incident had taken place outside Egyptian territorial waters, on the high seas, on a vessel that was flying the flag of a country friendly to Egypt and to Palestinians, Egypt, on humanitarian grounds, and so as to save innocent lives, had taken on the difficult task of intermediary. Egypt was happy when the crisis was resolved and regretted the disappearance of one of the passengers in a manner indicating that a crime had been committed. That act was condemned. They regretted, as did everyone else, that the happiness of saving all lives was tinged by an innocent victim.⁵

At the 2620th meeting, on 10 October 1985, the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (Senegal) supported the position of the Movement of Non-Aligned Countries that the attention of the international community, and especially of the Security Council, should be drawn to the urgent need to restore peace to the Middle East, for the benefit of all States and peoples of the region. The question of Palestine was at the heart of the Israeli-Arab conflict. The United Nations, through the Security Council, had the responsibility for ensuring recognition of the rights of the Palestinian people to self-determination, to independence, to national sovereignty, to return of its property and to physical protection and decent living conditions in the refugee camps.

He recalled the recommendations made by the Committee, in accordance with its mandate, and contained in its first report, in 1976. Those recommendations had been endorsed every year by the General Assembly. However, the Security Council had neither followed them nor implemented them. Since 1983 the Committee had promoted the recommendations adopted by the International Conference on the Question of Palestine, which called, *inter alia*, for the convening of an international peace conference on the Middle East. The General Assembly had endorsed the proposal (resolutions 38/58 C and 39/49 D) and invited the Council to make appropriate provisions and take steps for the holding of that conference. The guiding principles for such a conference were as follows: (a) attainment by the Palestinian people of their rights; (b) the right of the PLO to participate on an equal footing with other parties in all efforts and in the conferences on the Middle East; (c) the need to put an end to Israel's occupation of Arab territories; and (d) the right of all States in the region to existence within secure and internationally recognized boundaries. The Assembly had therefore invited all parties to the Arab-Israeli conflict, including the PLO, as well as the United States of America, the Union of Soviet Socialist Republics and the other members of the Security Council and other States concerned to participate in an international conference on peace in the Middle East. Only the United Nations and in particular the Security Council, according to the speaker, could provide the legal and political framework acceptable to the majority of the international community.

⁴*Ibid.*, pp. 20-37.

⁵*Ibid.*, pp. 37-47.

The Chairman considered that the first element of that conference already existed. He mentioned recommendations made by the Committee, the Fez Arab Plan, the Jordanian-Palestinian plan and other approaches. The Committee, in its programme of work for 1985, had given priority to the convening of that conference; it had sent delegations to the capitals of certain members of the Security Council, emphasizing the Council's primary role in the matter. The Committee was encouraged by the growing acceptance of the idea of the conference, which had emerged at various seminars and symposia, and by work undertaken by many non-governmental organizations. It was also pleased by the positive responses given by the majority of the members of the Council, but regretted the reservations of certain States.

He thanked the Secretary-General for his efforts and once again called upon the Security Council not to miss the historic opportunity that might be given by an international conference on peace in the Middle East. The Council could, by its legitimate authority, and with appropriate political will, establish peace in the region.⁶

At the 2620th meeting, the representative of Israel addressed the recent hijacking of the Italian cruise liner *Achille Lauro*. He said that the 69-year-old passenger, confined to a wheelchair, who was Jewish, had been brutally killed by the hijackers. He considered that the Security Council, if it were to act responsibly, would discuss that latest manifestation of terrorism and piracy on the high seas, which affected every country, either directly or indirectly. He presented a report of the Israeli intelligence services distributed also to a number of Member States. According to the representative, the hijacking of the *Achille Lauro* had been carried out with the prior knowledge and approval of the PLO Chairman. Therefore his subsequent protestations and "benevolent intermediacy" were a cover-up for his own role and for the failure of the mission.

The speaker stated that originally the plan had been for the terrorists to travel to the Israeli port, to disembark and to stage a hostage-taking there and then to demand the release of the terrorists being held in Israeli jails. He referred to the letters he had submitted to the Security Council describing similar seaborne attacks by the PLO. The speaker considered that the terrorists on the *Achille Lauro* could not carry out the operation as planned; they had been discovered and had had to act. The hijackers had then put forward their demands to release 50 Palestinian Arab terrorists held in Israel and then shot the passenger. Besides that, all the Governments concerned had refused to accept the ship and refused to negotiate with the ship. At that point, the PLO Chairman had appeared on the scene as a mediator. In fact, he had ordered the hijackers to bring the ship back to Egypt and to give themselves up to the Egyptian authorities.

The representative went on to say that the attempts of the PLO to deflect world attention from its own crimes could not deceive anybody. He reminded the Council of many killings that he considered to have been committed by the PLO, but denied by them. The Security Council should discuss how to stop these killings and the terrorism, and how to deal with the States that give them support. He

claimed that there were three categories: States who opposed terrorism, States who supported it and States that assumed a neutral position. But on the question of terrorism there could be no neutrality. Those States who fought terrorists should not give them safe passage, should extradite them or prosecute them, and should not facilitate their activities. As for the countries which supported terrorism, the international community should organize the political, economic and, if necessary, military measures to be taken jointly against these outlaw States.

The representative welcomed the forceful statement of the Security Council concerning the *Achille Lauro* cruise ship and suggested that the Council proceed to a concrete discussion of the steps that were necessary.

The representative of Israel noticed that he had not been sitting at the Council's table, but in the back. He had done that deliberately to express the feeling that the meeting was irrelevant and unwarranted—not only because of the failure to address the immediate problem of terrorism and piracy but also because of his disagreement with the approach to the item on the agenda. His country was not going to agree to a conference unless there was a real desire on the part of some representatives to discuss the situation in the Middle East. He presented a summary of the burning aspects of the situation in the Middle East to be dealt with and gave an example of the violent acts that he attributed to the issue. He also referred to the broader tendencies of several extremist Arab regimes and groups to plunge the region into violence, bloodshed and terror. He concluded by saying that until the Security Council acted responsibly and devoted attention to the real situation in the Middle East he would sit away from the Council table.

The representative of the Syrian Arab Republic stated that the Council was considering the crisis in the Middle East and the cause of Palestine, which was the essence thereof. He attributed Israel's persistence in escalating its policy of aggression and terrorism against the Arab people to the expansionist nature of Zionism, the plan to establish "great Israel" and the support of imperial forces, headed by the United States. Israel's idea of "peace" amounted to short periods of truce between their unceasing aggressive acts in the name of religion, race or history. He called Zionism a second stage of a colonialist movement born of the European imperialism that was using the same doctrine and methods. Israel had acquired territory by force, replaced the indigenous population with foreign settlers and tried to deprive the Arabs of their human rights. In order to justify taking over the lands of Palestine and surrounding territories, Zionism had invented the notion of "the chosen people" and "the promised land".

The speaker considered the annexation of Arab territories and Israel's policy to constitute crimes against humanity and to be violations of international law and the Fourth Geneva Convention, and compared its actions with those of South Africa. He also underlined that the expansionist plans could not have been carried out without foreign support. The United States, which had taken over from the British Empire in the Middle East, had provided Israel with military power and economic assistance to create situations of fait accompli. However, despite the division within the Arab world, the Arab people had never stopped their resistance. Referring to Israel's claim that the Arabs—who were defending their land, homes and their very existence—were terrorists, he said that the Western world by

⁶See S/PV.2620.

nature, and Israel by imitation, believed that resistance against an aggressor was permissible. Thus, European resistance against the Nazis was not terrorism. He wondered how resistance by the Arab population could be considered terrorism.

Turning to the Camp David Accords, the representative stated that his country rejected that deal and favoured a just, comprehensive and complete peace based on the spirit of unanimity of the Arab Peace Plan, which had been agreed to at the 1982 Fez Summit.

The Syrian Arab Republic rejected partial solutions, such as the Amman Agreement of 11 February 1985, which was an attempt to eliminate the inalienable rights of the Palestinian people to establish their own independent State in their national homeland. That right to self-determination was the keystone of the United Nations resolutions dealing with the situation in the Middle East. Renunciation of that right would make the concept of self-determination devoid of meaning. His country supported the idea of convening an international conference under the auspices of the United Nations with the participation of all parties to the conflict, including the Soviet Union and the United States. He further stated that the United States and Israel not only rejected the principles of a comprehensive settlement, they also rejected the invitation to participate in an international conference on peace in the Middle East called upon in General Assembly resolution 38/58 C of 1983, which had been adopted by 124 votes in favour, with 4 votes against, including the United States and Israel. The Israeli and American rejection of any constructive initiative reflected their resolve to pursue only their own aggressive interests, to the detriment of the interest of all Arab nations. They wanted to eliminate the role that other countries could play, in particular the Soviet Union and the non-aligned countries, as well as to make all the United Nations resolutions on the Middle East null and void and to deprive the Secretary-General and the United Nations of any role in any possible attempt to achieve peace.

The representative presented quotations from the speeches or articles of the United States Secretary of State as proof of American-Israeli strategic anti-Arab cooperation and strongly criticized the States that adhered to partial solutions.

He called upon the Security Council to adopt the following measures: firstly, to emphasize the inalienable rights of the Palestinian people, above all the right to an independent State; secondly, to oblige Israel to withdraw unconditionally from all occupied territories; thirdly, to convene an international conference on peace in the Middle East with the participation of all parties involved. Otherwise, sanctions should be applied against Israel under Chapter VII of the Charter.⁷

At the same meeting, the representative of Australia stated that he believed that peace in the Middle East could be achieved only through a negotiated agreement that would take account of the rights and legitimate aspirations and concerns of all peoples of the region. Ultimately, a comprehensive settlement would be possible on the basis of a series of related compromises, including Israel's withdrawal from occupied Arab territories; the recognition by

the States of the region and the PLO of Israel's right to exist; acceptance of all elements of resolutions 242 (1967) and 338 (1973); and the acknowledgement of the right of self-determination for the Palestinian people. He recognized that the core of the Middle East problem was the future of the Palestinians and that a durable settlement was possible with the involvement of all interested parties. He called for compromises and flexibility and welcomed the latest positive developments.

The speaker considered that the hijacking of the *Achille Lauro* and the Israeli raid on the headquarters of the PLO in Tunisia were not isolated incidents. Terrorism and violence in the Middle East of that type were matters of concern to the international community and a threat to peace.

The representative of Australia expressed the concern of his delegation about the course of that and other recent debates in the Security Council for two reasons. Firstly, the potential effectiveness of the Council was being eroded by its misuse as a smaller General Assembly. The Council was not a forum—it had responsibility for the maintenance of international peace and security and could contribute only by adopting a cooperative approach. Secondly, the Council seemed to have become an arena of confrontation rather than a forum for conciliation. Statements blaming one side or another did not advance the cause of peace in the Middle East; statements should be constructive and helpful rather than polemical. He concluded by saying that the Council could only play a useful role in that or any dispute if the world community put aside the questions of violence and vengeance and turned to conciliation.⁸

At the same meeting, the representative of Peru stated that the rule of law was being undermined by a desire to pursue specific interests to the detriment of ethical and legal considerations. Many elements that characterized the Middle East crisis were prohibited by international law: occupation, de facto annexation and a constant recourse to the threat and use of force, which encouraged terrorism and violence. Nevertheless, fundamental principles and the framework for a solution of the conflict already existed. His country's position included, firstly, the radical affirmation that everything related to Palestine was an essential part of the problem of the Middle East; secondly, recognition that the exercise of the inalienable rights of the Palestinian people included the right to self-determination and the establishment of an independent State; thirdly, a fundamental criterion that any solution must ensure the right of all States to exist within secure and internationally recognized borders; and fourthly, the convening of an international conference on the Middle East. The task before the Security Council was to combine all those elements into a workable plan. It would require perseverance and political will. However, the international community should not lose sight of the original commitment, which almost 40 years later remained unfulfilled. Nothing could be accomplished without the re-establishment of justice vis-à-vis the Palestinian people, the truth, the Organization and history.⁹

At the same meeting, the representative of Thailand reiterated the consistent and steadfast support of his Govern-

⁷Ibid., pp. 23-46.

⁸Ibid., pp. 46-50.

⁹Ibid., pp. 50-53.

ment of the rights of the Palestinian people represented by the PLO, recognized the crucial importance of that issue and the need to convene an international peace conference to advance further the prospects of peace in the region.¹⁰

At the 2621st meeting, on 11 October 1985, the representative of Morocco stated that the Middle East had become a chronic hotbed of tension that jeopardized international peace and security. The United Nations provided a sound international framework for the establishment of a just and balanced order. In response to the intransigence of Israel and its attempts to frustrate efforts to resolve the problems by peaceful means, measures needed to be taken to halt the deterioration of the situation. The United Nations resolutions concerning the imposition of sanctions on Israel in accordance with the provisions of the Charter should be implemented. He denounced the aggressive Israeli actions, such as the invasion of Lebanon, the annexation of Gaza, the Golan and Jerusalem, expropriation of Arab property, the expansion of settlements and the imposition of Israeli laws in the occupied territories. Israel defied the Security Council resolutions that declared those measures null and void: its unchanging policy exceeded even the policies of the dark days of colonialism.

The latest act of aggression against Tunisia and the headquarters of the PLO aimed at collective punishment of the Arabs, a goal that Israel did not even deny. The Israeli aim was to create an irreversible situation to subjugate the Palestinian people for the sake of "Greater Israel", extending from the Nile to the Euphrates.

He went on to say that the question of Palestine was the core of the conflict in the Middle East. He referred to the decisions of the United Nations organs on the subject. He reaffirmed his country's support for the proposals made at the Fez Summit in 1982. He also declared that, in accordance with the principles held by Arab nations and guided by Arab civilization and tradition, the Summit strongly deplored all forms of terrorism from whatever source—and foremost among them being Israeli terrorism—within and outside the occupied territories. At the same time, he called for adherence to the principles of law and justice in the achievement of national goals and in defence of national rights, especially the rights of the Palestinian people. He reaffirmed the solidarity of Morocco with the people of Lebanon and expressed support for its unity and stability.

He called for the Security Council to take the steps necessary to convene an international peace conference on the Middle East under the aegis of the United Nations with the participation of the United States of America, the Union of Soviet Socialist Republics and the other permanent members of the Security Council, as well as the PLO, the sole and legitimate representative of the Palestinian people. He also expressed his gratification at the efforts of the Secretary-General, as well as the Division for Palestinian Rights and the Committee on the Exercise of the Inalienable Rights of the Palestinian People.¹¹

At the same meeting, the representative of China summarized the main aspects of the Middle East question. Firstly, since 1948 Israel had pursued a policy of aggression and expansion. That had brought disasters to the Palestinian people: the prolonged occupation of Arab land and

the grave violation of the sovereignty and territorial integrity of Lebanon. The Palestinian and other Arab countries would not cease their just struggles to recover the lost territories and regain their national rights. Regrettably, the logic of "might makes right" prevented the Security Council from upholding justice and checking aggression. Secondly, the core of the Middle East question was the Palestinian issue, the most tragic in contemporary history. The geographical nature and population composition of the occupied territories were incessantly being altered and millions of refugees were forced to wander homeless. Israel was bent on destroying the PLO and the Palestinian people themselves and on eliminating their national rights. Notwithstanding the fact that the struggle would be protracted and tortuous, those rights could not be wiped out by anyone. Thirdly, the correct way to solve the problem was to find a comprehensive, just and durable settlement, which included the following basic elements: withdrawal of Israeli troops from all occupied territories, including Arab Jerusalem, the restoration of the rights of the Palestinian people, including the right to self-determination and establishment of their own State, and the universal right of all countries in the region to independence and existence. The Chinese delegation supported all the proposals to that end. It considered that the PLO had the right to participate in a comprehensive settlement on an equal footing.

It favoured an international peace conference on the Middle East in compliance with the principles of the Charter and the relevant resolutions adopted by the United Nations. It hoped that the consideration of the question would make the Security Council better informed as regards the urgency of achieving a settlement and would take effective measures to promote it, so as fully to perform its duties of maintaining international peace and security.¹²

Also at the same meeting, the Minister for Foreign Affairs of Pakistan stated that violence and instability in the Middle East were a direct consequence of the denial of the national rights of the Palestinian people. Demand for the recognition of those rights was seen by Israel as a threat to its expansionist ambitions resulting in its unprovoked attacks against the sovereignty and territorial integrity of the Arab States and the utter disregard of the resolutions of the Security Council. Responsibility for Israeli intransigence must be shared by its powerful allies. Israel's assertion to arrogate itself to strike any country, at any time, in defence of its arbitrarily conceived interests, did not arise from a sense of weakness or insecurity.

Instability and a cycle of terror and counterterror would benefit no one. Israel would reap the bitter fruit of a bitter endeavour unless it refrained from the course of reckless aggression and responded constructively to the Arab initiatives for peace.

The Minister called on the Security Council to make a beginning towards rectifying the injustices perpetrated against the Palestinian people for more than half a century by promoting the United Nations proposal for an international conference on the Middle East. The Security Council must also reaffirm its past decisions. Failure to restrain Israel would intensify the Middle East conflict. In conclusion he reiterated the solidarity of his country with the Arab States and the Palestinian people in their struggle to

¹⁰*ibid.*, pp. 53-58.

¹¹S/PV.2621, pp. 1-12.

¹²*ibid.*, pp. 12-16.

bring stability to their area and to regain their legitimate national rights.¹³

At the same meeting, the representative of Algeria said that the circle of crisis continued to widen because of the essentially centrifugal Israeli violence. Thus, through planned horizontal escalation, the western Mediterranean had become, since the aggression against Tunisia, the new axis of a permanent threat. Hence, the entire Mediterranean was in danger of conflagration. The threat was at the doors of Europe. Security could not be only centred on Europe, which had been unable either to contribute to the settlement of so-called peripheral crises or to save itself from the present, much less the future, unpredictable consequences of an uncontrollable conflict. It would be a dangerous illusion to believe that a conflict such as that in the Middle East could be kept within limits acceptable within the concept of world peace.

Israeli faits accomplis could not make the world forget the established rights of the Palestinian people. Palestinian resistance was proof of the determination of that people to regain their national rights.

The Security Council, for the first time in many years, and on the fortieth anniversary of the United Nations, was taking an overall look at the Middle East conflict and the prospects for its settlement. It would be to the honour of the Council if it proved equal to the task of dealing with the problem, becoming aware of the seriousness of the threat and promoting a just and lasting solution to the conflict, in all its dimensions, within the framework of an international conference in order to restore the rights of the Palestinian people and re-establish internationally guaranteed peace and security for the peoples of the Middle East.¹⁴

Also at the 2621st meeting, the representative of Yugoslavia stated that as one of the non-aligned his country had always considered that the solution of the Middle East crisis had to be comprehensive and that self-determination, sovereignty, independence, territorial integrity, equality, non-interference, withdrawal of foreign troops from occupied territories and full respect for the right of peoples to chose their own way of development were the only basis on which to build peace.¹⁵

At the same meeting, the representative of Indonesia said that the Movement of Non-Aligned Countries, while maintaining solidarity with the Palestinian people, had time and again taken the initiative in the search for a peaceful solution. The decision to call again upon the Security Council to consider the Middle East problem was prompted by the seemingly unsurmountable obstacles in the way of convening of the international peace conference. The responsibility for the deadlock fell on Israel. The list of its transgressions against the Charter of the United Nations and the norms of civilized behaviour had been fully documented by the scores of resolutions of the General Assembly and the Security Council. The representative went on to say that Indonesia had always condemned terrorist acts directed against innocent civilians. He also emphasized that, despite insufficient action by the Security Council in the past, the international community continued to place its fervent hope and expectation on the Council, which had

the primary responsibility for the maintenance of international peace and security. He hoped that the major Powers would eschew their strategic designs on the region and cooperate with the Secretary-General in his efforts to achieve agreement on the modalities of the international peace conference. The active support and participation of both super-Powers was essential. He concluded by reiterating that the only way to a comprehensive, just and lasting peace was through diplomacy and serious negotiations.¹⁶

At the 2622nd meeting, on 11 October 1985, the representative of Bangladesh noted that the Security Council had shown exemplary determination in dealing with the two latest acts of aggression by Israel and South Africa against Tunisia and Angola, respectively. The present situation in the Middle East was a direct consequence of a historic injustice towards the Palestinian people uprooted from their homes through the creation of Israel, who adopted an aggressive and hostile policy in violation of all canons of international law. All the efforts of the United Nations had been bluntly rejected by Israel. The latest act had been committed against the sovereignty and territorial integrity of Tunisia. Israel's argument that it had the right to attack any State, at any time, on the pretext of the self-conceived notion of its defence considerations was unacceptable. The international community must oppose the propagation of such a new doctrine of state terrorism, the only purpose of which was to continue to acquire new territories through acts of aggression. Although the General Assembly and the Security Council had been concerned with the problem of terrorism for some time, no concrete and effective actions had yet been taken to stop those criminal acts. Bangladesh condemned all forms of terrorism, whenever and wherever committed. Terrorism begot terrorism. Therefore he strongly urged that some initiative be taken in that regard by the General Assembly.

The Palestinian question was at the core of the Middle East problem. It could not be settled unless the legitimate rights of the Palestinian people were fully restored. His delegation supported the proposal of the convening of the international conference and the Arab peace plan. The Security Council, in particular its permanent members, had the responsibility to bring peace to the region. The Council's failure in the past to ensure implementation of its own decisions and resolutions had encouraged Israel to intensify its aggressive policies. There was an urgent need to enhance the effectiveness of the Security Council in carrying out its principal role and also to examine the possibilities of further improvement of its functioning. The Council should adopt effective and concrete measures for the initiation of the peace process.¹⁷

At the same meeting, the representative of the German Democratic Republic attributed the problem of the Middle East to the unqualified support of Israel by the main imperialist Power: united in the so-called strategic alliance, the United States of America and Israel sought to involve the Arab region to a greater extent in an imperialist's global confrontation course to expand its military pressure and to extend the range of operations of the North Atlantic Treaty Organization (NATO) to that part of the world. Such plans and practices had to be halted. He supported the joint ac-

¹³Ibid., pp. 16-21.

¹⁴Ibid., pp. 21-27.

¹⁵Ibid., pp. 27-31.

¹⁶Ibid., pp. 32-36.

¹⁷S/PV.2622, pp. 1-11.

tion of Arab forces on the basis of the Fez Peace Plan and the convening of the international conference.¹⁸

At the same meeting, the representative of the Union of Soviet Socialist Republics shared the concern of the non-aligned States at the turn of events in the Middle East. His country closely monitored the situation in that part of the world and was acting with a great sense of responsibility to ensure that the situation did not get out of control. The reasons for the persistence of the hotbed of tension in the region was the aggressive and expansionist policy of the Israeli leadership. The main victim was the Arab people of Palestine. He reminded the Council that Israel owed its very existence to a decision taken by the United Nations and that same decision also envisaged the formation of an Arab State in Palestine. However, Israel had raised to the level of State policy flouting the rights of other peoples and using terror and violence. It could not pursue its policies without the support of the United States of America. He emphasized that the struggle that the Arab people had had to wage for independence and honor could not be overcome by intimidation, blackmail or military adventures. The strength of the Arabs was in their unity. The unfortunate lessons of Camp David showed that the problems of the Middle East could not be tackled on the basis of separate deals. Only the collective method could provide genuine prospects of establishing lasting peace. He supported the convening of an international peace conference with a view to reaching a radical solution. He denounced the obstructionist position of the United States of America and Israel in this regard. The representative further outlined the proposals of the USSR, which were in conformity with the Arab peace plan. He also expressed the readiness of his country to participate in the international safeguards for settling the Middle East problem.¹⁹

At the same meeting, the Permanent Observer for LAS to the United Nations said that the objective of the meeting of the Security Council was to bring about an input in the best way to exhaust the political and diplomatic options that the mechanism of the United Nations could provide in order to minimize violence, terrorism, occupation and a drain on the credibility of the Organization. He condemned the recent murder of the Director of the American Anti-Arab Discrimination Committee in California, USA, who was a distinguished American of Palestinian origin. He also expressed sympathy and concern over the condemnable events on the hijacked Italian ship and the murder of an American passenger. He thought that the rhetoric of vengeance generated an atmosphere of permissiveness towards violence. The Council had to refocus on the possibility of using the United Nations mechanism to resolve the crisis in the Middle East. The Arab League believed in negotiations, whether direct or indirect. Yet it could not accept negotiations that tended to be transformed into a way of dictating the terms and the outcome. He considered that the Security Council could be utilized for the achievement of a peaceful solution of the Arab-Israeli conflict. He went on to say that Israel used every incident and accident in their part of the world to support its position of denial to the Palestinians of their legitimate rights, as well as a pretext for aggression. For this purpose, the activities of

certain fringe groups were attributed to the PLO, a recognized United Nations observer and a member of LAS. Israel also used a systematic propaganda campaign in a deliberate attempt to picture the aberration that had taken place on the ship in the Mediterranean as a pattern characteristic of the PLO. This intensive campaign of distortion was designed to provide the pretext for action like the one against Tunisia.

The Arab League placed great hopes on the forthcoming meeting of the leaders of the United States of America and the Union of Soviet Socialist Republics. He did not want the Arab-Israeli conflict to be put in the context of Soviet-American tensions or competition. He considered that the defusing of the problems in the region could contribute to the objectives of disarmament and thought that the meeting could create a climate conducive to the convening of the international conference. The Observer noted that unilateral crisis management had proved counterproductive in the Middle East. He considered that the best way to defuse tension and achieve success was to resolve regional conflicts within the framework of the United Nations. He referred to the instances where the call for an international conference by one super-Power had been opposed by the other. He thought that, because all issues in the Middle East were interrelated, their resolution must follow the pattern of simultaneously addressing the problems. In that context, he viewed the convening by the Security Council of an international conference as a means to remove the causes of violence in the Middle East. He also condemned the Israeli policy of blackmailing the international community and called upon the United States to examine issues on their merit, independent from Israeli influence. He concluded by saying that it was critical that Israel did not practice a vicarious veto on the United Nations.²⁰

Also at the 2622nd meeting, the Secretary-General of OIC stated that the Middle East problem was of particular concern to the Islamic world. The current meeting was being held against the backdrop of two recent events. The first was the unprovoked aggression by Israel against the sovereignty and territorial integrity of Tunisia with the loss of more than 60 innocent lives and the injury of many others. That was an act of state terrorism. The second was the hijacking of an Italian vessel by four Palestinians, which had resulted in the death of an elderly passenger. That was an act of individual terrorism. The plane carrying the four hijackers had been intercepted by the United States Air Force and landed at a United States military base in Italy, a matter that had legal implications out of the scope of that debate. He continued by saying that the cycle of violence, however, was a symptom rather than the cause of the conflict in the Middle East. The basic cause was the denial of the national rights of the Palestinian people, a nation that was being destroyed. For 40 years Israel had violated the Charter of the United Nations, the principles of international law and morality. It rejected all peace proposals. The Security Council, which had primary responsibility under the Charter for preserving international peace and security, was helpless because Israel enjoyed the backing of a veto-wielding member of the Council. He called upon the United States of America to review its position and its policies and to join the international community in eradicating

¹⁸Ibid., pp. 76 and 77.

¹⁹Ibid., pp. 16-22.

²⁰Ibid., pp. 22-33.

injustice towards the people of Palestine. He then referred to the principles of a comprehensive and lasting peace in the Middle East, saying that it was the duty of the Security Council to ensure the recognition of those principles by all the parties. The best means to do so would be to convene an international conference. He concluded by stating that the Council must be prepared, in the exercise of its functions, to apply sanctions under Chapter VII of the Charter against those who refused to implement its decisions.²¹

At the same meeting, the representative of Jordan considered that the Security Council had to recall the four facts that were at the root of the conflict. Firstly, the basic problem of the Middle East was the continued Israeli occupation of the Arab Territories and the denial of the legitimate rights of the Palestinian people. Secondly, the increase in acts of terrorism on the one hand and of legitimate resistance on the other reaffirmed the seriousness of the absence of a comprehensive peace and call for prompt actions to achieve peace. Thirdly, the continuation of a state of no war-no peace was the cause of violence in the region and of a continued resistance to the occupiers. And, fourthly, the time factor was not working in anybody's favour. Time could either run against the interests of all if it was used to strengthen aggression and expansion, or be in the interests of all if it was used properly through the adoption of flexibility and moderation.

In its search for peace, Jordan, in cooperation with other Arab countries, had advocated the political option to solve the Arab-Israeli conflict—that of territory in return for peace. The international unanimity on the question, nevertheless, had not led to the establishment of peace in the Middle East. The speaker considered that Palestinians should participate in the formulation of a just and lasting peace. They should also take part in guaranteeing it through the PLO, which had committed itself to the principle of peace and coexistence, based on the legitimate national rights of the Palestinian people. He reiterated the principles of the Palestinian-Jordanian Accord of 1985 and

of the Fez resolutions of 1982 and expressed his support for the convening of an international conference attended by all parties in addition to the permanent members of the Security Council. He recalled that all parties concerned had supported the convening of a conference at one stage or another beginning with the aftermath of the 1973 war. He did not believe that such a conference would strengthen the negotiating position of one party at the expense of the other. He concluded by urging the parties to adopt a more positive and flexible position in order to enhance the possibility for peace.²²

Also at the same meeting, the representative of Israel conveyed a statement by his Foreign Ministry expressing satisfaction and appreciation for the resolute action of the United States in intercepting the aircraft carrying the terrorists responsible for the act of piracy against the *Achille Lauro*. He considered that act to be an essential step towards the eradication of global terrorism. He stated that the debate degraded the Security Council and that, with the exception of the representative of Israel, none of the speakers had addressed the many conflicts that were consuming the Middle East. Instead, the Council's attention was being deflected from the real issue: PLO terrorism and its danger to world security. He referred to the murder of the *Achille Lauro* passenger and said that the PLO was trying to transform its crime into a victory. He considered that the terrorist act was known and approved by the PLO leadership. He also referred to the bombing of the PLO headquarters in Tunisia, stating that the United States Armed Forces had not participated in the operation. The representative recounted several other incidents demonstrating his country's position on the question. He concluded by saying that his country had called repeatedly for the negotiation of a peace agreement with neighbouring countries—to follow the model of Camp David—direct negotiations without preconditions. He was looking forward to the time when the Security Council would be the scene of constructive diplomacy.²³

²¹*ibid.*, pp. 33-38.

²²*ibid.*, pp. 46-53.

²³*ibid.*, pp. 53-58.

15. LETTER DATED 6 DECEMBER 1985 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF NICARAGUA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

By a letter dated 6 December 1985,¹ the representative of Nicaragua requested an urgent meeting of the Security Council for the purpose of considering the extremely serious situation created by the escalation of acts of aggression directed against his country by the United States Administration.

At its 2633rd meeting, on 10 December 1985, the Security Council included the item in its agenda and invited at the same meeting the representatives of Nicaragua, the Islamic Republic of Iran, Mexico, the Syrian Arab Republic and Viet Nam; at the 2634th meeting, the representatives

of Costa Rica, Cuba, Honduras and the Libyan Arab Jamahiriya; and at the 2636th meeting, the representative of Zimbabwe, at their request, to participate, without the right to vote, in the consideration of the item.² The Council considered the question at its 2633rd, 2634th and 2636th meetings, on 10 to 12 December 1985.

At the same meeting, the President drew the attention of the members of the Council to documents S/17674, S/17675 and S/17676, which contained the texts of letters dated 5 and 6 December 1985 from the Chargé d'affaires

¹S/17671.

²For details, see chap. III of the present *Supplement*.

a. i. of the Permanent Mission of Nicaragua to the United Nations addressed to the Secretary-General.

Also at the same meeting, the representative of Nicaragua stated that in the course of the criminal war that the United States Government had been waging against Nicaragua since 1981, there had been an unprecedented event, namely, the use by the counter-revolutionary mercenary forces of surface-to-air missiles supplied by the United States Government. Referring to confidential sources, he affirmed that at least 30 such missiles had been delivered to the counter-revolutionary training camp in Las Vegas. The missiles had been filmed by an American television network; in addition, there was a report that a Nicaraguan helicopter had been downed by a SAM-7 missile. The speaker drew the Council's attention to the fact that for the first time in the history of the American continent, an irregular force fighting against an established Government had received the type of weapons that gave the terrorists unprecedented powers. This confirmed the United States Government's disdain for international law and for the 10 May decision of the International Court of Justice ordering the United States to cease its aggression against Nicaragua. The speaker stressed that his Government and the people of Nicaragua were determined to defend their sovereignty, their territorial integrity, their political independence and self-determination. He called upon the Security Council to denounce, to warn against and to fight the actions of the United States, which represented a real threat to world peace.³

At the same meeting, the representative of the United States of America argued that the most serious obstacle to peace in the region was the attempt of the Government of Nicaragua to impose a totalitarian regime in the country. After it had crushed all forms of opposition it now portrayed the democratic armed resistance of its people that had grown from 7,000-8,000 men in mid-1984 to 20,000 men, as a reactionary mercenary force organized by the United States. He indicated that the Government of Nicaragua had introduced a frightening new dimension to warfare in Central America by acquisition of one of the world's most sophisticated attack helicopters, the MI-24, which intimidated not only Nicaraguan opposition elements, but also their neighbours—Honduras, Costa Rica and El Salvador—which were all within the reach of this 'flying tank', and none of which had a comparable weapon. He indicated that the weapon was the latest addition to the unprecedented level of troops, tanks, artillery, helicopters and other equipment, including SAM-7 surface-to-air missiles. According to the speaker, the missile used by the Nicaraguan resistance was Soviet-manufactured and acquired on the international market. He referred to the United States law prohibiting the provision of lethal equipment to the Nicaraguan resistance.

With regard to the International Court of Justice, the representative remarked that of the 15 judges on the Court, 10 of the countries to which those judges belonged rejected the compulsory authority of the Court.

For his part, he condemned Nicaragua for providing logistical, material and moral support to a number of terrorist groups in Latin America as well as for participating in combat activities. He also noted that the intelligence infor-

mation confirmed the establishment by the Sandinistas of clandestine guerrilla units, and infiltrating impostors, who, claiming to be resistance fighters, carried out attacks on Nicaraguan civilians and attempted assassinations of key resistance commanders as part of the campaign to discredit the armed resistance. He described the 10 Nicaraguan requests to convene the Security Council as aimed either at forestalling the progress of the Contadora process or at influencing the political debate about Central America in the United States and denounced Nicaragua for misusing the Council by converting it into a propaganda forum. He emphasized that the Contadora negotiating process was the best prospect for achieving peace in Central America and blamed Nicaragua for declining to attend meetings in Cartagena to discuss the future of Contadora and for unilaterally calling for suspension of the Contadora negotiations for six months at the moment when the process had moved from the basic document of 21 objectives to discussion of draft agreements. In conclusion, he laid on the Government of Nicaragua the responsibility for the consequences of their aggression and called for urgent steps to come to terms with their own people.⁴

In exercise of the right of reply, the representative of Nicaragua pointed out that the United States Government was the one that had been refusing to respond in practice to the request of the Contadora Group to put an end to its aggression against Nicaragua as well as to the Contadora's request for the resumption of the bilateral talks. He doubted the possibility of the Central American Governments reaching an agreement without first halting the United States war against Nicaragua. He considered that it was impossible to make progress because of the total lack of willingness by the United States Government to come to an understanding with the Government of Nicaragua and to find the way out of the Central American crisis.

Concerning the prohibition for the United States Government legally to give missiles to mercenary forces, the speaker suggested that the Department of State should send an official note to the Government of Nicaragua denying that it had supplied missiles to the counter-revolutionaries and confirming that it had given no kind of help to those forces to acquire that type of weapon.⁵

At the 2634th meeting, on 11 December 1985, the representative of India described the situation in Central America as marked by instability and strife owing to continued and intensified acts of interference and intervention, both direct and indirect. Speaking in his capacity as Chairman of the Movement of Non-Aligned Countries, he reaffirmed the solidarity of the Movement with the Government and people of Nicaragua. He recalled Security Council resolutions 530 (1983) and 562 (1985) reaffirming the right of Nicaragua to live in peace and security, free of outside interference, and calling on States to support the Contadora process. He also referred to the documents of the Movement of Non-Aligned Countries⁶ expressing concern over the tension in Central America and calling for a negotiated and political solution to the region's problems.

He expressed the conviction of his Government that peace in the region must be based on the principles of the political and socio-economic pluralism of States, scrupu-

³S/PV.2633, pp. 6-25.

⁴Ibid., pp. 26-36.

⁵Ibid., pp. 37-39.

⁶S/15675, annex, and S/17610, annex 1.

lous observance of the principles of non-interference and non-intervention, a positive appreciation of the endemic problems of the region and a constructive and cooperative approach to their resolution. He called upon the Security Council to grasp that reality and give the urgent task of bringing peace to that region a real chance.⁷

At the same meeting, the representative of Peru expressed solidarity with the people of Nicaragua and reiterated his country's commitment to the collective task of achieving a peaceful, negotiated, stable and democratic solution to the question of Central America. He observed that the crisis in the region had entered a stage where all the military, economic and political resources were used to pursue a pre-established geopolitical purpose and military superiority was exercised as a supreme and permanent argument. The economic crisis caused by the unjust trade and resulting debt was an explosive and volatile factor that would be decisive in future changes in the region. He considered that the attempt to impose by force a destiny different from that which they had chosen on 3 million Nicaraguans would have a great impact on 400 million Latin Americans. He called for reaching agreement and understanding without the interference of external factors, on the basis of ideological and economic pluralism and with respect for the principle of the sovereign equality of States, in tune with intra-American principles and pacts. He opposed what he called the attempts by the super-Powers to make the settlement of the regional conflicts in the third world their own exclusive preserve, which could amount to repudiating the system of multilateral relations, to liquidating the right of self-determination and to disregarding the principles of the United Nations. Consequently, he viewed the Contadora process as the sole alternative to the option of war in Central America and as a political process that can resolve the contradictions, deeply rooted in the region, that derived not so much from different ideologies, but rather from a long history of material, institutional and democratic privation, which had been recognized in the Security Council resolutions. He welcomed the inclusion of Argentina, Brazil, Peru and Uruguay as members of the Lima Support Group. He called upon the Security Council to establish measures of investigation and control and to take preventive action which might be an essential prerequisite for the peacemaking action of the Contadora Group.⁸

Also at the same meeting, the representative of the Union of Soviet Socialist Republics supported the complaint of Nicaragua as a fully warranted and timely step, because the tension continued to cost the lives of thousands of human beings and the existing military danger in the region could lead to tragic events familiar to the Security Council from other regional conflicts. He referred to Security Council resolution 502 (1985) as a basic political prerequisite for the solution of the conflict, as well as to a special resolution of the General Assembly condemning the embargo against Nicaragua imposed by the United States. He attributed the aggravation of the situation to the military and political pressure against the Nicaraguan people. The appearance of the surface-to-air anti-aircraft missiles was a very dangerous manifestation of the escalation of tension imposed from outside and aimed at general destabilization for the overthrow of the Government. Such a policy of the

United States towards Nicaragua was described as inconsistent with the obligations of the United States as a permanent member of the Security Council as well as undermining the Contadora process. The constructive proposals of Nicaragua concerning the establishment in the region of a zone of peace free of foreign military presence were ignored. The speaker stressed that the Soviet Union supported the solution of the problems of Central America by political means by the countries of the region without foreign interference; it had a positive view of the efforts of the Contadora Group; and called for recognition of the inalienable right of each country to independence and to autonomous choice. He expressed hope that the Security Council would play an important role in protecting the sovereignty of Nicaragua and in bringing a restraining influence to bear on the dangerous developments in Central America.⁹

At the same meeting, the representative of Trinidad and Tobago maintained that the use of sophisticated weaponry could lead to the deterioration of social, political and economic conditions in Central America and hinder attempts to negotiate peace and stability, which must be based on the principles of self-determination, non-interference, inviolability of national frontiers and peaceful settlement of disputes. The Contadora peace process was an appropriate forum for achieving those objectives through bilateral and multilateral constructive dialogue. Support for Contadora had been expressed in Security Council resolution 530 (1983) and General Assembly resolutions 38/10 and 39/4.¹⁰

Also at the 2634th meeting, the representative of China noted that the fundamental way to alleviate the situation and eliminate tensions in Central America was to remove all outside interference. He supported the Contadora Group and the Lima support group and called upon the United States of America and Nicaragua to settle disputes through negotiation in accordance with the basic principles of the Charter.¹¹

At the same meeting, the representative of Cuba fully supported the condemnation of the supply of aircraft, helicopters, launchers and other kinds of war *matériel* to the mercenary forces committing aggression against Nicaragua, which constituted a dangerous escalation threatening peace and a serious blow to negotiating efforts. He stressed that the international community could not ignore the gravity of the events and had repudiated the aggression, as could be seen from General Assembly and Security Council resolutions, decisions of the International Court of Justice and of the Second Committee at the current session, as well as from the Declaration of the Ministerial Conference of Non-Aligned Countries in Luanda. He stressed that the United States was violating the Charter of the United Nations and acted against the status of a permanent member of the Security Council responsible for the maintenance of international peace and security. He expressed hope that the Security Council would fulfil the mandate it was given by calmly and firmly helping to restore peace and stability in the Central American region.¹²

Also at the same meeting, the representative of Mexico drew the Council's attention to the aspects that were, in the

⁷S/PV.2634, pp. 3-11.

⁸Ibid., pp. 12-18.

⁹Ibid., pp. 18-28.

¹⁰Ibid., pp. 28-32.

¹¹Ibid., pp. 31-33.

¹²Ibid., pp. 33-41.

view of his Government, at the heart of the Central American conflict. He said that the very principles of non-intervention and respect for the self-determination of peoples were in jeopardy in the region. His country was against any violation of the sovereignty, independence and territorial integrity of States. Unilateral and totally unacceptable interpretation of Latin America's political developments frequently denied the right of people to build their future without any preconditions. The situation of Nicaragua had common elements with other processes of past decades. He pointed out that the actions of irregular forces aimed at overthrowing legitimately established Governments constituted a clear obstacle to regional détente. The peacemaking process of the Contadora Group established a set of well-defined commitments to the prohibition of any type of support for such actions. Bringing peace to the region required strict respect to that commitment by States, including those outside Latin America.

At the same time, the rapid change in the quantity and quality of weapons stockpiles could not be disregarded, as it increased the risk of military confrontation. In his view, supporting Contadora meant the search for negotiation of the principles aimed at controlling and reducing the arms build-up, as well as eliminating the foreign military presence and eradicating the arms traffic. He reiterated his Government's call for the establishment of dialogue and the adoption of constructive agreements.¹³

At the same meeting, the representative of Viet Nam condemned the war of aggression imposed by the United States on the Nicaraguan people, in particular the authorization of the supply of aircraft, helicopters, speedboats and other types of war materials to the mercenary forces operating inside and outside Nicaragua. He considered such acts by the super-Power of North America to be a challenge and an affront to all nations: they constituted an open violation of the Charter of the United Nations and of the international law, as well as contempt for the 10 May 1985 order of the International Court of Justice. Such acts of the United States not only aggravated the tension but also undermined the Contadora process. He firmly demanded that the United States put an end to all kinds of assistance to the mercenary forces and reiterated his support for the right of Nicaraguan people to self-defence. He said that the principles of the Charter should be respected and expressed hope that the Security Council would react properly to the request by the representative of Nicaragua.¹⁴

At the same meeting, the representative of the Islamic Republic of Iran noted that the situation around the borders of Nicaragua was deteriorating and the \$27 million given by the United States Government to the Contras under the label of humanitarian assistance had been converted into SAM missiles. At the same time, the people of Nicaragua were suffering from economic blockade, the mining of harbours and other political, economic and military activities of the United States. The American comprehensive war against Nicaragua deserved the strong condemnation of the international body. He pointed out that the Contadora Group, which was the hope of the entire region, seemed to be losing its charisma. If its members did not take determined action, they might become ineffective and the United States administration might be tempted to manipu-

late or to influence the Contadora Group and the support group in order to preserve its allegedly justified interests. The speaker said that, although there was no comparison between the resources of the two adversaries and of the seriousness of the threat they could pose to peace and security in the region, Nicaragua demonstrated wisdom, patience, readiness for peaceful and constructive talks at any time, while the United States, on the contrary, was stubborn, uncompromising and rejected all proposals for negotiations. The United States showed that it was not interested in resolving its differences with Nicaragua. For the same reason it refrained from accepting the jurisdiction of the International Court of Justice and probably favoured a military solution. In that respect, the representative recalled the lessons of Viet Nam. The speaker enumerated positive steps by Nicaragua that demonstrated its good will. He requested the President of the Security Council, in the course of his private consultations, to advise the United States representative that his Government was wrong, that its actions were counter-productive and were threatening the peace and security of Central America. In conclusion he called for the members of the Security Council to mobilize their collective wisdom by persuading the United States to stop all its activities against Nicaragua.¹⁵

At the same meeting, the representative of Madagascar noted that whenever the Council considered the situation in Latin America and the bilateral disputes, it always referred to the Contadora spirit, not to escape responsibility, but because the purposes and principles of the Contadora Act on peace and cooperation in Central America were the same as those of the Charter of the United Nations. He recalled the Security Council's resolutions 530 (1983) and 562 (1985) and stated that its position was quite clear with respect to the right of Nicaragua and all other countries in the region to live in peace and security, free from all outside interference with respect to their right freely to determine their own form of government and to choose their own economic, political and social systems. He emphasized five elements among the Contadora political security objectives: firstly, control and reduction of armaments and troop numbers; secondly, elimination of intimidation; thirdly, elimination of all forms of foreign military presence; fourthly, an end to all support for irregular forces; and fifthly, elimination of terrorism, subversion and sabotage. He stated that since the United Nations and the Security Council had decided to support the Contadora Group, they had an obligation to ensure that the rights of the States in the region were respected. The speaker noted with regret that, in spite of the continuing negotiations and international support for the Contadora Group, the situation in the region and in particular in Nicaragua remained unchanged. Without discouraging the Contadora Group, the Security Council had to carry out its responsibilities under Chapter VI of the Charter. On the request of Nicaragua to convene a meeting of the Security Council invoking Article 35 of the Charter, the Council could act under Article 34 on the understanding that Article 36, paragraph 2, envisaged that any procedures for the settlement of the dispute that had already been adopted by the parties should be taken into consideration. The Council had another means of intervention, namely, under Article 38. The delegate felt that recourse to the provisions of Chapter VI was compatible with

¹³Ibid., pp. 41-46.

¹⁴Ibid., pp. 47-53

¹⁵Ibid., pp. 54-57.

Chapter VIII, in particular its Article 52, paragraph 4. However, he realized that to achieve normalization the parties should show a minimum of political will. He wished that the Security Council had taken not just a supporting role but a leading role. In conclusion he reiterated his country's full solidarity with the Nicaraguan cause in the international bodies and within the Non-Aligned Movement.¹⁶

At the 2636th meeting, on 12 December 1985, the representative of Honduras stated that the Council was aware of the fact that it was dealing with an internal Nicaraguan problem, which, however, could not be divorced from the regional context. According to the speaker the Council wished to hear all the parties, in order not to be used for the exclusive purposes of the policy of a given Government. He considered that the intentions of the Sandinista Government was to halt the Contadora negotiating process and to continue to disregard the internal Central American causes of the conflict. The achievement of a peaceful, comprehensive regional solution depended on resolving two issues: the arms race in Nicaragua and the frequent international military manoeuvres which, as a countermeasure, Honduras had to undertake. While commitments already existed on the political and democratic issues and on the subject of national reconciliation in each country, the two above-mentioned issues remained to be agreed upon. He believed that the Sandinista Government was not interested in an early end of the conflict in Central America, that it considered its ideological and party interests to be more important than the needs of other peoples. It was also trying to establish the link between a comprehensive regional solution in Central America and a bilateral agreement between Nicaragua and the United States of America. For that reason it had blocked the final fundamental part of negotiations and was trying to involve the United Nations in matters within regional jurisdiction. He denounced an attempt by Nicaragua to link the settlement of the conflict in Latin America with the support given to Nicaraguan opposition by the United States. The representative reminded that the United States was ready to abide by any agreement the Central Americans reached and called upon other countries to show the same willingness.

The speaker also referred to the Nicaraguan accusation that Honduran territory was being used by Nicaraguan insurgents. He stated that, apart from the fact there was a civil war in Nicaragua, his country's army had no access to those regions and the army of Nicaragua, which was five times bigger, could not control its own borders. As to the allegations that the groups of insurgents were being trained in Honduras, the representative said that there was no objective proof of that charge. At the same time he gave examples of Honduran actions against the insurgents.

The representative of Honduras referred to the provisions of the latest version of the Contadora Act proposing to set up a verification and control commission for security matters. He said that the Government of Nicaragua did not accept that mechanism because an impartial commission would examine not only Nicaragua's claims against neighbouring countries, but also the claims that any Central American State might bring against Nicaragua. Furthermore, Nicaragua attempted to disregard the political commitments contained in the Contadora Act and consequently

did not want any follow-up in the areas of national reconciliation, human rights and electoral processes. He also quoted the representative of Nicaragua's statement concerning the possible uprising inside Honduras and recalled the provisions of the Charter prohibiting not only the use of force but also the threat of use of force. He considered such threats a flagrant violation of the provisions of the Charter and the Declaration of Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations. He said that all the facts presented by his delegation were easily verifiable. The General Assembly and the Security Council could not overlook the implications of their decisions or ignore the ways in which they might contribute to the Contadora process, nor could they disregard the harm to the morale of the Central American region if their approach favoured only one party to the conflict.

He concluded by recalling the collective responsibility of the Member States to act without losing sight of the broad framework of the fundamental unity for peace.¹⁷

At the same meeting, the representative of the Libyan Arab Jamahiriya said that the provision of sophisticated weapons to mercenary bands constituted an act of aggression and a threat to peace and security in the region. It put civilian airliners in danger at a time when the General Assembly had condemned all forms of terrorism. He supported the position of Nicaragua and condemned the attempts to impose hegemony and domination on a small nation. He emphasized the need to respect the sovereignty of States and the right of peoples to choose their own regime. Referring to the Cuban presence in Nicaragua, he found it legitimate in accordance with an agreement between the two sovereign States. He believed that foreign involvement, in total disregard of the international law, was aimed at undermining the revolutionary system in Nicaragua and gave an example from a publication.¹⁸

Also at the same meeting, the representative of Costa Rica said that his country was a factor of peace in the context of the crisis in Central America: it made dialogue and tolerance the basic principles of its national conduct. He felt compelled to appear before the Council to set forth with clarity that Costa Rica was in favour of peace in Central America. He denied that "counter-revolutionary bands" were operating on the territory of his country. He regretted that the Sandinist authorities were so obsessive about discovering their enemies. He said that the distortion of facts had been used in the past to develop a crude campaign against his country's international prestige, but he hoped that Nicaragua would finally accept the strict neutrality of his country over the civil war in Nicaragua. The latest accusations, however, indicated a qualitative change in the relations between Nicaragua and Costa Rica. The delegate stated that his country would not take the initiative in a political attack against Nicaragua and wanted to establish a peaceful and stable standard of coexistence with all countries of Central America regardless of their ideology, of their political or economic systems. He said that the fundamental rule of his country's international policy was active and unarmed neutrality. Costa Rica was open for verification that there were no counter-revolutionary camps on its territory. It had never prevented missions

¹⁶*ibid.*, pp. 57-68.

¹⁷S/PV. 2636, pp. 3-7.

¹⁸*ibid.*, pp. 21-27.

from the countries of the Contadora Group from visiting any part of its national territory; it had no army and no armed forces. Therefore, it was impossible for his country to hold joint or bilateral military manoeuvres with any other country. For the past 37 years the country had devoted its resources to education, public health, social security and public welfare. He described his country's well-being.

In the same spirit, the representative of Costa Rica expressed support for the negotiations of the Contadora Group and reiterated his country's readiness to sign the final act. He noted, however, that Costa Rica's neutrality should not be understood as unwillingness to stand up for themselves. The country was fully aware of the grave responsibilities assumed by it with the policy of peace and disarmament in the context of ideological and military polarization in the region. He considered that the disproportionate military build-up in Nicaragua constituted a potential danger to his country's national security.

The representative considered that the necessary commitments in matters of security, armaments and military strength, as contained in the Contadora Act, were equally important as those concerning political matters. There could be no peace without national reconciliation in the region. He advocated disarmament, cessation of military manoeuvres, regular electoral processes, full observance of civil rights, freedom of the press, trade unions and respect for human rights. He also attached great importance to the economic and social aspects of the Contadora Act and pointed out the value of asking the Secretary-General to formulate and carry out a plan for economic and social cooperation in Central America. In that respect he mentioned the need for cooperation between the United Nations bodies, and in particular the Economic Commission for Latin America and the Caribbean (ECLAC) and the United Nations Development Programme (UNDP).¹⁹

At the same meeting, the representative of Zimbabwe stated that supplying the SAM-7 surface-to-air missiles to the irregular forces was the quantitative escalation of the conflict in Central America. As evidence of aggression against the small country of Nicaragua, it showed to what lengths the United States was prepared to go. Nicaragua endeavoured to pursue democracy at home and friendly relations abroad. It had held free and fair elections supervised by international observers. The United States, however, had poured money and *matériel* to the Contras, trained and directed them, with the objective of overthrowing the Government of Nicaragua. The United States had unleashed a propaganda campaign, mined the harbours and, ultimately, imposed an economic embargo.

The speaker compared the attitude of the United States towards imposition of sanctions on South Africa, where it opposed the lawful measures taken by the international community provided for in Chapter VII of the Charter of the United Nations on the pretext that sanctions "did not work", while, at the same time, it unilaterally imposed sanctions against Nicaragua, regardless of condemnation by the international community, including its own allies.

The delegate pointed out that, in accordance with the Charter, which proscribes the use of force in international relations, the Government of Nicaragua had endeavoured

to settle disputes by peaceful means. When the United States realized how far Nicaragua was willing to go, it had walked out of the Manzanillo talks and suggested that the talks should be conducted with the Contras. The speaker considered that the United States was the creator and the director of the Contras, while Nicaragua, as another small nation, was victim of great-Power aggression. Nicaragua could not feel safe when joint military manoeuvres were planned on the Nicaragua-Honduras border.

In conclusion, the speaker reiterated the position of his Government, which supported a negotiated settlement to the crisis, urged the parties to resume the bilateral talks, and commended the Contadora Group for its efforts.²⁰

At the same meeting, the President of the Security Council, speaking in his capacity as representative of Burkina Faso, said that the use of SAM-7 missiles against a Nicaraguan helicopter constituted a new turn of events and a real threat to security in the subregion. The serious situation called for an appropriate action by the Security Council and therefore had to be considered in the global context. His country maintained the position that the peoples of Latin America, who had always fought resolutely for their national independence and for full exercise of their sovereignty, should remain free to choose their own political, economic and social systems. The fact that they were denied that inalienable right obviously contributed to the prevalence of tension in Central America. The endeavours of the international community to work out a negotiated political solution would have borne fruit had it not been for external interference in the internal affairs of the countries of the region. His country always condemned the use or threat of force in relations among States. The economic and political pressure on Nicaragua was unacceptable. It had contributed to the risk of regional war, undermined the dialogue established by the Contadora Group and was aimed at destabilizing Nicaragua and overthrowing the revolutionary regime democratically chosen by that small State, a member of the United Nations and the Movement of Non-Aligned Countries.

He called for halting the hostile acts and the financing of groups of mercenaries and for reaffirmation of the sovereignty of Nicaragua and other States of the region. He referred to the legitimate hopes that were placed in the Security Council.²¹

At the same meeting, the representative of the United States, speaking in exercise of his right of reply, noted that several countries who supported Nicaragua were "refugee-exporting countries", those who sought to crush all forms of domestic opposition and to deny their people the basic democratic freedoms. He also recalled the original issue that had brought the Member States to that meeting of the Security Council. He considered that Nicaragua had tried to divert attention from its obligation to negotiate seriously in the Contadora process, of which national reconciliation through dialogue was the fundamental principle.

With regard to the false allegations that the United States had provided SAM-7 missiles to the resistance forces, the representative repeated that that was not true. He emphasized that the Government of Nicaragua had conducted a

¹⁹*ibid.*, pp. 27-40.

²⁰*ibid.*, pp. 41-50.

²¹*ibid.*, pp. 50-52.

war against its own people that was unlikely to end until it stopped blaming outside forces for the domestic opposition to their rule. He called for accepting the proposal of the Nicaraguan democratic resistance for a church-mediated dialogue, a ceasefire and a suspension of the state of emergency.²²

The representative of the Islamic Republic of Iran, exercising his right to reply, strongly condemned the United States reference to his country's internal affairs. He reminded the Council of the facts he addressed in his statement, namely, the refusal of the United States to recognize the jurisdiction of the International Court of Justice. As to the refugee problems, he stated that Iran was hosting 2 million Afghan refugees, half a million Iraqi refugees and 2.5 million war-stricken people of his own country. He also mentioned certain individuals hosted by the United States, most of whom had stolen a great amount of Iranian property. As for Nicaragua, he held the United States responsible for many problems and the suffering of the people.²³

The representative of Nicaragua, exercising his right to reply, said that his delegation felt compelled to come to the Security Council to denounce United States aggression

and noted that it had become the practice for the United States delegation to distort the genuine motives of Nicaragua's approach to the Council. He stated that the United States constantly repeated in that important body, which should be respected because of the functions entrusted to it, that it had no intention to undermine the Government of Nicaragua. He considered those assertions to be either products of ignorance or rather terroristic attempts to overthrow the legitimately constituted Government.

He believed that it was of the highest importance for the Council to have discussed the complaint of Nicaragua to ensure the maintenance of international peace and security, in a preventive fashion and to consider the situation that might arise in the future. He thanked the delegations that had expressed their firm defence of the rule of law. He reiterated the peace-loving nature of his country's policy and its readiness to transform Central America into a zone free of any military presence. At the same time, he repeated that Nicaragua would not agree to disarm itself until the cessation of United States aggression.²⁴

The President declared that the Security Council had thus reached the end of the current state of consideration of the item on the agenda.

²²Ibid., pp. 52-55.

²³Ibid., pp. 56-58.

²⁴Ibid., pp. 58-64.

16. LETTER DATED 16 DECEMBER 1985 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

[HOSTAGE-TAKING AND ABDUCTION]

Decision of 18 December 1985 (2637th meeting): resolution 579 (1985)

By a letter dated 16 December 1985 addressed to the President of the Security Council,¹ the representative of the United States of America requested an urgent meeting of the Council to consider the serious situation created by acts of hostage-taking and abduction.

At the 2637th meeting, on 18 December 1985, the Council included the item in its agenda without objection.

The President of the Security Council drew attention to a draft resolution submitted by Australia, Denmark, Egypt, France, Peru, Trinidad and Tobago, the United Kingdom of Great Britain and Northern Ireland and the United States of America,² which he proposed to put to the vote; it was adopted unanimously as resolution 579 (1985). It reads as follows:

The Security Council,

Deeply disturbed at the prevalence of incidents of hostage-taking and abduction, several of which are of protracted duration and have included loss of life,

Considering that the taking of hostages and abductions are offences of grave concern to the international community, having severe adverse consequences for the rights of the victims and for the promotion of friendly relations and cooperation among States,

Recalling the statement of 9 October 1985 by the President of the Security Council, resolutely condemning all acts of terrorism, including hostage-taking,³

Recalling also resolution 40/61 of 9 December 1985 of the General Assembly,

Bearing in mind the International Convention against the Taking of Hostages, adopted on 17 December 1979, the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted on 14 December 1973, the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed on 23 September 1971, the Convention for the Suppression of Unlawful Seizure of Aircraft, signed on 16 December 1970, and other relevant conventions,

1. *Condemns unequivocally* all acts of hostage-taking and abduction;

2. *Calls for* the immediate safe release of all hostages and abducted persons wherever and by whomever they are being held;

3. *Affirms* the obligation of all States in whose territory hostages or abducted persons are held urgently to take all appropriate measures to secure their safe release and to prevent the commission of acts of hostage-taking and abduction in the future;

4. *Appeals* to all States that have not yet done so to consider the possibility of becoming parties to the International Convention against the Taking of Hostages, the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, the Convention for the Suppression of Unlawful Seizure of Aircraft and other relevant conventions;

¹S/17685.

²S/17686.

³S/17554.

5. *Urges* the further development of international cooperation among States in devising and adopting effective measures which are in accordance with the rules of international law to facilitate the pre-

vention, prosecution and punishment of all acts of hostage-taking and abduction as manifestations of international terrorism.

17. COMPLAINT BY LESOTHO AGAINST SOUTH AFRICA

Decision of 30 December 1985 (2639th meeting): resolution 580 (1985)

By a letter dated 23 December 1985 addressed to the President of the Security Council,¹ the representative of Lesotho requested a meeting of the Security Council to deal with the grave situation created by an unprovoked armed aggression against Lesotho by South Africa.

At its 2638th meeting, on 30 December 1985, the Security Council included the item in the agenda. Following the adoption of the agenda, the Council invited the following, at their request, to participate in the discussion, without the right to vote: the representatives of Burundi, Lesotho, Senegal and South Africa. At their request contained in a letter dated 30 December 1985 from the representatives of Burkina Faso, Egypt and Madagascar,² an invitation, under rule 39 of the Council's provisional rules of procedure, was extended to Mr. Neo Mnumzana, representative of the African National Congress of South Africa (ANC). The Council considered the item at its 2638th and 2639th meetings, on 30 December 1985.

At the 2638th meeting, on 30 December 1985, the representative of Lesotho recalled that the first complaint against South Africa was brought to the Council in December 1982 after the invasion and brutal murder of 42 people in the capital, Maseru. That aggressive act was condemned by the Security Council in its resolution 527 (1982) of 15 December 1982, in which it called upon South Africa to bind itself not to repeat similar attacks and to pay full and adequate compensation. South Africa had arrogantly refused to implement any of the provisions of the resolution and had continued a systematic campaign of destabilization of Lesotho through the so-called Lesotho Liberation Army based and trained on its territory.

The speaker described the recent attack, which had taken place in the early hours of 20 December 1985. According to independent witnesses, commandos of the South African Army shot in cold blood seven people, of whom six were South Africans, in a house located in a suburb of the capital, Maseru. The witnesses saw white soldiers cordoning off the house and remarked that, judging from the mute sound, the guns were fitted with silencers. Two other victims were followed by the assassins to their houses and shot. There was also testimony that a group of white soldiers had been seen heading towards South African territory. The representative announced that sworn statements by witnesses and photographs were available for examination. He also referred to the exchange of telex messages between South Africa and Lesotho,³ which, according to the speaker, showed the premeditated nature of the latest attack on the basis of unsubstantiated allegations that

members of the ANC had been planning attacks against South Africa from Lesotho during the Christmas period. At the same time, the exchange of messages had shown that Lesotho had demonstrated readiness to resolve any differences through discussions and negotiations. The representative stated that his country had received refugees belonging to various South African organizations on condition of non-use of its territory for attacks against South Africa. Arrangements for their transportation to second countries of asylum were made by the Office of the United Nations High Commissioner for Refugees. He called for the international community to make arrangements for the safe conduct of the refugees from Lesotho. He also drew the attention of the Council to the fact that South Africa had threatened to impose restrictions on normal traffic in and out of Lesotho and had asked the Council to take note that South Africa was creating special transit problems for Lesotho, placing that country's security and economic development in jeopardy. He went on by stating that the wings of apartheid had spread over the entire southern African region, bringing destabilization to Lesotho, Angola, Botswana, Mozambique, Swaziland, Zambia and Zimbabwe. In conclusion, the speaker appealed to the Security Council to condemn once again the aggressive action of South Africa as well as the system of apartheid, which was incompatible with peace and security. He welcomed any mission of the Security Council that could help preserve the sovereignty and territorial integrity of Lesotho.⁴

At the 2639th meeting, on 30 December 1985, the representative of Senegal stated that the Pretoria regime defied the international community by its policies of tyranny and lawlessness. He referred to the refusal of the racist regime to recognize the right of the people of South Africa to establish a democratic, multiracial society. He also referred to the illegal occupation of Namibia, contrary to all relevant resolutions of the Security Council, and to Pretoria's aggression against neighbouring African States. He condemned the most recent cynical acts of aggression against the sovereign State of Lesotho and called for a mission of inquiry to be sent in order to assess the damage and evaluate human casualties. He declared that compensation to Lesotho and to the victims would constitute the very minimum that the Security Council could determine in order to renew the confidence placed by the founders of the Organization and its Member States in the primary organ for the maintenance of international peace and security. In his view the only response of the Security Council consistent with the efforts to eradicate totally the system of apartheid would be application of comprehensive and mandatory economic—and even political—sanctions. He referred to the proposal of the Chairman of the Organization of African Unity (OAU) to convene a world conference on sanc-

¹S/17692.

²S/17700.

³A/17689.

⁴S/PV.2638, pp. 3-11.

tions against South Africa, which had been endorsed by the Security Council and the General Assembly. He expressed the conviction that upon objective consideration of the situation the Council would take all measures necessary to make South Africa heed reason and to ensure that peace and stability returned to southern Africa and the whole continent.⁵

At the same meeting, the representative of Egypt stated that the new premeditated act of aggression perpetrated by South Africa followed repeated aggressive acts against its other neighbours—Angola and Botswana—and was clearly meant to divert attention from developments inside South Africa itself and to shift the blame for its problems to external elements from neighbouring countries. He pointed out that a review of the correspondence between the Government of Lesotho and the Government of South Africa over the period from 13 to 19 December 1985³ revealed that Lesotho had been willing to solve any problem between the two States by negotiation, while the communications from South Africa contained implicit and explicit threats that had been implemented on 19 December. He noted that at the same time South African forces had penetrated the territory of Swaziland, forcing the displacement of some residents. He also recalled South Africa's attacks on Angola and described all the above actions as an extension of the policies of apartheid, violence and suppression followed by the Pretoria regime. He believed that the Security Council had a clear responsibility to protect the territory of Lesotho and its innocent nationals against the aggression of the South African forces. He added that the Council should reaffirm South Africa's responsibility for paying compensation to the families of the victims, as well as help Lesotho fulfil its international commitments to receive political and other refugees.⁶

Also at the same meeting, the representative of South Africa objected to the charges of "unprovoked armed aggression" lodged by the representative of Lesotho on 23 December 1985.¹ He characterized the latest complaint as an attempt to deflect attention from the internal instability in Lesotho and the alienation of a large part of its population from the Government, especially after the illegal usurpation of power by the present Premier in 1970 had spawned armed resistance inside Lesotho. He attributed a strong tide of resentment in particular to the presence of a violent organization sponsored and funded by Moscow, as well as elements collaborating with the ANC within Lesotho's security forces and pro-ANC groups. He added that Lesotho was endeavouring to exploit the situation by addressing appeals for financial aid to the international community. The speaker emphasized that his country had on numerous occasions unsuccessfully sought to solicit Lesotho's cooperation to address mutual security problems. He recalled the proposal of his Foreign Minister to the Acting Foreign Minister of Lesotho to establish a joint monitoring mechanism to investigate security incidents and added that his Minister had offered to provide facilities and bear expenses, but Lesotho had failed to respond to that proposal. He also referred to the reassuring statement of the Lesotho Foreign Minister at the previous meeting of the Council

expressing the will to seek solutions to common problems through negotiation and felt that the South African proposal for a joint monitoring mechanism should be seriously considered by the Government of Lesotho. The speaker concluded by asserting that South Africa was experiencing terrorist violence emanating from the territory of Lesotho by forces inspired by the ANC under the guise of refugees and called upon the Security Council, in the spirit of General Assembly resolution 40/61 of 9 December 1985 denouncing terrorism, to prevail upon Lesotho to cooperate with his Government in order to eliminate terrorism in the region.⁷

At the same meeting, the representative of Burundi, speaking on behalf of the Group of African States, condemned the racist South African regime for once again violating international law and the provisions of the Charter of the United Nations calling on all States to refrain from resorting to the threat or use of force against the territorial integrity and political independence of any State, and described Lesotho as a victim of aggression and terrorism. He asserted that South Africa would never comply with international law as long as it enjoyed impunity for its acts of aggression against the front-line countries and as long as acts of repression of the black population of South Africa were not condemned by the international community. He gave an account of recent aggressive acts on the part of South Africa and reiterated the solidarity of the African Group with the people of Lesotho. He called upon the international community to provide assistance to Lesotho, to resist aggression and to strengthen its ability to receive refugees. He also called upon the Security Council to make Pretoria put an end to the policy of apartheid and destabilization and to pay immediate and adequate compensation for the loss of life and property. South Africa, he added, should put an end to the illegal occupation of Namibia, as set forth in Security Council resolution 435 (1978).⁸

Also at the same meeting, the representative of India denounced the latest unprovoked act of armed aggression against Lesotho, a fellow non-aligned country and a fellow member of the Commonwealth, as well as earlier similar actions intended to terrorize, put pressure and intimidate that peace-loving State. He considered that South Africa, under the pretext of hot pursuit of activists from ANC, was seeking to destabilize Governments in front-line and other neighbouring States. He recalled that South Africa which had illegally occupied Namibia, in defiance of innumerable United Nations resolutions and the advisory opinion of the International Court of Justice, still had some troops on part of Angolan territory and had extended its military adventurism to Botswana, Zambia, Zimbabwe and Seychelles. He reiterated that the Movement of Non-aligned Countries had stood by Lesotho and quoted from the relevant part of the Declaration of the Seventh Conference of Heads of State or Government of Non-aligned Countries.⁹ The speaker supported Lesotho's right to give sanctuary to victims of apartheid. He expressed the conviction that comprehensive mandatory sanctions under Chapter VII of the United Nations Charter would be the only effective international answer to the racist regime. He urged that all

⁵S/PV 2639, pp. 2-6.

⁶Ibid., pp. 6-10.

⁷Ibid., pp. 11-13.

⁸Ibid., pp. 13-17.

⁹S/15675, annex.

members of the Council proceed from condemnation to united meaningful actions.¹⁰

At the same meeting, the representative of Madagascar recalled that in 1985 alone seven Security Council resolutions had been adopted condemning South African racist policies and pointed out that those resolutions were scorned by the racist regime. He indicated that South Africa harboured, equipped and trained on its territory a rebellious movement, the Lesotho Liberation Army, which committed acts of sabotage and killings in Lesotho aimed at the destabilization of its Government. He also expounded on the idea that the system of apartheid, colonialism and racism was the principal cause of the flow of the increased number of refugees in the region and that Lesotho since its independence in 1960 had been receiving them and trying to facilitate their transit to other countries in keeping with the Convention Relating to the Status of Refugees of 1951. He recognized the legitimacy of the ANC, which represented the aspirations of the majority of the people of South Africa and described the premeditated, armed, unprovoked attacks of South Africa against its neighbours as deliberate violations of the Charter of the United Nations and of international law. He expressed the hope that the Council would adopt unanimously the draft resolution¹¹ sponsored by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago.¹²

At the same meeting, the representative of Peru, in condemning the South African regime and extending its solidarity to Lesotho, expressed the hope that, in the future, the Security Council would be able to exercise and use the legitimate means with which it had been endowed in order to discharge its political responsibilities. He considered that a very important action would be an investigation into the origin of weapons that enable South Africa to continue its internal and external aggression.¹³

Also at the same meeting, the representative of the United Kingdom of Great Britain and Northern Ireland observed that once again the Security Council was considering an attack by South Africa on its neighbouring States, which he attributed to a pattern of a profoundly mistaken policy. He went on to set out the fundamental points that governed the United Kingdom's approach to that matter. Firstly, Lesotho had no aggressive designs against South Africa and had no alternative to a policy of peaceful coexistence, being economically and otherwise dependent on South Africa. The Security Council should make it clear that any attacks against neighbouring States would not be tolerated. Therefore, his Government strongly condemned those responsible for the latest attack. Secondly, the United Kingdom had no sympathy for those who preferred violence to dialogue or negotiation. As retaliation was not a solution, raids against South African exiles would not resolve the problems; instead, they were bound to increase the existing polarization. It was necessary to go to the root of the problem and resolve it there. Finally, the Commonwealth Accord on South Africa,¹⁴ which had appealed for the initiation of a process of dialogue in the context of a

suspension of violence on all sides, had particular relevance in the light of the latest events. He pointed out that, notwithstanding South Africa's rejection of the Security Council resolutions, the members of the Council should not underestimate the effect of their actions on Pretoria. He did not believe that the ruling minority regime was happy with its condemnation by the international community or with its isolation from the rest of the world. He, therefore, called for continued persuasion and pressure on the regime and announced the support of his delegation for the draft resolution before the Council.¹⁵

At the same meeting, the representative of the Union of Soviet Socialist Republics strongly condemned yet another aggressive action of South Africa against a sovereign country, Member of the United Nations, OAU and the Movement of Non-Aligned Countries. The attack represented yet another challenge to the international community and constituted a flagrant violation of international law and of the Charter of the United Nations. He expressed his country's deepest sympathy and condolences to the Government of Lesotho and to the families of the victims. He considered that the barbaric policy of apartheid within South Africa and the imposition of their colonialist hegemonism on all southern Africa was the crystallization of racism, colonialism, state terrorism and aggression. As such it constituted a constant threat to international peace and security and the stability of the region. The speaker referred to the recent session of the General Assembly, which had showed that the majority of Member States supported the application against Pretoria of comprehensive, mandatory sanctions under Chapter VII of the Charter. He also referred to the position of some Western Powers that are permanent members of the Security Council and stated that their use of the veto to protect the apartheid regime had enabled Pretoria to continue to threaten neighbouring States. He recalled that the Foreign Minister of the USSR had conveyed to the Foreign Minister of Lesotho that as a matter of principle the USSR defended the interests of all freedom-loving and progressive forces in South Africa. He reiterated that his Government supported the adoption by the Security Council of effective measures against South Africa under Chapter VII of the Charter.¹⁶

Also at the same meeting, the representative of China strongly condemned the gross violation of the principles of the Charter of the United Nations by South Africa, its invasion of the territory of Lesotho, the threat of military force and blackmail tactics against neighbouring countries as well as the intransigence of the racist regime in persisting in the practice of racial discrimination and apartheid. He went on to add that in order to find excuses for its aggressive policy, the regime had always invoked the pretext of outside instigation of the struggle of the people of South Africa against racial persecution. He stated further that the latest surprise attack against Lesotho posed a threat to peace and security in the whole region and called upon the Security Council to condemn South Africa for its aggression, to demand compensation for all the losses its invasion had caused, to mobilize the international community and to adopt additional sanctions against South Africa so as to provide powerful support to the just struggle against apart-

¹⁰S/PV.2639, pp. 18-21..

¹¹S/17701.

¹²S/PV.2639, pp. 22-26.

¹³Ibid., pp. 27 and 28.

¹⁴A/40/817.

¹⁵S/PV.2639, pp. 28-32.

¹⁶Ibid., pp. 32-37.

heid, to gain independence for Namibia and to safeguard the sovereignty and territorial integrity of all countries of the region.¹⁷

At the same meeting, Mr. Neo Mnumzana, speaking under rule 39 of the provisional rules of procedure of the Security Council, said that the Pretoria regime had set in motion a spiral of violence systematically punishing with death those who sought freedom, senselessly destroying the considerable national wealth of the country while millions of people were afflicted with poverty, disease and ignorance. As the struggle against apartheid in the country gathered might and the tide of African liberation rolled to the very frontiers of the country, the racist regime had responded by instituting a reign of terror against its own people and had gone to war against the neighbouring States whom the regime sought to destabilize through outright military aggression, economic blackmail and sabotage, as well as political subversion. He pointed out that pursuing South African refugees and exiles into countries that offered them sanctuary was part and parcel of the apartheid policy. He stated further that not punishing the *apartheid* regime for its crimes meant punishing the peoples of Lesotho, South Africa and of other countries of southern Africa. The speaker considered that the only solution to the problem would be the dismantling of apartheid and the creation of a free, united and non-racial and democratic South Africa. He concluded by registering the ANC's profound gratitude to Lesotho for its commitment, consistent with international law, to give refuge to the victims of apartheid and reaffirmed the ANC's solidarity with the peoples and Governments of the front-line States.¹⁸

At the same meeting, the representative of the Ukraine stated that one fourth of all Security Council meetings over the past two years had been devoted to questions related to the aggressive actions of South Africa. He noted that Lesotho, a small country, that did not even have a regular army, could not pose a near-fatal threat to South African security. The Government of Lesotho had frequently appealed to the South African authorities to put an end to acts of aggression, to refrain from trying to shift onto Lesotho the responsibility for its own internal problems. He also recalled that the General Assembly, OAU, the Movement of Non-Aligned Countries and Socialist States had frequently called on the Security Council to adopt effective measures against South Africa by introducing comprehensive mandatory sanctions against the racist regime. Those demands had, however, been disregarded by two permanent members of the Security Council, thereby providing support and indeed encouraging the regime to continue the policy of repression, aggression and state terrorism. He said that his delegation strongly condemned the recent aggressive acts and expressed the belief that the Security Council should adopt effective measures against the aggressor, under Chapter VII of the Charter. Such measures, he added, were essential to the maintenance of peace in the region, the preservation of the sovereignty and territorial integrity of young African countries and to the granting of true independence to Namibia.¹⁹

Also at the same meeting, the representative of Thailand considered that the criminal acts of the Pretoria regime should be condemned in the strongest possible terms and that adequate compensation should be paid to Lesotho for the damage and loss of life resulting from such acts. He stated that apartheid had become the scourge for all the front-line States, as any country giving refuge to victims of apartheid was subject to constant threats of attack, while it was a well-recognized principle that the noble humanitarian policy of receiving refugees was not a hostile act towards the country of origin. He quoted from the statement of the Foreign Minister of Lesotho that refugees from various organizations were received in his country on condition that they would not use the territory of Lesotho as a springboard for attacks against South Africa. His delegation would vote in favour of the draft resolution that was before the Council.²⁰

At the same meeting, the President, speaking in his capacity as representative of Burkina Faso, stated that, in spite of repeated condemnations, the Pretoria regime obstinately refused to come to its senses and that acts of aggression went in quick succession, as did Security Council resolutions. According to him, the regime had remained unperturbed and had ignored even the most serious warnings of those whose aid permitted it to defy the decisions of the Security Council without fear of punishment. He acknowledged that the mere adoption of condemnatory resolutions would not suffice to eradicate apartheid. What was needed was already foreseen by the Charter and needed only to be set under way. He regretted the fact that certain members of the Council were obstructing the imposition of comprehensive mandatory sanctions against the racist regime.

Resuming his role as President of the Security Council, the speaker put to the vote the draft resolution submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago.¹¹ It was adopted unanimously as resolution 580 (1985). The resolution reads as follows:

The Security Council,

Taking note of the letter dated 23 December 1985 from the Permanent Representative of the Kingdom of Lesotho to the United Nations addressed to the President of the Security Council,¹

Having heard the statement by the Honourable Minister for Foreign Affairs of the Kingdom of Lesotho, Mr. V. M. Makhele,⁴

Bearing in mind that all Member States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or acting in any other manner inconsistent with the purposes of the Charter of the United Nations,

Recalling its resolution 527 (1982),

Gravely concerned at the recent unprovoked and premeditated killings for which South Africa is responsible, in violation of the sovereignty and territorial integrity of the Kingdom of Lesotho, and their consequences for peace and security in southern Africa,

Gravely concerned that this act of aggression is aimed at weakening the determined and unrelenting humanitarian support given by Lesotho to South African refugees,

Grieved at the tragic loss of life of six South African refugees and three nationals of Lesotho resulting from this act of aggression committed against Lesotho,

¹⁷*Ibid.*, pp. 37 and 38.

¹⁸*Ibid.*, pp. 39 and 40.

¹⁹*Ibid.*, pp. 43-46.

²⁰*Ibid.*, pp. 46-48.

Alarmed at the fact that the continued existence of apartheid in South Africa is the root cause of increased violence both within South Africa and from South Africa against neighbouring countries,

1. *Strongly condemns* these killings and recent acts of unprovoked and premeditated violence, for which South Africa is responsible, against the Kingdom of Lesotho in flagrant violation of the sovereignty and territorial integrity of that country;

2. *Demands* the payment by South Africa of full and adequate compensation to the Kingdom of Lesotho for the damage and loss of life resulting from this act of aggression;

3. *Calls upon* all parties to normalize their relations and to employ established channels of communication on all matters of mutual concern;

4. *Reaffirms* Lesotho's right to receive and give sanctuary to the victims of *apartheid* in accordance with its traditional practice, humanitarian principles and its international obligations;

5. *Requests* Member States to extend urgently all necessary economic assistance to Lesotho in order to strengthen its capacity to receive, maintain and protect South African refugees in Lesotho;

6. *Calls upon* the South African Government to resort to peaceful means in resolving international problems in accordance with the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations;

7. *Further calls upon* South Africa to live up to its commitment not to destabilize neighbouring countries nor to allow its territory to be used as a springboard for attacks against neighbouring countries and to declare publicly that it will, in future, comply with provisions of the Charter of the United Nations and that it will not commit acts of violence against Lesotho, either directly or through its proxies;

8. *Demands* that South Africa forthwith take meaningful steps towards the dismantling of apartheid;

9. *Requests* the Secretary-General to establish, in consultation with the Government of Lesotho, an appropriate presence comprising one or two civilians in Maseru, for the purpose of keeping him informed of any development affecting the territorial integrity of Lesotho;

10. *Further requests* the Secretary-General, through appropriate means, to monitor the implementation of the present resolution and the prevailing situation and to report to the Security Council as the situation demands;

11. *Decides* to remain seized of the matter.

Following the vote, the representative of the United States of America expressed his country's deep concern over the latest escalation of violence in southern Africa. He observed that, according to witnesses, the perpetrators of the crime had fled into South Africa. He called upon the Government of South Africa to investigate the matter, apprehend the guilty parties and bring them to justice. He reiterated that the United States had made it clear to the Government of South Africa that they could not accept the possibility of dispatching troops for military actions beyond national borders. The solution of the problems was rather in the elimination of the system of apartheid and in strengthening the dialogue with its neighbours. He pointed out that his delegation supported the resolution as a constructive and moderate one. He referred in particular to paragraph 3, which called for employing established channels of communication, and recalled that the principle of non-use of the territory of States to launch attacks against other States applied to all.²¹

The Foreign Minister of Lesotho expressed his country's appreciation to the Security Council for having adopted the resolution unanimously. Referring to the statement of the representative of South Africa concerning Lesotho's "internal problems", he argued that there were none, but that all the problems originated in South Africa, where 28 million people were ruled by 4 million minority whites and which was founded and funded by bandit groups.²²

²¹*Ibid.*, pp. 52 and 53.

²²*Ibid.*, p. 54.

18. STATEMENT BY THE PRESIDENT OF THE SECURITY COUNCIL [IN CONNECTION WITH THE INCIDENTS AT THE ROME AND VIENNA AIRPORTS]

Decision: statement by the President

At the 2639th meeting,¹ on 30 December 1985, after a brief suspension for consultations and before adjourning the meeting, the President made the following statement on behalf of the Council:²

The members of the Security Council strongly condemn the unjustifiable and criminal terrorist attacks at the Rome and Vienna airports, which caused the taking of innocent human lives.

They urge that those responsible for these deliberate and indiscriminate killings be brought to trial in accordance with due process of law.

They call upon all concerned to exercise restraint and to refrain from taking any action inconsistent with their obligations under the Charter of the United Nations and other relevant rules of international law.

They reaffirm the statement by the President of the Security Council of 9 October 1985 (S/17554) and Security Council resolution 579 (1985) of 18 December 1985, and endorse the Secretary-General's statement of 27 December 1985, in which he noted General Assembly resolution 40/61 of 9 December 1985 and expressed the hope that it

would be followed by determined efforts by all Governments and authorities concerned, in accordance with established principles of international law, in order that all acts, methods and practices of terrorism may be brought to an end.

By a letter dated 31 December 1985 from the Acting Permanent Representative of Israel to the United Nations addressed to the President of the Security Council,³ Israel condemned the attacks and attributed them to the Palestinian terror inspired by the Palestine Liberation Organization (PLO), which resulted in the ruthless and deliberate killing of women, children and babies. The letter indicated the contradiction between the stance that many countries had adopted against international terrorism and the permission some of them gave to terrorist organizations to operate in their capitals. The letter called for condemnation of the Libyan Arab Jamahiriya, Iraq and the Islamic Republic of Iran for giving support and shelter to the terrorists.

By a letter dated 2 January 1986 addressed to the Secretary-General,⁴ the Chargé d'affaires a.i. of the Per-

¹The agenda for the meeting was "Complaint by Lesotho against South Africa".

²S/17702.

³S/17703.

⁴S/17710.

manent Mission of the Libyan Arab Jamahiriya to the United Nations transmitted a letter from the Secretary of the People's Committee of the People's Bureau for Foreign Liaison addressed to the Secretary-General that gave an account of the statements made by the United States Government that he interpreted as an American-Zionist conspiracy exerting diplomatic and economic pressure on the Libyan Arab Jamahiriya endangering the security of the people of his country and the stability of the region. The letter stated that such threats as well as the preparations for aggression and the use of the deplorable outrages perpetrated at the Rome and Vienna airports as a pretext for a military action constituted a grave violation of the Charter of the United Nations. It was reiterated that the Libyan Arab Jamahiriya condemned such acts of terrorism and was not involved either directly or indirectly in those actions. The letter expressed hope that appropriate measures provided by the Charter would be taken to secure peace in the region.

The Acting Permanent Representative of Israel in his letters to the Secretary-General expounded the position of his Government. By a letter dated 9 January 1986⁵ the representative transmitted a letter from the Minister for Transportation of Israel to Ministers of Transportation, members of the International Civil Aviation Organization (ICAO), stating that the latest terrorist act added to a long list of previous acts. The letter called for international cooperation in planning and convening an urgent worldwide conference on the safety of civil aviation. The letter dated 9 January 1986⁶ gave an account of acts of murder by the PLO and examples of past terrorist attacks.

⁵A/41/87-S/17723 and Corr.1.

⁶A/41/84-S/17728 and Corr.1.

19. THE SITUATION IN THE OCCUPIED ARAB TERRITORIES

Decision of 13 September 1985 (2605th meeting): rejection of a six-Power draft resolution

By a letter dated 11 September 1985 addressed to the President of the Security Council,¹ the representative of Qatar, on behalf of the Group of Arab States at the United Nations, requested an immediate meeting of the Council to consider Israeli practices against the civilian population in the Palestinian occupied territories.

At its 2604th meeting, on 12 September 1985, the Security Council included the letter from Qatar in its agenda, without objection,² and considered the matter at two meetings, on 12 and 13 September 1985.

During its consideration of this item, the Council decided to invite, at their request, the representatives of Egypt, the Islamic Republic of Iran, Israel, Jordan, Qatar and the Syrian Arab Republic to participate, without the right to vote, in the discussion of the question.³ At the 2604th meeting, the Council also decided, by a vote, to invite the representative of the Palestine Liberation Organization (PLO), in accordance with the Council's past practice, to participate in the debate.⁴ At the same meeting, the Council decided to extend an invitation under rule 39 of the provisional rules of procedure, at the request of the representative of Qatar, to Mr. Clovis Maksoud, Permanent Observer for the League of Arab States (LAS). At the 2605th meeting, the Council decided to extend an invitation, also under rule 39, at his request to the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.⁵

At the same meeting, the representative of Qatar, speaking in his capacity as Chairman of the Group of Arab States, informed the Council of the grave situation in the occupied Palestinian territories, resulting from arbitrary Israeli practices against the civilian population there. He charged Israel with neither respecting nor implementing the Fourth Geneva Convention and called on the members of the Council, as parties to the Convention, to take the necessary measures to prevail upon Israel to respect it, in accordance with its article 1. He further noted that under the Charter members of the Council, in particular the permanent members, had primary responsibility for the maintenance of international peace and security and that the perpetuation of Israeli occupation of the Palestinian territories, and Israel's human rights violations, clearly constituted a threat to international peace and security. Therefore, he said that the world, and the Palestinian people in particular, expected nothing less from the Council than the unanimous adoption of the draft resolution before it.⁶

Also at the same meeting, the representative of the PLO stated that on 4 August the Government of Israel had adopted a set of oppressive laws and procedures thereby reviving the state of emergency originally introduced in 1945 by the British Mandate authorities in Palestine, especially those aspects relating to administrative detention, arbitrary dismissal and the closure of Palestinian newspapers. He asserted, therefore, that such oppressive Israeli practices called not only for condemnation and denunciation by the Security Council but for the adoption of measures to end those practices and to redress their consequences, especially since they ran counter to international conventions and resolutions, in particular the Fourth Geneva Convention of 1949. Referring to the United States' rejection of United Nations resolutions calling for the convening of an international peace conference on the Middle East with the participation of all parties to the conflict, including the PLO, he charged the United States with con-

¹S/17456.

²S/PV.2604, p. 7.

³For details, see chap. III of the present *Supplement*.

⁴The proposal to invite the representative of the PLO was carried by 10 votes to 1 (United States of America), with 4 abstentions. For the relevant statements regarding the invitation and for details of voting see S/PV.2604, pp. 9 and 10, as well as chap. III.

⁵See chap. III of the present *Supplement* for details regarding the invitations under rule 39 of the provisional rules of procedure.

⁶S/PV.2604, pp. 12-17.

tinuing to obstruct the process of establishing a just peace in the Middle East and with the constant encouragement of Israel's persistent disregard of the international will, United Nations resolutions and international law.⁷

At the same meeting, the representative of Egypt stated that the occupied Arab territories of the West Bank and Gaza were the scene of an intensification of acts of expulsion of Palestinian inhabitants and of repression by the occupying Power, acts that had culminated in the imposition of a state of emergency and a curfew in those towns and villages. He charged that the worsening of the general situation in those Arab regions resulted from the desire of Israel to continue to cling to the occupied territories and to yield to the promptings of various segments of Israeli society that sought to extend their domination over those territories through the establishment of settlements and whose colonists were even encouraged to move into wholly Arab areas and towns. Egypt continued to believe that the policy of colonization and settlement pursued by Israel in the occupied Arab territories could only heighten tension there. Citing several Security Council resolutions, he demanded that they be implemented and further recalled that a just and lasting solution of the Palestinian problem required a serious attempt to establish trust among the Palestinian population of the occupied territories. Referring to Egypt's repeated calls upon Israel to take steps that could help establish trust in the West Bank and Gaza, he expressed his Government's continued support for all efforts to bring about a peaceful settlement and its continued opposition to all the oppressive measures carried out by the occupying authorities in the West Bank, Gaza and all other occupied territories.⁸

At the same meeting, the representative of Israel charged that the Security Council was once again being abused, this time by the unusual collusion and collaboration between the Syrian Arab Republic and the PLO. He said that there were few things more offensive to one's basic sense of morality and decency, more insulting to one's elementary intelligence, than to have the Syrian Government and the PLO accusing others of human rights violations. He mentioned a number of events in that connection, such as the civil strife in Lebanon involving the Syrian Arab Republic and the PLO, attacks on Israeli civilians by PLO Arab terrorists and the establishment of new terrorist bases on the Israeli borders provided by the embrace of the PLO and Jordan. He defended Israeli steps to apprehend terrorist perpetrators and their collaborators as actions which were fully legal under the Fourth Geneva Convention.⁹

At the same meeting, the representative of Jordan replied that the Israeli allegation was baseless and ran counter to the truth, which was that resistance against Israeli occupation stemmed from within the occupied territories and grew and intensified as a natural reaction to the practices of the Israeli occupation authorities. He charged that Israel wanted to sow confusion with regard to the Palestinian-Jordanian peace initiative, as represented in the agreement signed on 11 March, which Jordan was trying to crystallize with all parties directly concerned and with all peace-

loving parties. He drew the Council's attention to the implicit threat against Jordan made by Israel, which he considered out of order, and revealed Israel's intentions to prevent the achievement of a just, comprehensive and honourable solution to the Middle East problem.¹⁰

At the 2605th meeting, on 13 September 1985, the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People stated that it was up to the Security Council to give effect to the recommendations of the Committee and the recommendations adopted by consensus at the International Conference on the Question of Palestine, held in Geneva in September 1983. He recalled that those recommendations were solidly based on the internationally recognized fundamental principles regarding the Palestine question, which was the very heart of the Arab-Israeli conflict. While urging the Council to redouble its efforts to convene the International Conference on the Middle East, he also appealed to members to take appropriate measures to revive, on the basis of the principles and purposes of the Charter and the relevant resolutions of the Organization, the policy of dialogue among all the parties, in order to put an end to the tragic situation and to establish a just and lasting peace in the Middle East.¹¹

At the same meeting, the representative of the Syrian Arab Republic, while urging the Security Council to demand that Israel respect the Fourth Geneva Convention, also observed that the provisions of the draft resolution before the Council were not commensurate with the gravity of the situation created by Israel in the West Bank, Gaza and other occupied territories through its oppressive measures, which violated the most elementary rules of international law governing foreign occupation. He believed that the draft resolution should have contained an explicit condemnation of Israel for its actions and a strong condemnation of all acts of terrorism carried out by Israel against the Arabs, especially individual and official Israel terrorism and the mass punishment and killings of innocent people.¹²

Also at the same meeting, the representative of Jordan emphasized that the only solution to the suffering of the Palestinian population in those territories was an end to the occupation, through the establishment of a just and comprehensive peace, as called for by all international resolutions. He hoped that the Council would adopt the draft resolution, since that was the least it could do to maintain the security and safety of the population of the occupied territories at that stage.¹³

At the same meeting, the representative of China held that the decision by Israel to carry out administrative detentions and deportations was in violation of the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War and therefore those acts needed to be repealed immediately. He supported the Palestinian people and the Arab countries in their demand that Israel stop its illegal activities in the occupied Arab territories and implement the relevant provisions contained in the Geneva Convention. He also urged the Security Council to support them in that regard. Maintaining that the Palestinian issue

⁷Ibid., pp. 26 and 27.

⁸Ibid., pp. 34-38.

⁹Ibid., pp. 38-43.

¹⁰Ibid., pp. 38-51.

¹¹S/P.V. 2605, pp. 16-18.

¹²Ibid., p. 36.

¹³Ibid., p. 43.

was the crux of the Middle East question, having a direct bearing on peace and stability in the region, he stressed that the key factors to the solution of the Middle East question were the restoration of the national rights of the Palestinian people and the withdrawal of Israel from all the Arab territories it had occupied since 1967, including Arab Jerusalem.¹⁴

Many other speakers who participated in the debate identified the question of Palestine as the core of the Middle East problem and the key to peace and security in the region as a whole. They all called upon Israel to abide scrupulously by the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949. Many speakers urged the Security Council to prevail upon Israel to comply strictly with the relevant General Assembly and Council resolutions. Several also reiterated their concern over the plight of the Palestinian population in the occupied territories, in particular in the West Bank and Gaza.¹⁵

At the same meeting, the President drew the attention of the members of the Council to a draft resolution submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago.¹⁶ Under the draft resolution the Council would have recalled its resolutions 468 (1980), 469 (1980) and 484 (1980); taken note of General Assembly resolution 35/122 of 11 December 1980; recalled the statement of the Permanent Representative of Qatar to the United Nations and other statements made before the Council; stressed the urgent need to achieve a comprehensive, just and lasting peace in the Middle East; and reaffirmed that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, was applicable to the Arab territories occupied by Israel since 1967, including Jerusalem; deplored the repressive measures taken by Israel since 4 August 1985 against the civilian Palestinian population in the Israeli occupied territories, especially in the West Bank and Gaza; expressed serious concern that the persistence of Israeli authorities in applying such measures would lead to further deterioration of the situation in the occupied territories; called upon Israel, the occupying Power, to immediately stop all repressive measures, including curfews, administrative detentions and forceful deportation, and to release forthwith all detainees and refrain from further deportations; and would also have called upon Israel to abide scrupulously by the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949.

Speaking in explanation of vote, the representative of France deplored the constraints that the renewed special legislation of Israel imposed on the civilian population of the occupied territories and maintained that only a cessation of the escalation of violence, from whatever source, could make it possible to restore the climate of confidence so indispensable to dialogue. While recognizing that Israel as the occupying Power had to respect the provisions of the Fourth Geneva Convention of 12 August 1949 relative

to the Protection of Civilian Persons in Time of War and aware from the available information that some measures taken by Israel in the occupied territories were in fact not in keeping with the provisions of that Convention, France stated that his delegation was, nevertheless, compelled to abstain on the draft resolution, since it implied that all those measures were contrary to the Convention.¹⁷

Also in explanation of vote, the representative of the United States of America rejected the draft resolution, stating that it singled out for condemnation the detention and other policies of Israel in the West Bank and Gaza, without equally condemning and calling for a halt to the acts of terror against Israeli civilians and officials in the West Bank and Gaza that had provoked those policies. He said that one-sided draft resolutions such as one under consideration encouraged the spiral of violence and retaliation by hardening the attitudes of all parties. The party singled out for condemnation would conclude that it could never get a fair hearing and the other parties would believe that the Security Council had condoned their actions. He said the present draft resolution undercut rather than strengthened the ability of the Council to play a positive role in resolving the problems that were the root cause of the violence by exacerbating an already volatile situation.¹⁸

At the same meeting, the President put the draft resolution to the vote. It received 10 votes to 1, with 4 abstentions, and failed to be adopted owing to the negative vote of a permanent member of the Council.¹⁹

After the vote, the representative of the United Kingdom of Great Britain and Northern Ireland explained that despite the unhappiness of his delegation at certain aspects of the conduct of the Israeli authorities, it was not satisfied that operative paragraph 2 of the draft resolution conformed with the occupying Power's legal obligations in this case and his delegation would have welcomed a balanced reference calling for an end to violence by all parties. He regretted that suggestions on those lines had not been taken up and therefore he had had to abstain on the draft resolution.²⁰

Decision of 30 January 1986 (2650th meeting): rejection of a five-Power draft resolution

By a letter dated 16 January 1986 addressed to the President of the Security Council,²¹ the representative of Morocco, in his capacity as the Chairman of the Organization of the Islamic Conference, requested an urgent meeting of the Council to consider the serious threat to international peace and security resulting from Israeli acts of profanation committed against the sanctuary of Haram al-Sharif in Al-Quds (Jerusalem).

By a letter dated 16 January 1986 addressed to the President of the Security Council,²² the representative of the United Arab Emirates, in his capacity as Chairman of the Group of Arab States, requested an urgent meeting of the Security Council to consider the grave situation created in

¹⁴Ibid., p. 46.

¹⁵Ibid., Trinidad and Tobago, pp. 19 and 20; Burkina Faso, p. 38; Madagascar, p. 51; Peru, p. 52; Thailand, pp. 54 and 55; and Ukrainian SSR, pp. 58 and 59.

¹⁶S/17459.

¹⁷S/PV.2605, pp. 76 and 77.

¹⁸Ibid., pp. 79 and 80.

¹⁹For the vote, see *ibid.*, p. 81.

²⁰Ibid., p. 88.

²¹S/17740.

²²S/17741.

Jerusalem by Israeli actions violating the sanctity of the Haram al-Sharif.

At its 2643rd meeting, on 21 January 1986, the Council included the letters from Morocco and the United Arab Emirates in its agenda without objection,²³ and considered the matter at eight meetings, on 21 to 30 January 1986. At the same meeting the Council decided, by vote, to invite the representative of the PLO, in accordance with the Council's past practice, to participate in the debate;²⁴ and also to extend an invitation under rule 39, at the request of the United Arab Emirates, to Mr. Samir Mansouri. At its 2644th meeting, the Council also decided to extend an invitation, under rule 39 of the provisional rules of procedure, to the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.²⁵ At its 2646th meeting, the Council also decided at the request of Morocco to extend an invitation to Mr. Syed Sharifuddin, Secretary-General of OIC, under rule 39 of the provisional rules of procedure.²⁵

In the course of the meetings the representatives of Afghanistan, Algeria, Bangladesh, Brunei Darussalam, Cuba, Egypt, Guinea, India, Indonesia, Iraq, Israel, the Islamic Republic of Iran, Jordan, the Libyan Arab Jamahiriya, Malaysia, Mauritania, Nicaragua, Pakistan, Qatar, Saudi Arabia, the Sudan, the Syrian Arab Republic, Tunisia, Turkey, Yemen and Yugoslavia were invited, at their request, to participate in the debate without the right to vote.²⁵

At the 2643rd meeting, on 21 January 1986, the President drew the attention of members of the Security Council to three letters dated 9 January, 15 January and 20 January 1986 from the representatives of Jordan and Israel addressed to the Secretary-General.²⁶

At the same meeting, the representative of Morocco, in his capacity as Chairman of the Group of States Members of OIC, charged that throughout the first half of January the Al-Aqsa al-Sharif Mosque had been desecrated by members of the Israeli Knesset and despite all the attempts to achieve a peaceful settlement of the question of Al-Quds, Israel had thus far displayed only arrogance and scorn, stepping up its illegal measures, even annexing the City of Al-Quds and declaring it its administrative capital. He warned that the credibility of the Organization was at stake and it now had to show its commitment to universality by demanding proper respect for the Holy City of Jerusalem, the age-old crucible of universal civilization. The Council and each of its members had to go beyond short-term domestic or external political plans and solemnly affirm the fundamental inviolable principles governing the rights of innocent civilian populations, defending them against terrorist practices from any quarter, respecting religious beliefs and showing tolerance for differing practices and beliefs. Demanding that the Council meet its responsibilities under the Charter, he stressed that firmness

²³S/PV.2643, pp. 8-43.

²⁴The proposal to invite the representative of the PLO was carried by 10 votes to 1, with 4 abstentions. For the relevant statement by the representative of the United States of America regarding the invitation and for details of the voting, see S/PV.2643, as well as chap. III of the present Supplement.

²⁵For further details, see chap. III.

²⁶S/17727 dated 9 January 1986 from Jordan, S/17739 dated 15 January 1986 from Israel and S/17749 dated 20 January 1986 from Jordan.

in the condemnation of the acts of profanation and in the warning addressed to Israel would be the surest way to strengthen the chances of a peaceful, comprehensive settlement of the entire Middle East question that would respect the sacred and inalienable national rights of the Palestinian people.²⁷

Also at the same meeting, the representative of the United Arab Emirates charged that, in its violation of the sanctity of Al-Haram al-Sharif, Israel had also violated both article 46 of the Hague Convention and of the Fourth Geneva Convention, in particular its articles 27 and 58, which called for respect by the occupying State, Israel, for the observance by the Palestinian Arabs, the people under their protection, of their religious beliefs. He urged the Council not to be content with denunciation and condemnation but to act to impose the necessary controls so as to prevent the recurrence of such acts of aggression, to put an end to Israeli aggression and recognize the inalienable rights of the Palestinian people, in particular its right to self-determination, thus preparing the ground for a just and comprehensive peace in the region.²⁸

The representative of Israel maintained that the visit of a group of Members of the Knesset on 8 January to the Temple Mount was a courtesy tour, coordinated in advance with the Ministry of Religious Affairs and the Muslim religious authorities, the *Waqf*, which under Israeli policy administered the Muslim holy places. However, a handful of agitators had attempted to transform a routine visit into a mob scene. He stated that the main instigator for convening the Council was the PLO, which had suffered many political and military setbacks. The PLO had been weakened and dispersed and its duplicity had been exposed by the *Achille Lauro* murder. Through this meeting of the Council it was attempting to regain lost ground by trying to inflame religious intolerance and hatred. He reiterated that Jerusalem, united in its entirety under the Israeli flag, was the capital of Israel. It had been the capital of the Jewish people since the time of David and would remain so forever. Israel had overall responsibility for safeguarding religious freedom and religious sites in Jerusalem, regardless of their status. In summing up his country's record and its policies, the representative emphasized Israel's commitment to a policy of tolerance and its record of unparalleled, unsurpassed respect for all religions and for all faiths.²⁹

The representative of Saudi Arabia stated that his country was committed not only to the full rights of the Palestinian people, but to the Arab character of Al-Quds and the sanctity of the Al-Aqsa Mosque, the first of the two Kiblas and the third holiest shrine in Islam. He appealed to the Council members to recognize and deal with the seriousness of what Israel was doing in Al-Quds and the Al-Aqsa Mosque and resolutely to adopt a firm resolution on this grave situation.³⁰

The representative of the PLO rejected any rights of Israel over Jerusalem. He recalled that on several occasions the Security Council had determined that the measures taken by Israel, both administrative and legislative, were null and void and thus Jerusalem was beyond Israel's sov-

²⁷S/PV.2643, pp. 9-15.

²⁸*Ibid.*, pp. 17, 18 and 26.

²⁹*Ibid.*, pp. 26-30.

³⁰*Ibid.*, pp. 41 and 42.

ereignty. He said that Israel was the occupying Power and was duty-bound to abide by the norms of international law, the provisions of the Fourth Geneva Convention and the relevant resolutions of the United Nations—precisely the resolutions adopted by the Security Council. Thus the mere presence in the Sanctuary, he charged, of some members of the Interior Committee of the Knesset was a violation and an attempt to provoke a confrontation, leading to an escalation of the policy of Israel against the Palestinian people. The Knesset dealt with matters affecting Israeli sovereignty, but the occupied territory, including Jerusalem, did not come under that sovereignty. He called on the Council to take concrete measures conducive to a comprehensive, just and lasting peace.³¹

The representative of Jordan maintained that the Arab city of Al-Quds was part and parcel of the occupied West Bank. It was occupied Arab territory, subject to the provisions of the Fourth Geneva Convention and Security Council resolutions, which emphasized the inadmissibility of the acquisition of territory by force. Charging that the attempts by Israel to violate the sanctity of Al-Aqsa Mosque affirmed the imperative need for the Council to take effective measures to preserve the status and integrity of the Islamic Holy Places and obtain respect for its resolutions on Jerusalem and their implementation, he further called for the termination of Israeli occupation of all the Arab territories, including Al-Quds, through a just, comprehensive and peaceful settlement.³²

The representative of the Syrian Arab Republic charged that the latest Israeli violations of the resolutions of the Security Council and the General Assembly since the occupation of Jerusalem indicated that Israel was persisting in its defiance of the United Nations and in particular the Security Council. He maintained that those violations showed that Israel did not abide by its commitments under the Charter and therefore should be denied its membership in the United Nations. He further called on the Security Council to impose on Israel mandatory and comprehensive sanctions under Chapter VII of the Charter.³³

The representative of Egypt called upon the Council to reaffirm its position concerning the status of East Jerusalem and Arab rights there. He stressed the following: the inadmissibility of the occupation of land through military force; the sanctity of Al-Haram Al-Sharif and the need for an immediate end to any provocative act or acts that violated inherent, inalienable Arab and Islamic rights in the Al-Haram area; Israel's adherence to the Geneva Conventions and the principles of international law that govern and define the responsibilities of the occupying Power and acceptance of the fact that Israel should not hamper the work of the Supreme Islamic Council responsible for Al-Haram's affairs; and, lastly, the illegitimacy of all Israel practices aimed at changing the nature, the status or the demographic composition of the occupied Arab territories, including Arab East Jerusalem. He called on Israel to persevere in its efforts to enable steps to resume towards the re-establishment of bridges of confidence, which was the indispensable prerequisite for the creation of the necessary climate to start new, serious negotiations between all the

parties within the framework of an international peace conference to achieve a comprehensive lasting and just settlement of the dispute.³⁴

The Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People recalled the number of resolutions adopted by the Council that reaffirmed the principle of the inadmissibility of the acquisition of territory by military conquest and confirmed that all legislative and administrative measures taken by Israel to change the status of Jerusalem, in particular the Basic Law, were in violation of the Geneva Convention and completely null and void. He also maintained that the status of Jerusalem was one of the fundamental issues in the Middle East dispute and that a solution of that question could only be envisaged within the framework of a comprehensive settlement in the Middle East in which implementation of the inalienable rights of the Palestinian people as defined by the General Assembly would have a central place. He called for an urgent initiation of the negotiation process under the auspices of the United Nations and in a spirit of understanding and cooperation, with respect for the fundamental interests of all parties concerned.³⁵

The representative of the Libyan Arab Jamahiriya charged Israel with disregarding the relevant resolutions of the Security Council and the General Assembly and rejecting commitments stemming from the Charter of the United Nations, all of which proved in the Libyan view that Israel was a non-peace-loving Member not deserving of United Nations membership. He called on the Security Council to deny Israel membership and to impose mandatory economic sanctions against it until Israel heeded the will of the international community and respected the resolutions of the United Nations.³⁶

The representative of the Union of Soviet Socialist Republics maintained that Israel's actions in Jerusalem warranted categorical condemnation and demanded that the Security Council take all necessary measures to prevent a repetition of such actions in the future. He condemned Israel for its continued defiance, disregard and refusal to comply with the numerous United Nations decisions and charged Israel with stubbornly refusing to recognize the inalienable rights of the Palestinian people and committing acts of armed intrusion into the territories of the Arab States. Calling for the total withdrawal of Israeli troops from all occupied Arab territories and for the Palestinian people to be allowed fully to exercise its inalienable right to statehood, he reiterated the need for an international conference for peace in the Middle East.³⁷

During the course of the debate, a number of other speakers appealed, in various terms, for firm action by the Security Council to put an end to Israeli acts of aggression, its illegal occupation of Arab territories and the desecration of Islamic Holy places. Urging the Council to adopt appropriate measures to ensure compliance with the relevant United Nations resolutions, they emphasized that Israel, as an occupying Power, was also bound by the norms of international law and the provisions of the Fourth Geneva Convention of 1949. Many agreed on the need to achieve

³¹S/PV.2644, pp. 12-17.

³²Ibid., pp. 26 and 27.

³³Ibid., pp. 36 and 37.

³⁴S/PV.2645, pp. 17 and 18.

³⁵Ibid., pp. 26 and 27.

³⁶Ibid., pp. 34 and 35.

³⁷S/PV.2646, pp. 16 and 17.

a just and comprehensive peaceful settlement of the Middle East conflict as a whole, including the restoration of the legitimate and inalienable rights of the Palestinian people to self-determination. In this context several supported the convening of an international peace conference on the Middle East.³⁸

At the 2650th meeting, on 30 January 1986, the representative of China held that the question of Jerusalem was an important component of the whole Middle East question and that the ultimate solution of the question of Jerusalem hinged on a comprehensive, fair and lasting settlement of the Middle East question. He called upon Israel to withdraw from the Arab territories it had occupied, including Jerusalem, and for the restoration of the national rights of the Palestinian people and the other Arab countries.³⁹

At the same meeting, the President drew the attention of the members of the Security Council to a draft resolution submitted by the Congo, Ghana, Madagascar, Trinidad and Tobago, and the United Arab Emirates.⁴⁰ Under the preambular part of this draft resolution, the Council would have taken note of the letters from the Permanent Representatives of Morocco (S/17740) and the United Arab Emirates (S/17741) to the United Nations, both addressed on 16 January 1986 to the President of the Council; would have reaffirmed that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, was applicable to the Arab territories occupied by Israel since 1967, including Jerusalem, and, while bearing in mind the specific status of Jerusalem and, in particular, the need to protect and preserve the unique spiritual and religious dimensions of the Holy Places in the City, would have recalled and reaffirmed its resolutions relevant to the status and character of the Holy City of Jerusalem, in particular resolutions 252 (1968), 267 (1969), 271 (1969) and 298 (1971), the consensus statement made by the President of the Security Council on 11 November 1976 and resolutions 465 (1980), 476 (1980) and 478 (1980); would have strongly deplored the continued refusal of Israel, the occupying Power, to comply with the relevant resolutions of the Security Council; would have expressed deep concern at the provocative acts by Israelis, including members of the Knesset, who had violated the sanctity of the sanctuary of the Haram Al-Sharif in Jerusalem; would have further deplored the provocative acts that had violated the sanctity of the sanctuary of the Haram Al-Sharif in Jerusalem and affirmed that such acts constituted a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East, whose failure could also endanger international peace and security; would have also determined again that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Pales-

tinian and other Arab territories occupied since 1967, including Jerusalem, or any part thereof, had no legal validity and that the policy and practices of Israel in settling parts of its population and new immigrants in those territories constituted a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and also constituted a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East; would have reiterated that all legislative and administrative measures and actions taken by Israel, the occupying Power, that had altered or purported to alter the character and status of the Holy City of Jerusalem and in particular the Basic Law on Jerusalem were null and void and had to be rescinded forthwith; would have called upon Israel, the occupying Power, to observe scrupulously the norms of international law governing military occupation, in particular the provisions of the Fourth Geneva Convention, and to prevent any hindrance to the discharge of the established functions of the Supreme Islamic Council in Jerusalem, including any co-operation that the Council desired from countries with predominantly Muslim populations and from Muslim communities in relation to its plans for the maintenance and repair of the Islamic Holy Places; and while urgently calling on Israel, the occupying Power, to implement forthwith the provisions of this resolution and the relevant Security Council resolutions, would request the Secretary-General to report to the Security Council on the implementation of the present resolution before 1 May 1986.

At the same meeting, prior to the vote, the representative of the United Kingdom of Great Britain and Northern Ireland reiterated his country's inability to recognize the sovereignty of any State over Jerusalem pending a final determination of the status of the area and called on Israel to continue to carry out its responsibilities under the Geneva Convention.⁴¹

The representative of the United States of America indicated that his delegation would oppose the draft resolution as his Government's request for a brief postponement of the vote in order to clarify and ameliorate the situation had not been acceded to. Also, the text of the draft resolution gave the unmistakable impression that Israel was to blame for the provocative actions of a few individuals. Attempts were also made to use those incidents as a pretext for addressing the larger issues of the status of Jerusalem and Israel's stewardship as an occupying Power. The work of the Security Council, once seized of the subject, should have been to invite people of good faith from all religions to join together in tolerance and mutual respect to honour the unique spiritual importance of the Holy Places in the City of Jerusalem, without rancour or partisanship. However, he said, the Council had chosen a different path.⁴²

The representative of France noted that his country recognized the particularly important and especially sensitive role of the issue of Jerusalem issue for all the parties involved. However, France accepted no unilateral initiative that could result in changing the status of Jerusalem.⁴³

The President then put the draft resolution to the vote; it received 13 votes to 1, with 1 abstention, and was not

³⁸ Pakistan, S/PV.2644, p. 42; Qatar, S/PV.2645, p. 12; Turkey, *ibid.*, p. 38; Bangladesh, *ibid.*, pp. 42 and 43; Tunisia, S/PV.2646, pp. 11-15; Ghana, *ibid.*, p. 26; Algeria, *ibid.*, pp. 33-35; Mauritania, *ibid.*, pp. 41 and 42; Indonesia, *ibid.*, p. 48; Thailand, S/PV.2647, p. 5; Islamic Republic of Iran, *ibid.*, pp. 14 and 15; Brunei Darussalam, *ibid.*, p. 22; Guinea, *ibid.*, pp. 23-25; India, *ibid.*, pp. 33-36; Malaysia, *ibid.*, pp. 41 and 42; Sudan, *ibid.*, pp. 46-52; Cuba, S/PV.2648, p. 21; Madagascar, S/PV.2649, p. 6; Afghanistan, *ibid.*, pp. 9-11; Yugoslavia, *ibid.*, pp. 14-16; Nicaragua, *ibid.*, pp. 18-21; Yemen, *ibid.*, p. 26; Iraq, S/PV.2650, pp. 28-30; Australia, *ibid.*, pp. 29 and 30; and Denmark, *ibid.*, pp. 32-35.

³⁹S/PV.2650, p. 18.

⁴⁰S/17769/Rev.1.

⁴¹S/PV.2650, p. 22.

⁴²*ibid.*, pp. 23-26.

⁴³*ibid.*, p. 27.

adopted, owing to the negative vote of a permanent member of the Security Council.⁴⁴

Decision of 8 December 1986 (2727th meeting): resolution 592 (1986)

By a letter dated 4 December 1986 addressed to the President of the Security Council,⁴⁵ the representative of Zimbabwe requested a meeting of the Council to consider the situation in the Israeli-occupied Palestinian and other Arab territories, including Jerusalem.

At its 2724th meeting, on 5 December 1986, the Council included the letter from Zimbabwe in its agenda without objection⁴⁶ and considered the matter at four meetings, on 5 to 8 December 1986. At the same meeting, the Council decided by vote to invite the representative of the Palestine Liberation Organization, in accordance with the Council's past practice, to participate in the debate.⁴⁷ Also at the same meeting, the Council decided to extend an invitation under rule 39, at his request, to the Vice-Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.⁴⁸

At the same meeting, the Council decided to extend an invitation under rule 39, at the request of the representative of the United Arab Emirates, to Mr. Clovis Maksoud, Permanent Observer for the League of Arab States to the United Nations.⁴⁹

In the course of the meetings, the representatives of Egypt, Israel, Jordan, Kuwait, Morocco and the Syrian Arab Republic were invited, at their request, to participate in the debate without the right to vote.⁵⁰

Opening the debate, the representative of Zimbabwe said that the shooting of unarmed Palestinian students from Bir Zeit University and the seizing of the University were deliberate acts of Israel provoking more violence and inflicting more death and suffering upon the Palestinian people. Those actions further demonstrated Israel's total contempt for the findings and demands of the Security Council and the General Assembly with regard to its continuing illegal occupation of Palestinian and other Arab territories, including Jerusalem. Condemning its policies as aggressive and expansionist, he called for the curbing of Israel's arrogance by the adoption and imposition of measures under Chapter VII of the Charter, as urged by the Eighth Conference of Heads of State or Government of Non-Aligned Countries in view of its intolerable intransigence. Zimbabwe appealed to the Council to take urgent steps to establish the preparatory committee in order to bring about an international peace conference on the Middle East.⁵¹

The representative of the Palestine Liberation Organization (PLO) charged Israel with using force to disperse

peaceful demonstrators. He said that the students of Bir Zeit University were commemorating the International Day of Solidarity with the Palestinian People, observance of which had been initiated by the General Assembly. He stated that the Palestinians under occupation had the right and the duty to manifest their position in a peaceful way. He called on the Security Council to demand that Israel respect the provisions of the 1949 Geneva Convention Relative to the Protection of Civilian Persons in Time of War. He stressed that the members of the Council, jointly and individually, were bound to ensure respect for the Convention. He further expressed hope that the Council would take action under the powers vested in it by the Charter to put an end to the practices of the Israeli occupation forces.⁵²

The representative of Kuwait, in his capacity as Chairman of the Group of Arab States, stated that the Security Council was once again meeting to consider the seriousness of the practices pursued by Israel in the occupied Arab and Palestinian territories. Those practices constituted a flagrant violation of norms of international law, the 1949 Geneva Convention on the Protection of Civilian Persons in Time of War, all other human rights agreements and the Charter of the United Nations. He called on the Council to strongly condemn Israel's actions in the occupied Arab territories and to demand that Israel put an end to its flagrant violations of human rights. He urged the Council also to compel Israel to implement United Nations resolutions and not to allow the Palestinian people to become the victim of the military force of Israel. He reiterated that only a lasting political and just solution to the question of Palestine could bring permanent peace to the region. He reiterated the call of the international community for the convening of the international peace conference on the Middle East.⁵³

The representative of Egypt condemned Israel for refusing to comply with the demands of the international community. He called on the Security Council, in particular its permanent members, to attack actively and effectively the perpetuation of Israeli occupation and the denial to the Palestinians of their right to live in freedom on their territory, Palestine. He supported the convening of the international peace conference on the Middle East as a logical and objective means to ensure the beginning of the process of negotiations between the parties concerned, in order to find a solution to the Arab-Israeli conflict.⁵⁴

The representative of Morocco, speaking in his capacity as Chairman of the Group of States members of the OIC, charged Israel for its continued acts of repression, thereby violating the Fourth Geneva Convention of 1949 and the decisions of the Security Council. He emphasized that the surest way to strengthen the chances of an overall settlement of the Middle East question, with respect for the sacred and inalienable rights of the Palestinian people, was for the Council to take action so that the law was not trampled underfoot and to adopt a clear and unambiguous position.⁵⁵

⁴⁴*Ibid.*, pp. 31 and 32.

⁴⁵S/18501.

⁴⁶S/PV.2724, p. 2.

⁴⁷The proposal to invite the representative of the PLO was carried by 10 votes to 1, with 4 abstentions. For the relevant statement by the representative of the United States of America regarding the invitation and for details of the voting see S/PV.2724, pp. 3-5, and chap. III of the present *Supplement*.

⁴⁸S/PV.2724, p. 5.

⁴⁹*Ibid.*, p. 6.

⁵⁰For details regarding the invitations, see chap. III of the present *Supplement*.

⁵¹S/PV.2724, pp. 7-12.

⁵²*Ibid.*, pp. 14-17.

⁵³*Ibid.*, pp. 27-33.

⁵⁴*Ibid.*, pp. 38-41.

⁵⁵*Ibid.*, pp. 43-47.

The representative of Israel, in defending its actions at Bir Zeit, maintained that a Government's responsibility to enforce law and order did not change with the status of the territory under its control. Israel had fulfilled that responsibility assumed by its laws as well as by international law. He warned that the incident at Bir Zeit was not to be viewed in isolation. It was part of a larger effort by the PLO to restore its shattered position. The PLO's decline had led to internecine warfare within the PLO ranks. He charged the PLO with misusing the Council for propaganda and political incitement and warned that if the Council relented by passing a PLO-backed resolution it would merely encourage the PLO to foment further riots and bloodshed.⁵⁶

The representative of Senegal, speaking in his capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, warned that Israel's policy and practices and lack of progress towards a comprehensive, peaceful, just and lasting solution of the problem only increased the tensions and violence in the region, seriously jeopardizing international peace and security. He said that this state of affairs would continue unaltered as long as the Palestinian people were prevented from exercising their right to self-determination, national independence and sovereignty and the Palestinian and other Arab territories continued to be occupied. Expressing support for the convening of the international peace conference on the Middle East, he stressed that it offered all the parties concerned the full responsibility of participating in the negotiations, which could lead to a just and lasting solution of the question. He also appealed to the Council to take appropriate measures to ensure resumption of the policy of dialogue among all the parties concerned so as to end the tragic situation in the Middle East.⁵⁷

The representative of Jordan, charging that the principle of provocation and of inciting civilians through the creation of crisis was an unchanging element of Israel's relationship with the Palestinian people, urged the Security Council to deal appropriately with the Israeli occupation and the accompanying Israeli practices in a manner that would contribute to the achievement of peace and the maintenance of the Council's credibility. The Council's action had to include laying the bases agreed on by international consensus as necessary to achieve a comprehensive, just and lasting political settlement of the Palestinian problem through implementation of the relevant resolutions of the Council, in particular resolutions 242 (1967) and 338 (1973), and through fulfilment of the legitimate rights of the Palestinian people. He suggested the convening of the international peace conference on the Middle East under the auspices of the United Nations and with the participation of the permanent members of the Council and the parties concerned. He appealed to the Council to adopt a resolution that would include condemnation and denunciation of Israeli policies against civilians in the occupied territories; illegitimacy and illegality of Israeli settlements in the occupied territories; Israeli practices against Islamic and Christian Holy Places, educational institutions and academic freedoms; and, finally, rejection of Israeli attempts to alter the geographical, demographic and legal nature of

the City of Jerusalem and towns in the West Bank and the Gaza Strip.⁵⁸

The representative of the Syrian Arab Republic stated that as long as Israel continued its occupation of Arab lands and did not withdraw from the occupied Arab territories, events similar to the killing of students at Bir Zeit University would continue to occur. Coexistence between the Palestinian people and the occupation forces was impossible and was equally impossible for the Syrian people in the occupied Golan. He emphasized that the central problem in the region was the continuing Israeli occupation of Arab territories, in violation of General Assembly resolutions that called upon Israel to withdraw from all the occupied Arab territories.⁵⁹

The representative of the Union of Soviet Socialist Republics condemned Israel's actions in Jerusalem, as well as in Ramallah and Bir Zeit, and supported the demands that the Security Council adopt all the measures necessary to prevent the recurrence of such actions. He also supported the convening of the international peace conference to settle the Middle East problem on a just and lasting basis, taking into account the legitimate interests and rights of all States and peoples in the region.⁶⁰

The representative of China, condemning Israel for its policy of hostility against the Palestinian people and denial of their national rights, called upon the Security Council to take urgent measures to check the atrocities of the Israeli authorities and to demand immediate Israeli implementation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and cessation of its suppression of the inhabitants of the occupied territories.⁶¹

The representative of France deplored the escalation of acts of violence and repression and recalled that it was the duty of the Israeli authorities to respect the Fourth Geneva Convention of 1949 on the Protection of Civilian Persons in Time of War. He said that those acts of violation drew attention to the urgent need to bring about a comprehensive peace settlement in the Middle East that would be both lasting and just.⁶²

The representative of the United Kingdom of Great Britain and Northern Ireland reiterated his delegation's view that the part of Jerusalem occupied by Israel since 1967, like the remainder of the West Bank and the Gaza Strip, constituted occupied territory to which the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War were applicable. Also, his Government was opposed to the continuance of Israeli military occupation, but as long as that military occupation continued, and in the absence of a political settlement, it was incumbent upon the Israeli Government to ensure that its administration was indeed as benign as Israel claimed.⁶³

In the course of the meetings, other speakers called on the Security Council to condemn Israel's breach of the terms of international law and to seek immediate ratification of Israel's practices in the occupied territories. They demanded Israel's implementation of the relevant Security Council resolutions, respect for the Fourth Geneva Con-

⁵⁸*Ibid.*, pp. 13-17.

⁵⁹*Ibid.*, pp. 23-26.

⁶⁰*Ibid.*, pp. 46 and 47.

⁶¹*Ibid.*, p. 51.

⁶²S/PV.2726, pp. 9 and 10.

⁶³*Ibid.*, p. 16.

⁵⁶*Ibid.*, pp. 56-58.

⁵⁷S/PV.2725, pp. 7-10.

vention of 1949, its withdrawal from all parts of the occupied territories and respect for the international character of Jerusalem. They also expressed support for the convening of the international peace conference on the Middle East with the participation of the permanent members of the Security Council.⁶⁴

At the 2727th meeting, on 8 December 1986, the President drew the attention of the members of the Council to the text of a draft resolution submitted by the Congo, Ghana, Madagascar, Trinidad and Tobago and the United Arab Emirates⁶⁵ and subsequently orally revised.⁶⁶

The draft resolution was then put to the vote and was adopted by 14 votes to none, with 1 abstention (United States of America) as resolution 592 (1986). The resolution reads as follows:

The Security Council,

Having considered the letter dated 4 December 1986 from the Permanent Representative of Zimbabwe to the United Nations, in his capacity as the Chairman of the Coordinating Bureau of the Movement of Non-Aligned Countries, contained in document S/18501,

Recalling the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,

Seriously concerned about the situation in the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem,

Bearing in mind the specific status of Jerusalem,

1. *Reaffirms* that the Geneva Convention relative to the Protection of Civilian Persons in Time of War is applicable to the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem;

2. *Strongly deplores* the opening of fire by the Israeli army resulting in the death and the wounding of defenceless students;

3. *Calls upon* Israel to abide immediately and scrupulously by the Geneva Convention relative to the Protection of Civilian Persons in Time of War;

4. *Further calls upon* Israel to release any person or persons detained as a result of the recent events at Bir Zeit University in violation of the above-mentioned Geneva Convention;

5. *Also calls* on all concerned parties to exercise maximum restraint, to avoid violent acts and to contribute towards the establishment of peace;

6. *Requests* the Secretary-General to report to the Council on the implementation of the present resolution not later than 20 December 1986.

Decision of 22 December 1987 (2777th meeting): resolution 605 (1987)

By a letter dated 11 December 1987 addressed to the President of the Security Council,⁶⁷ the representative of Democratic Yemen, in his capacity as Chairman of the Group of Arab States, requested an urgent meeting of the Council to address the situation in the occupied Palestinian and other territories.

At its 2770th meeting, on 11 December 1987, the Council included the letter from Democratic Yemen in its agenda without objection⁶⁸ and considered the matter at seven meetings, on 11 to 22 December 1987. At the same meeting, the Council decided, by vote, to invite the representative of the Palestine Liberation Organization, in ac-

cordance with the Council's past practice, to participate in the debate.⁶⁹ Also at the same meeting the Council decided to extend an invitation under rule 39, at his request, to the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.⁷⁰

In the course of the meetings the representatives of Afghanistan, Algeria, Bahrain, Cuba, Czechoslovakia, Democratic Yemen, Egypt, the German Democratic Republic, India, the Islamic Republic of Iran, Iraq, Israel, Jordan, Kuwait, the Libyan Arab Jamahiriya, Morocco, Nicaragua, Pakistan, Qatar, Saudi Arabia, the Syrian Arab Republic, Tunisia, the Ukrainian Soviet Socialist Republic, Viet Nam, Yemen, Yugoslavia and Zimbabwe were invited, at their request, to participate in the debate without the right to vote.⁷¹

At its 2772nd meeting, on 14 December 1987, the Council decided to extend an invitation under rule 39, at the request of the representative of the United Arab Emirates, to Mr. Clovis Maksoud, Permanent Observer of the League of Arab States.⁷²

At its 2773rd meeting, on 15 December 1987, the Council decided to extend an invitation under Rule 39, at the request of the representative of Kuwait to Mr. Ahmet Engin Ansay, Permanent Observer for the Organization of the Islamic Conference.⁷³

At the 2770th meeting, on 11 December 1987, the representative of the PLO urged the Security Council to fulfil its responsibility by ensuring respect for the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 1949. Defending his delegation's participation in the Council's deliberations, he said that they were exercising a right—a right that had been admitted through that Convention. He charged Israel with not being able to accept the principle of an international conference to achieve peace in the area and with rejecting the principle of the international peace conference on the Middle East. He recalled several resolutions adopted by the General Assembly and the Security Council condemning Israel for its practices against the people in the occupied territories and calling upon Israel to abide by the Geneva Convention. Citing several incidents outlining Israel's practices in the occupied territories and Palestinians' protests and demonstrations, he stated that it was only natural for occupation to engender resistance. But such resistance had varying degrees of violence. The cause of this chain of violence was the perpetuation of the occupation. He added that resistance against occupation had been unanimously accepted and considered legitimate by a decision of the General Assembly (see its resolution 40/61). He warned that such resistance only increased when the hopes for a peaceful settlement diminished. He asked the Council to consider other

⁶⁴Ibid., p. 7; Bulgaria, *ibid.*, pp. 12 and 13.

⁶⁵S/18506/Rev.1.

⁶⁶S/PV.2727, p. 3.

⁶⁷S/19333.

⁶⁸S/PV.2770, p. 2.

⁶⁹The proposal to invite the representative of the PLO was carried by 10 votes to 1 (United States of America), with 4 abstentions. For the relevant statements by the representatives of the United States of America, the Federal Republic of Germany and Japan regarding the invitation and for details of the voting, see S/PV.2770, p. 7, and chap. III.

⁷⁰S/PV.2770, pp. 8-10.

⁷¹For details regarding the invitations, see chap. III of the present *Supplement*.

⁷²For details regarding the invitation, see S/PV.2772, pp. 3-5, and chap. III of the present *Supplement*.

⁷³For details regarding the invitation, see S/PV.2773, p. 4, and chap. III of the present *Supplement*.

remedies provided for in the Charter, specifically those chapters on the imposition of sanctions. He appealed to the Council to shoulder its responsibility and to take immediate action to put an end to the Israeli activities and the situation of occupation and to move closer to a comprehensive peace, as prescribed in the General Assembly resolution.⁷⁴

At the same meeting, the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People stated that the deterioration of the situation in the occupied territory was all the more disturbing because it directly affected not merely the future of the Palestinian population but also international peace and security. In supporting the convening of an international peace conference on the Middle East, he recalled the Secretary-General's report that stated that convening such a conference under United Nations auspices offered the best chance of successfully negotiating a comprehensive settlement of the Arab-Israeli conflict. He appealed to the Security Council to take appropriate steps to restore the policy of dialogue between all the parties concerned in order to put an end to the tragic state of affairs that had prevailed for more than 40 years.⁷⁵

Also at the same meeting, the representative of Israel reiterated that under international law the first responsibility of any Government, military or civilian, was to enforce law and order. He charged that the PLO incited violence. He stated that although the Arab-Israeli dispute was a complex one, it could be settled through negotiations. He, however, pointed out that the source of the conflict from the very beginning was that Palestinian Arabs lacked a State, but that the Jews had one. He charged the PLO with being committed not to peace but to the destruction of the Jewish State. He criticized the meeting of the Council as an attempt by the PLO to bail itself out of a condition of irrelevance, powerlessness and lost prestige.⁷⁶

The representative of the PLO replied that it was the duty of the Security Council to address the situation, in view of the position taken in the Council that the Fourth Geneva Convention applied to the occupied areas and that the parties were under an obligation to respect and ensure respect for the provisions of that Convention.⁷⁷

The representative of the Syrian Arab Republic stated that the situation before the Security Council was not merely one of popular unrest or demonstrations, but it was the will of a people to resist occupation; terrorist measures practised against it by Israeli occupation forces and a Government waging a systematic extermination campaign against the inhabitants of the occupied Arab lands. He said that the continuation of Israeli occupation of Arab lands represented a constant violation of the Charter of the United Nations and international law. He called on the Council to put an end to Israeli behaviour and to adopt measures, notably those under Chapter VII of the Charter, to compel Israel to comply with the United Nations resolutions and the provisions of international law by withdrawing fully and unconditionally from all the occupied Arab and Palestinian territories.⁷⁸

The representative of Egypt charged Israel with continuing to suppress and terrorize the population of the occupied

territories. Such a path, he said, could not lead to a final, just and comprehensive settlement, for it was the path of force and of resort to the use of force and violence as a means of settling a conflict. He supported the convening of the international conference on the Middle East as the best guarantee for the achievement of stability, good neighbourliness and fruitful, constructive cooperation among all the peoples of the Middle East. Calling on the Council to shoulder its responsibilities by reaffirming its resolutions on the occupied territories and reaffirming that the Israeli occupying Power had undertaken to implement strictly the Geneva Convention, he also asked the Council to request Israel to cease and desist from its acts.⁷⁹

The representative of Jordan called on the Security Council to denounce the continued Israeli occupation of Arab territories and to request Israel to end its acts of aggression and oppression, including firing on civilians, and to begin to put into place conditions conducive to moving forward the peace process, through the convening of an international conference under United Nations auspices, with the participation of all parties and in implementation of the relevant United Nations resolutions.⁸⁰

During the discussions, a number of speakers appealed to the Security Council to redouble its efforts and to promote the convening of an international conference in order to reach a peaceful, comprehensive, just and durable settlement of the Palestinian question. They condemned Israel for its violation of the Fourth Geneva Convention of 1949 and the Charter of the United Nations and for its non-compliance with the United Nations resolutions. They emphasized that a just and lasting solution to the conflict had to include the exercise of the right of self-determination by the Palestinian people.⁸¹

Speaking in his second intervention, the representative of the PLO called for more serious measures by the Security Council through implementation of the provisions of the Charter, especially Chapter VII, and adoption of a resolution providing for the withdrawal of the Israeli forces from populated areas and their replacement with the United Nations peacekeeping forces. He also called on the Council to form a committee or to send a special fact-finding mission to the territories.⁸²

Calling on the Security Council to reiterate firmly the applicability of the 1949 Geneva Convention to Palestine and other Arab territories under Israeli occupation since 1947 and to demand immediate and strict compliance with the provisions therein, the representative of China also called on the Council to consider adopting other specific

⁷⁹Ibid., pp. 17-21.

⁸⁰Ibid., pp. 36 and 37.

⁸¹Qatar, S/PV.2773, pp. 6 and 7; Saudi Arabia, *ibid.*, pp. 12-15; Kuwait, *ibid.*, pp. 16-21; Cuba, *ibid.*, p. 41; Bahrain, *ibid.*, pp. 47-50; Iraq, *ibid.*, p. 54; Pakistan, S/PV.2774, pp. 23 and 24; Yemen, *ibid.*, pp. 27-32; Ghana, *ibid.*, p. 37; Islamic Republic of Iran, *ibid.*, p. 43; Algeria, *ibid.*, pp. 48-50; Libyan Arab Jamahiriya, *ibid.*, pp. 53-56; Democratic Yemen, *ibid.*, p. 61; Yugoslavia, *ibid.*, pp. 64-66; India, *ibid.*, pp. 68-70; Tunisia, S/PV.2775, pp. 7-12; Bulgaria, *ibid.*, pp. 17-20; Zambia, *ibid.*, pp. 22-25; Viet Nam, *ibid.*, p. 28; Ukrainian Soviet Socialist Republic, *ibid.*, pp. 31-33; Morocco, *ibid.*, pp. 36 and 37; German Democratic Republic, *ibid.*, pp. 41 and 42; Italy, *ibid.*, pp. 45 and 46; Afghanistan, *ibid.*, pp. 51-53; Czechoslovakia, *ibid.*, pp. 56-58; Congo, *ibid.*, pp. 62-66; Nicaragua, S/PV.2776, pp. 7-9; Federal Republic of Germany, *ibid.*, pp. 11 and 12; United Arab Emirates, *ibid.*, pp. 22-24; and Japan, S/PV.2777, pp. 12 and 13.

⁸²S/PV.2774, p. 12.

⁷⁴S/PV.2770, pp. 12-27.

⁷⁵Ibid., pp. 28-34.

⁷⁶Ibid., pp. 41-46.

⁷⁷Ibid., p. 47.

⁷⁸S/PV.2772, pp. 6-15.

and effective measures. He stressed the convening of an international conference under the auspices of the United Nations with the participation in particular of the permanent members of the Council.⁸³

The representative of France supported the convening of an international peace conference with the participation of all parties concerned as well as the permanent members of the Council. Demanding that Israel respect the Geneva Conventions, he asked the United Nations to act in order to produce a comprehensive settlement.⁸⁴

Referring to the draft text unofficially circulated and objecting to that text, the representative of Israel criticized the draft text as totally one-sided as it failed to condemn the PLO for acts of terrorism and placed all the responsibility on Israel and condemned only Israel. Referring to the Fourth Geneva Convention, he said that Israel did not recognize its formal application to the territories and that Israel had done nothing that contradicted the provisions of the Convention. Israel had acted to restore law and order, an obligation also recognized by that Convention. With reference in the text to the appointment of a special representative to report on measures necessary to ensure safety of and protection for the Palestinian civilians under Israeli occupation, he asserted that those matters related to security questions and were the exclusive responsibility of Israel and warned that Israel would not countenance any interference in them. He maintained that a genuine solution could not be obtained by such one-sided resolutions but only in the framework of a political solution, which could be achieved through direct negotiations based on Security Council resolutions 242 (1967) and 338 (1993).⁸⁵

The representative of Zimbabwe recalled the communiqué issued at the meeting of the Coordinating Bureau of the Non-Aligned Countries, held on 15 December 1987, which, *inter alia*, had called upon the Council to dispatch a fact-finding mission to the occupied territories to investigate the situation and report to the Council as soon as possible. He said that that communiqué had also renewed its call to the Council to invoke Chapter VII of the Charter against Israel, with a view to enforcing immediate and total withdrawal and ending occupation.⁸⁶

The representative of the United Kingdom of Great Britain and Northern Ireland reiterated that the territories occupied by Israel in 1967 and since were just occupied territories to which the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War applied. Those territories comprised the West Bank, the Gaza Strip, that part of Jerusalem over which the British Government did not recognize Israel's *de facto* authority and the Golan Heights. He also reiterated his Government's recognition of Jordanian sovereignty over the West Bank and its inability to recognize the sovereignty of any State over Jerusalem pending a final determination of the status of that area. Condemning Israel for its non-compliance with the provisions of the Convention, he expressed concern over the serious consequences of continued Israeli occupation, for international peace and security and in respect of its resolutions 242 (1967) and 338 (1973). He

supported the convening of an international conference in a form agreed by the parties concerned and called on the Security Council to do its utmost to bring about a just, lasting and comprehensive settlement.⁸⁷

The President of the Security Council, speaking in his capacity as representative of the Union of Soviet Socialist Republics, pointed out that without a solution to the question of Palestine it would be impossible to establish a just and lasting peace in the Middle East. He supported the holding of an international conference with the participation of all parties involved, including the Arab people of Palestine and the five permanent members of the Security Council.⁸⁸

At the same meeting, the President said that he had been informed that the consultations between the sponsors of the draft resolution and several members of the Council had not yet been completed and that he had been requested to suspend the meeting for one hour. When the meeting resumed after a brief suspension, the President said that further consultations were required and that the Council would defer action on the draft resolution until 21 December 1987. At the 2777th meeting, on 22 December 1987, the President drew to the attention of the Council members the text of a revised draft resolution sponsored by Argentina, the Congo, Ghana, the United Arab Emirates and Zambia.⁸⁹

The representative of Israel criticized the draft resolution as unbalanced and unreasonable and reiterated that the Arab-Israeli conflict could only be solved in the context of a political solution, through direct peace negotiations on the basis of resolutions 242 (1967) and 338 (1973), based on mutual respect for the rights of Jews and Arabs alike. He held that such a political solution lay not in the hands of the Security Council but rather with the States concerned.⁹⁰

The Permanent Observer for LAS, Mr. Maksoud, hoped that the Council's resolve and its adoption of the draft resolution would be a signal of deterrence, that it would lead Israel to comply with the rules of international law and the resolutions of the Council.⁹¹

The Council then proceeded to vote⁹² on the revised draft resolution, which received 14 votes to none, with 1 abstention (United States of America), and was thereby adopted as resolution 605 (1987), the text of which reads as follows:

The Security Council,

Having considered the letter dated 11 December 1987 from the Permanent Representative of Democratic Yemen to the United Nations, in his capacity as Chairman of the Group of Arab States at the United Nations for the month of December,

Bearing in mind the inalienable rights of all peoples recognized by the Charter of the United Nations and proclaimed by the Universal Declaration of Human Rights,

Recalling its relevant resolutions on the situation in the Palestinian and other Arab territories, occupied by Israel since 1967, including

⁸³*ibid.*, p. 18.

⁸⁴S/PV.2775, p. 48.

⁸⁵*ibid.*, pp. 58-61.

⁸⁶*ibid.*, pp. 71 and 72.

⁸⁷S/PV.2776, pp. 13-16.

⁸⁸*ibid.*, pp. 33-35.

⁸⁹S/19352/Rev.1, adopted as resolution 605 (1987).

⁹⁰S/PV.2777, pp. 6 and 7.

⁹¹*ibid.*, p. 7.

⁹²*ibid.*, p. 13.

Jerusalem, and including its resolutions 446 (1979), 465 (1980), 497 (1981) and 592 (1986),

Recalling also the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,

Gravely concerned and alarmed by the deteriorating situation in Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem,

Taking into account the need to consider measures for the impartial protection of the Palestinian civilian population under Israeli occupation,

Considering that the current policies and practices of Israel, the occupying Power, in the occupied territories are bound to have grave consequences for the endeavours to achieve comprehensive, just and lasting peace in the Middle East,

1. *Strongly deplores* those policies and practices of Israel, the occupying Power, which violate the human rights of the Palestinian people in the occupied territories, and in particular the opening of fire by the Israeli army, resulting in the killing and wounding of defenceless Palestinian civilians;

2. *Reaffirms* that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem;

3. *Calls once again upon* Israel, the occupying Power, to abide immediately and scrupulously by the Geneva Convention relative to the Protection of Civilian Persons in Time of War, and to desist forthwith from its policies and practices that are in violation of the provisions of the Convention;

4. *Calls furthermore* for the exercise of maximum restraint to contribute towards the establishment of peace;

5. *Stresses* the urgent need to reach a just, durable and peaceful settlement to the Arab-Israeli conflict;

6. *Requests* the Secretary-General to examine the present situation in the occupied territories by all means available to him, and to submit a report no later than 20 January 1988 containing his recommendation on ways and means for ensuring the safety and protection of the Palestinian civilians under Israeli occupation;

7. *Decides* to keep the situation in the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem, under review.

Speaking in explanation of vote, the representative of the United States, while maintaining that in his Government's view Israel had to meet its obligations under the Geneva Conventions, contended that the resolution just adopted went beyond deploring the Israeli practice of using live fire to a generalized criticism of Israeli policies and practices. The resolution ignored the fact that Israeli lives were also at risk and that Israeli security forces had faced provocations and, in some cases, life-threatening situations. He called on the Security Council to refrain from polemics in dealing with those tragic events and instead to assist in the search for a mutually acceptable political settlement of the Arab-Israeli conflict.⁹³

Decision of 5 January 1988 (2780th meeting): resolution 607 (1988)

By a letter dated 4 January 1988 addressed to the President of the Security Council,⁹⁴ the representative of Jordan, in his capacity as Chairman of the Group of Arab States, requested an urgent meeting of the Council to address the situation in the occupied Palestinian and other Arab territories.

At its 2780th meeting, on 5 January 1988, the Security Council included the letter from Jordan in its agenda, without objection.⁹⁵ Following the adoption of the agenda, the Council decided to invite the representative of Israel, at his request, to participate in the discussion without the right to vote.⁹⁵ At the same meeting, the Council decided by vote to invite the representative of the Palestine Liberation Organization, in accordance with the Council's past practice, to participate in the debate.⁹⁶

Also at that meeting, the President drew the attention of the members of the Council to a document containing the text of a draft resolution submitted by Algeria, Argentina, Nepal, Senegal, Yugoslavia and Zambia.⁹⁷

The representative of Israel, referring to the Fourth Geneva Convention, stated that it was the duty of any Government, military or civilian, whether dealing with territory that was sovereign, disputed or occupied, to invoke the rights that were accrued to it under international law, to maintain the orderly government of the territory under its control, to ensure the security of its armed forces and to keep roads and other lines of communication open. Referring to Israel's act of expulsion of the nine agitators in the territories, he noted that in spite of the fact that the right to appeal to the Supreme Court was not part of the Geneva Convention but the death penalty was, Israel had chosen to allow those deportees legal recourse, including to their highest Court. Israel did not choose to follow the course of the death penalty in those or other cases. As a balance between its security and humanitarian needs, Israel had, therefore, limited itself and employed the measure of deportation. He defended his Government's actions by referring to article 63 of the Hague Regulations of 1907; the Defence Emergency Regulation that Great Britain employed in 1945, which allowed deportation and which was also picked up and exercised by Jordan in Judea and Samaria and Egypt in Gaza. Israel had continued that practice as its right under international law. Speaking on the question of international law and international conventions, he stressed that there was a big difference between pledging adherence to a document or an agreement and doing something about it. He pointed out that most countries just pledged adherence to the Geneva Convention, but nobody besides Israel did anything about it. While Israel had recognized the Convention, it had doubts about the application of it to the areas of Judea and Samaria and Gaza, in view of the unclear status of those territories under international law. Nevertheless, Israel had agreed to apply to those areas all humanitarian provisions of the Convention. While Israel would not allow the Palestinians to destroy them nor would it countenance any attempt to interfere with its legitimate responsibility for maintaining orderly government and security in all the areas under Israel's control as it saw fit, it would continue to strive for peaceful coexistence as it restored calm and tranquillity, in spite of the Security Council's partisan and unbalanced resolutions.⁹⁸

⁹³S/PV.2780, p. 6.

⁹⁶The proposal to invite the representative of the PLO was carried by 10 votes to 1 (United States of America), with 4 abstentions. For the relevant statements regarding the invitation and for details of voting, see S/PV.2780 and chap. III of the present *Supplement*.

⁹⁷S/19403; for the text of the draft resolution, see resolution 607 (1988).

⁹⁸S/PV.2780, pp. 11-17.

⁹³*Ibid.*, p. 17.

⁹⁴S/19402, *OR*, 43rd yr., *Suppl. for Jan.-March 1988*.

The draft resolution before the Council was put to the vote and was adopted unanimously as resolution 607 (1988).⁹⁹ The text of the resolution reads as follows:

The Security Council,

Recalling its resolution 605 (1987) of 22 December 1987,

Expressing grave concern over the situation in the occupied Palestinian territories,

Having been apprised of the decision of Israel, the occupying Power, to continue the deportation of Palestinian civilians in the occupied territories,

Recalling the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and in particular articles 47 and 49 of same,

1. *Reaffirms once again that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem;*

2. *Calls upon Israel to refrain from deporting any Palestinian civilians from the occupied territories;*

3. *Strongly requests Israel, the occupying Power, to abide by its obligations arising from the Convention;*

4. *Decides to keep the situation in the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem, under review.*

Speaking after the vote, the representative of the United States of America said that in his Government's view the deportation of individuals from the occupied territories was a violation of article 49 of the Fourth Geneva Convention, which prohibited individual or mass forcible transfers "regardless of their motive". He said such measures were unnecessary to maintain order and only served to increase tension rather than to contribute to the creation of a political atmosphere conducive to reconciliation and negotiation.¹⁰⁰

The representative of the PLO said that the Security Council having reiterated a position that was in full conformity with its obligations, the Palestinians expected Israel's compliance with the Council's resolutions and that it would refrain from deporting any Palestinian civilians from occupied territories. He said Israel was bound by the Geneva Convention and article 49, which prohibited the occupying Power from deporting any of the protected persons from the occupied territory. With reference to the remarks about legal recourses made by Israel, he said that article 47 of the Geneva Convention made very clear the obligations of the occupying Power and, regarding the Defence Emergency Regulations of 1945, he pointed out that the Power that had decided to promulgate and introduce those regulations had been a mandatory Government and not an occupying Power. He urged the Council to see to it that the fate and destination of those nine Palestinians would be guaranteed and that they would not be deported from the territories to anywhere else. He gave further assurances that they would not interfere with the process of justice if the Israeli courts brought those deportees to trial for any specific crime.¹⁰¹

Decision of 14 January 1988 (2781st meeting): resolution 608 (1988)

The Security Council decided to convene its meeting in accordance with the understanding reached in the Council's prior consultations.¹⁰²

At its 2781st meeting, on 14 January 1988, the Council included in its agenda without objection the item entitled "The situation in the occupied Arab territories".¹⁰³

At the same meeting, the Council decided to invite the representatives of Israel and Lebanon, at their request, to participate in the discussion without the right to vote.¹⁰⁴ Also at the same meeting, the Council decided, by vote, to invite, in accordance with previous practice, the representative of the PLO to participate in the discussion.¹⁰⁵

The President drew the attention of the Council to the text of a draft resolution submitted by Algeria, Argentina, Nepal, Senegal, Yugoslavia and Zambia.¹⁰⁶

At the same meeting, the representative of Israel stated that the whole approach to the convening of the Council reflected and was characterized by a gross imbalance and a total disregard of context. Those meetings had produced resolutions, all of which had been directed against Israel and the measures Israel had taken to try to restore calm and tranquillity, but those measures had been attacked and criticized. Defending Israel's position, he said that Israel was acting—as was its right under international law—to secure order in the face of violent provocations, with maximum restraint and in full compliance with the laws that had applied and pertained to those areas for nearly half a century. He described the resolutions adopted by the Security Council as only cascading down on Israel, resolutions that did not inspire confidence in the impartiality and fair-mindedness of the Council. He defended Israel's objection in principle to the involvement of the Security Council in matters of security because those matters were Israel's exclusive responsibility under international law.¹⁰⁷

The representative of Lebanon, while rejecting the deportation and expulsion by Israel of four Palestinians to Lebanese territory—acts that were contrary to article 49 of the Fourth Geneva Convention and the provisions of international humanitarian law—charged that Israel had exploited its occupation of a portion of Lebanese territory it termed a "security zone" to deport those Palestinians to Lebanese territory and by leaving them without shelter and home, forcing them to proceed northward to the Lebanese army and to the area between Lebanese and Israeli positions. He suggested that the only solution was to allow the International Committee of the Red Cross (ICRC) to meet those individuals and bring them to Palestinian territory. He called on the Council to adopt prompt measures as required by international humanitarian law, a solution that would be consistent with the draft resolution then before

¹⁰²S/PV.2781, p. 5.

¹⁰³Ibid., p. 2.

¹⁰⁴For details regarding these invitations, see S/PV.2781 and chap. III of the present *Supplement*.

¹⁰⁵The proposal to invite the representative of the PLO was adopted by 10 votes to 1 (United States of America), with 4 abstentions. For the relevant statement by the representative of the United States of America concerning the invitation and for details of the voting, see S/PV.2781, pp. 3 and 4, and chap. III of the present *Supplement*.

¹⁰⁶S/19429, subsequently adopted as resolution 608 (1988).

¹⁰⁷S/PV.2781, pp. 5-7.

⁹⁹Ibid., p. 18.

¹⁰⁰Ibid., pp. 19 and 20.

¹⁰¹Ibid., pp. 21-26.

the Council. Stating that in expelling and deporting those Palestinians Israel had demonstrated its defiance of the Security Council and its contempt for its resolutions, he appealed to the Council to compel Israel to cease violating the Council's resolutions and to comply with them.¹⁰⁸

The Council then proceeded to vote on the draft resolution, which received 14 votes to none, with 1 abstention (United States of America), and was adopted as resolution 608 (1988), the text of which reads as follows:¹⁰⁶

The Security Council,

Reaffirming its resolution 607 (1988) of 5 January 1988,

Expressing its deep regret that Israel, the occupying Power, has, in defiance of that resolution, deported Palestinian civilians,

1. *Calls upon* Israel to rescind the order to deport Palestinian civilians and to ensure the safe and immediate return to the occupied Palestinian territories of those already deported;

2. *Requests* that Israel desist forthwith from deporting any other Palestinian civilians from the occupied territories;

3. *Decides* to keep the situation in the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem, under review.

Speaking after the vote, the representative of the United States of America, while deeply regretting the deportations that had taken place and urging Israel to avoid further deportations, stated that his country had abstained on the resolution because his delegation believed that repeatedly raising the issue in the Security Council did not assist the process of restoring calm to the territories or addressing the problems that had contributed to the recent disturbances. He further stated that the four individuals who had been deported had failed to appeal to the Israeli Supreme Court and had not, therefore, allowed the judicial process to run its course. Selective attention to the issue in the Council was unjustified.¹⁰⁹

The representative of the PLO, while maintaining that the deportations violated not only the Fourth Geneva Convention but also article 9 of the Universal Declaration of Human Rights, which stated that no one should be subjected to arbitrary arrest, detention or exile, stated that whatever the motives that were advanced, nevertheless, under article 49 of the Geneva Convention, the occupying Power was prohibited from deporting persons. Thus, whether those detainees or those to be deported had recourse to the entire judicial process available to them or not was irrelevant at that stage. He was compelled therefore to state that the position of the United States was not consistent with what it claimed to be its commitment to the norms of international law and to justice and indeed his delegation's lack of confidence in what the United States said had been clearly borne out by the American action.¹¹⁰

Decision of 1 February 1988 (2790th meeting): rejection of a six-Power draft resolution

Pursuant to paragraph 6 of resolution 605 (1987) of 22 December 1987, the Secretary-General submitted a report¹¹¹ in which, following a visit to the area by the Under-Secretary-General for Special Political Affairs, Marrack Goulding, he gave an account of the situation in the occu-

ried territories, discussed ways and means by which the international community could improve the safety and protection of the civilian population in those territories and concluded that a solution to the Arab-Israeli conflict could be reached only through a political settlement negotiated by an international conference under United Nations auspices.

At its 2785th meeting, on 27 January 1988, the Security Council decided to include the Secretary-General's report in its agenda without objection¹¹² and discussed the matter at four meetings, on 27 and 28 January and 1 February 1988.

At the same meeting, the Council decided, by vote, to invite, in accordance with past practice, the representative of the Palestine Liberation Organization to participate in the discussion.¹¹³ Also at the same meeting, the Council decided to extend invitations under rule 39 of the provisional rules of procedure, at the request of the representatives of Kuwait and Algeria, to Mr. Syed Shar Shari-uddin Pirzada, Secretary-General of the Organization of the Islamic Conference¹¹⁴ and Mr. Clovis Maksoud, Permanent Observer for the League of Arab States.¹¹⁴

In the course of the meetings, the representatives of Czechoslovakia, Egypt, India, Indonesia, Israel, Jordan, Kuwait, the Libyan Arab Jamahiriya, Malaysia, Morocco, Qatar, Sudan, the Syrian Arab Republic and Zimbabwe were invited, at their request, to participate in the debate without the right to vote.¹¹⁴

At the 2785th meeting, on 27 January 1988, the representative of Jordan, speaking in his capacity as Chairman of the Group of Arab States, warned that the situation in the Palestinian and other occupied territories continued to deteriorate, which posed a threat to international peace and security. He stressed that, in view of Israel's rejection of Security Council resolution 605 (1987), its lack of respect for United Nations resolutions and, as stated in paragraph 4 of the Secretary-General's report, its consideration that the Security Council had no role to play in the security of the occupied territories, for which Israel itself was exclusively responsible, they had turned to the United Nations to seek a comprehensive and just settlement in the Middle East region, recognizing the importance of the Security Council and the General Assembly and their resolutions. The Security Council was duty-bound to make a great and urgent effort commensurate with the complexity and gravity of the situation to move forward towards a peaceful settlement based on its resolutions 242 (1967) and 338 (1973), by means of an effective international conference to be convened by the Secretary-General, with the participation of the permanent members of the Security Council and all the parties concerned, including the PLO. He called for a settlement that would ensure Israeli withdrawal from all Arab territories occupied by Israel since 1967, especially the City of Jerusalem, and would guarantee the Pal-

¹⁰⁸*ibid.*, pp. 8-11.

¹⁰⁹*ibid.*, pp. 11 and 12.

¹¹⁰*ibid.*, pp. 13-16.

¹¹¹S/19443.

¹¹²S/PV.2785, pp. 2-5.

¹¹³The proposal to invite the representative of the PLO was adopted by 10 votes to 1 (United States of America), with 4 abstentions. For the relevant statement by the representative of the United States regarding the invitation and for details of the voting, see S/PV.2785 and chap. III.

¹¹⁴For further details, see chap. III.

estinian people the right to self-determination and peace and security for all States of the region.¹¹⁵

The representative of the Federal Republic of Germany, recalling the position of the States members of the European Community as stated in the Venice Declaration, emphasized that an urgent effort was required to promote an effective negotiating process in the Middle East and that a solution had to be based on Security Council resolutions 242 (1967) and 338 (1973) and on the recognition and implementation of the right to existence and to security of all States in the region, including Israel, and on justice for all peoples, which implied the recognition of the legitimate rights of the Palestinian people, placing them in a position by an appropriate process defined within the framework of the comprehensive peace settlement to exercise fully their right to self-determination. He expressed the community's view that the renunciation of force, or of the threatened use of force, by all parties concerned had to constitute a basic element for the settlement of the conflict. He recalled the Declaration made in Brussels on 23 February 1987 where the countries of the Community had stated that they favoured an international peace conference to be held under the auspices of the United Nations. He called on all sides to show maximum restraint and for the civilian population in the occupied territories to be treated in full conformity with the Fourth Geneva Convention, as also stated in the Secretary-General's report. He also called on all parties concerned and the members of the Security Council to join the constructive approach taken by the Secretary-General and to support him.¹¹⁶

At the 2786th meeting, on 27 January 1988, the representative of the PLO, appealing to the members of the Security Council to use a comprehensive approach towards the Arab-Israeli conflict, asserted that ending Israeli occupation of Palestinian and other Arab territories, including Jerusalem, as called for by the international community, as well as the convening of an international peace conference in the Middle East under the auspices of the United Nations, as determined by the General Assembly in its resolution 38/58 C of 13 December 1983, would definitely contribute to the endeavours for a comprehensive settlement and for the establishment of peace. He called on the Council to make a solemn appeal to all the high contracting parties to the Fourth Geneva Convention, Israel being one of them, to ensure respect and to use all the means at their disposal to persuade the Government of Israel to accept the *de jure* applicability of the Convention. Referring to the proposals offered by the Secretary-General in his report with regard to the immediate ways and means for ensuring the safety and protection of the Palestinian civilians under Israeli occupation, he stated that the Security Council was duty-bound to ensure the operational feasibility of some of those proposals. He emphasized that the mere presence of the United Nations, as a symbol of protection and admission of responsibility was important, and the physical role of supervision and ensuring compliance with and preventing violations of the obligations of the occupying Power, Israel, was a must. He cautioned that Israel could not and should not be permitted to deny the Council and the

Secretary-General the right and duty to discharge their responsibilities.¹¹⁷

The representative of France reiterated his delegation's position that Israel, the occupying Power, had to shoulder its international responsibilities and abide by the Fourth Geneva Convention of 1949. He stated that while Israel was a contracting party to that Convention, so were other States, and while the responsibility to respect the Convention lay squarely with the occupying Power, the other contracting parties were likewise bound under article 1 of the Convention to ensure respect for that instrument under all circumstances. He said that France was convinced that the time had come for the parties concerned to move towards mutual recognition and dialogue and that the most realistic way for progress was to hold an international peace conference.¹¹⁸

The representative of Egypt recalled the new peace initiative put forward by President Hosni Mubarak aimed at creating a meaningful negotiating process. The initiative called upon the parties concerned to cease all forms of violence and repression in the occupied territories for six months. He said such a step would be accompanied by the following: cessation of all settlement activities; respect for the political rights and freedoms of the Palestinian people under Israeli occupation; ensuring the safety and protection of the people under occupation through proper international machinery; movement towards the convening of an international peace conference with the aim of reaching a comprehensive peace settlement that provided for recognition of the right of all States in the region to live in peace and enabled the Palestinian people to exercise its rights to self-determination.¹¹⁹

The representative of Italy charged Israel with taking possession of the territories in question through the use of force, thereby violating Article 2, paragraph 4, of the Charter of the United Nations. He maintained that Israel had ratified the Fourth Geneva Convention of 1949 and it was therefore under an obligation to comply with it.¹²⁰

The representative of the Syrian Arab Republic stated that since Israel as occupying Power had refused to apply the Convention of the occupied territories, it was necessary for the Security Council and other contracting States to take effective steps to bring about its application, including the imposition of sanctions against the occupying Power, Israel.¹²¹

At the 2787th meeting, on 28 January 1988, the representative of the Union of Soviet Socialist Republics said that his delegation had found in the Secretary-General's report a number of practical recommendations that could help alleviate the lot of the Palestinians in the territories occupied by Israel, including the need for the Security Council to appeal to the parties to the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War; to try to persuade the Government of Israel to accept the applicability of the Convention to the West Bank and Gaza, which it occupies; the desirability of making broader use of the capabilities of the United Nations Relief and Works Agency for Palestine Refugees in the

¹¹⁵S/PV.2785, pp. 11, 12 and 21.

¹¹⁶*Ibid.*, pp. 23-27.

¹¹⁷S/PV.2786, pp. 13-15.

¹¹⁸*Ibid.*, pp. 42-45.

¹¹⁹*Ibid.*, p. 57.

¹²⁰*Ibid.*, pp. 61 and 62.

¹²¹*Ibid.*, p. 67.

Near East (UNRWA) and ICRC; and the possibility of sending military observers to the occupied territories. He added that the convening of an international conference would be the only realistic way to bring about a just settlement in the Middle East. In this context, he said, his country had suggested that the members of the Security Council, in particular the permanent members, needed to proceed to consultations to consider the relevant questions and that such a meeting be held at the foreign ministerial level. He stressed that it was important that the format of the conference did not jeopardize the rights and interests of any party and that it upheld the principle of unconditional respect for the sovereignty and independence of each State, including Israel, and for the right of each people to self-determination and to an autonomous path to development of its own choosing.¹²²

The representative of China said that his Government continued to maintain that Israel had to withdraw from the Arab territories it had occupied since 1967, that the national rights of the Palestinian people had to be restored and that all countries in the Middle East should enjoy the right to peace and existence. He supported the convening of an international conference under the auspices of the United Nations and with the participation of the PLO on an equal footing.¹²³

The representative of Israel criticized the Secretary-General's report as containing unsubstantiated allegations against Israel, not supported by proof and one that could hardly be called a full and balanced and realistic picture of the situation on the ground. He defended Israel's policy regarding the use of force by stating that it was to be used: to break up violent demonstrations; against people resisting arrest; against people who attacked security forces; and in self-defence for the preservation of the security forces' own lives. He maintained that Israel was trying, under local laws and international law, to ensure the restoration of tranquillity in the area, a prerogative that under the various conventions and as recognized in the report of the Secretary-General was Israel's obligation. Israel maintained that, in view of the *sui generis* status of Judea and Samaria and the Gaza district, the *de jure* applicability of the Fourth Geneva Convention to those areas was doubtful and that Israel preferred to leave aside the legal question of the status of those areas and had decided since 1967 to act *de facto* in accordance with the humanitarian provisions of that Convention. He stressed that Israel had on several occasions called for a political solution of the conflict. He recalled that Israel had got into those areas in the first place because they were being used as staging areas for his country's destruction and that that attempt had failed. However, when Israel came into control of those territories, it had immediately stated that it was prepared immediately to enter into negotiations. In conclusion, he added that serious efforts were taking place outside the Council to launch negotiations in the spirit of Camp David and of Security Council resolutions 242 (1967) and 338 (1973).¹²⁴

At the 2789th meeting, on 1 February 1988, the representative of Zimbabwe, speaking on behalf of the members of the Movement of Non-Aligned Countries, while wel-

coming the Secretary-General's report, demanded that Israel abide by its international obligations under the Fourth Geneva Convention. He recalled the communiqué of 29 January 1988, issued by the Coordinating Bureau of the Non-Aligned Countries, urging the Security Council to approve the dispatch of United Nations observers to the occupied Palestinian territories with a view to monitoring compliance by the occupying Power with the provisions of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. The non-aligned countries also supported the call for increased assistance to ICRC and UNRWA and for an early convening of the international peace conference on the Middle East under the auspices of the United Nations.¹²⁵

At the 2790th meeting, on 1 February 1988, the representative of the United Kingdom of Great Britain and Northern Ireland, while welcoming and endorsing the Secretary-General's report, maintained that the main elements for a solution to the conflict were the withdrawal of Israel from territories occupied since 1967 and the resolution of the status of those territories; the guaranteed right of all States in the region, including Israel, to secure existence within recognized borders; and provision for the legitimate rights of the Palestinian people, including their right to self-determination. He warned, however, that though those elements provided a basis for a solution, that solution would remain beyond grasp until the parties concerned made a conscious decision to prepare for negotiations in a spirit of compromise and by avoiding acts that made peace all the harder to achieve. In that context, he stressed his country's view that a real opportunity lay in the proposal for an international conference involving all the parties to the conflict and the five permanent members of the Council, under the auspices of the United Nations, and that such a conference was to act as a framework for negotiations between the parties directly concerned. Noting the cooperation of the five permanent members as a noteworthy feature of the Council's work over the conflict in the Gulf over the past year, he stated that it set an encouraging example of how they could and should work closely together to resolve major questions of international peace and security.¹²⁶

During the course of the debate, several other speakers all welcomed and endorsed the Secretary-General's report and stressed in particular the paragraphs that called on Israel to comply strictly with the Fourth Geneva Convention and to assume its responsibilities as an occupying Power and for the early convening of an international peace conference under the auspices of the United Nations with the participation of all parties concerned, including the PLO and the five permanent members of the Council. They agreed that such a conference offered the best chance for a comprehensive and peaceful settlement of the Middle East conflict. Many of them stressed the primary responsibility of the Security Council, as guarantor of international peace and security, to take effective measures to end the Israeli occupation of all Palestinian and other Arab territories and to make it possible for the Palestinian people

¹²²S/PV.2787, pp. 13-20.

¹²³*Ibid.*, p. 52.

¹²⁴*Ibid.*, pp. 63-71.

¹²⁵S/PV.2789, pp. 8-10.

¹²⁶S/PV.2790, pp. 36-38.

to exercise their right to self-determination, pursuant to the relevant United Nations resolutions.¹²⁷

At the 2790th meeting, on 1 February 1988, the President drew the attention of the members of the Security Council to the text of a draft resolution submitted by Algeria, Argentina, Nepal, Senegal, Yugoslavia and Zambia.¹²⁸ Under that draft resolution, the Council would have considered the report of the Secretary-General of 21 January 1988 pursuant to resolution 605 (1987); expressed its grave concern over the increasing sufferings of the Palestinian people in the occupied Palestinian territories; borne in mind the inalienable rights of all people recognized by the Charter of the United Nations and proclaimed by the Universal Declaration of Human Rights; reaffirmed that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, was applicable to the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem; commended the International Committee of the Red Cross for its activities in the occupied territories; commended also the United Nations Relief and Works Agency for Palestine Refugees in the Near East for its invaluable work; and, conscious of the urgent need to resolve the underlying problem through a comprehensive, just and lasting settlement, including a solution to the Palestinian problem in all its aspects, expressed its deep appreciation to the Secretary-General for his report; called upon Israel, as the occupying Power and as a high contracting party to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to accept the de jure applicability of the Convention to the Palestinian and other Arab territories occupied since 1967, including Jerusalem, and to fully comply with its obligations under that Convention; recalled the obligation of all the high contracting parties, under article 1 of the Convention, to ensure respect for the Convention in all circumstances; called again upon Israel to desist forthwith from its policies and practices which violated the human rights of the Palestinian people; requested Israel to facilitate the task of the International Committee of the Red Cross and of the United Nations Relief and Works Agency for Palestine Refugees in the Near East and requested all Members to give them their full support; would have requested the Secretary-General to continue to monitor the situation in the occupied territories by all means available to him and to make regular and timely reports to the Council; affirmed the urgent need to achieve, under the auspices of the United Nations, a comprehensive, just and lasting settlement of the Arab-Israeli conflict, an integral part of which was the Palestinian problem; and expressed its determination to work towards that end; requested the Secretary-General to continue his endeavours to promote such a settlement and

to keep the Council regularly informed; and decided to keep the situation in the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem, under review.

Prior to the vote, the representative of the United States of America said that his delegation would veto the draft resolution because it was an untimely effort to involve the Security Council on issues that were best dealt with through diplomatic channels. He viewed the draft resolution as redundant and inappropriate and expressed his delegation's disapproval of the Council's effort, in this instance, to address the current unrest and Israel's response in a fruitless and redundant way and to direct a negotiating process before agreement had been reached among the parties on appropriate auspices for negotiations.¹²⁹

The President then put the draft resolution to the vote; it received 14 votes to 1, with no abstentions, and was not adopted owing to the negative vote of a permanent member of the Council.¹³⁰

The representative of the Union of Soviet Socialist Republics indicated that his delegation expressed its deepest regret that, because of the negative vote cast by the United States, the Security Council could not adopt the draft resolution on such a necessary and important decision. The tragic situation of the Palestinians in the occupied Palestinian territories had been recognized by members of the Council and by many other Member States in the course of the Council's deliberations. He expressed his delegation's hope that the Council's inability to adopt the draft resolution would not weaken the determination of the Secretary-General to continue to do his utmost to fulfil the mandate entrusted to him by the Security Council and the General Assembly. He emphasized further that the Secretary-General's report would remain in force and retain its significance.¹³¹

Decision of 15 April 1988 (2806th meeting): rejection of a six-Power draft resolution

By a letter dated 29 March 1988 addressed to the President of the Security Council,¹³² the representative of Tunisia, in his capacity as the Chairman of the Group of Arab States, requested an urgent meeting of the Council to discuss the situation in the occupied territories.

At its 2804th meeting, on 30 March 1988, the Security Council included the letter from Tunisia in its agenda without objection¹³³ and considered the matter at three meetings, on 30 March and 14 and 15 April 1988. At the same meeting, the Council decided, by vote, to invite the representative of the PLO, in accordance with the Council's past practice, to participate in the debate.¹³⁴

During the course of the meetings, the Council decided to extend invitations under rule 39, at the request of the

¹²⁷Mr. Pirzada, S/PV.2785, pp. 42 and 43; Mr. Maksoud, S/PV.2786, pp. 21-27; Brazil, *ibid.*, pp. 28-31; Senegal, *ibid.*, pp. 32-35; Nepal, *ibid.*, pp. 38-40; Morocco, *ibid.*, pp. 46-51; Zambia, S/PV.2787, pp. 7-11; Kuwait, *ibid.*, pp. 27-31; Algeria, *ibid.*, pp. 34-37; Yugoslavia, *ibid.*, pp. 37-41; Japan, *ibid.*, pp. 43-45; Argentina, *ibid.*, pp. 46-48; Libyan Arab Jamahiriya, *ibid.*, pp. 53-60; Sudan, *ibid.*, pp. 76-81; Malaysia, *ibid.*, pp. 82-86; Qatar, *ibid.*, pp. 91 and 92; Indonesia, S/PV.2790, pp. 8-12; India, *ibid.*, pp. 16 and 17; Czechoslovakia, *ibid.*, pp. 18-20.

¹²⁸S/19466.

¹²⁹S/PV.2790, pp. 41 and 42.

¹³⁰*ibid.*, p. 42.

¹³¹*ibid.*, pp. 43-47.

¹³²S/19700.

¹³³S/PV.2804, p. 2.

¹³⁴The proposal to invite the representative of the PLO was carried out by 10 votes to 1 (United States of America), with 4 abstentions. For the relevant statement by the representative of the United States regarding the invitation and for details of the voting, see S/PV.2804, pp. 3 and 4, and chap. III of the present *Supplement*.

representative of Algeria, to Mr. Chedli Klibi, Secretary-General of the League of Arab States,¹³⁵ and Mr. Clovis Maksoud, Observer for the League of Arab States,¹³⁶ and, at the request of the representative of Jordan, to Mr. Engin A. Ansay, Observer for the Organization of the Islamic Conference.¹³⁷

At its 2805th meeting, on 14 April 1988, the Security Council decided to extend an invitation under rule 39, at his request, to the Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.¹³⁸

In the course of the meetings, the representatives of India, Israel, Jordan, Kuwait, the Libyan Arab Jamahiriya, Pakistan, Saudi Arabia, the Syrian Arab Republic and Tunisia were invited, at their request, to participate in the discussion without the right to vote.¹³⁹

At the 2804th meeting, on 30 March 1988, the Foreign Minister of Algeria appealed to the Members of the United Nations to free themselves of their narrow points of view and to demonstrate a genuine determination to find a just and lasting solution to the Middle East conflict. A resolute effort in that direction would be the convening of an international peace conference under the auspices of the United Nations, but he cautioned that to guarantee the success of the conference there were authentic requirements: the United Nations needed to lend its authority to the conference and to be a vigilant custodian to ensure that the principles of the United Nations were enshrined there; equal participation for the Palestinian people, through their spokesman—the PLO; the objective of the conference to accord with the legitimate claims and inalienable rights of the Palestinian people to self-determination; and the total withdrawal from all the occupied Arab territories.¹⁴⁰

The representative of the Syrian Arab Republic stated that it was the responsibility of the Security Council to ensure the implementation of its own resolutions, in particular resolution 605 (1987), which reaffirmed the provisions of the Fourth Geneva Convention on the Protection of Civilian Persons in Time of War. He also stated that in order to achieve a peaceful, comprehensive and just solution to the Middle East problem it was necessary to convene an international conference under the auspices of the United Nations, with the participation of the five permanent members of the Security Council, as well as all other parties concerned, among them the PLO as sole and legitimate representative of the Palestinian people. He said the conference had to be convened in keeping with the United Nations resolutions, and based upon the withdrawal of all Israeli forces from the occupied Arab territories and upon respect for the inalienable rights of the Palestinians to self-determination.¹⁴¹

The representative of Jordan called on the Security Council to take effective, urgent action to ensure the protection and safety of the Palestinian people, as recom-

mended by the Secretary-General in his report,¹⁴² and to achieve a peaceful settlement of the Arab-Israeli conflict on the basis of Council resolutions 242 (1967) and 338 (1973). The appropriate means for achieving such a settlement was the convening of an international conference under the United Nations auspices with participation of the permanent members of the Council and all parties to the conflict, including the PLO.¹⁴³

The representative of Senegal, in his capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, maintained that an international peace conference on the Middle East offered all interested parties considerable opportunity to participate in negotiations that could lead to a comprehensive, just and lasting solution to the Middle East crisis.¹⁴⁴

Speaking on behalf of the Organization of African Unity, the representative of Zambia reaffirmed the urgent need to achieve a comprehensive, just and lasting settlement of the Arab-Israeli conflict within the framework of the international peace conference under the auspices of the United Nations and with participation of the PLO.¹⁴⁵

The representative of Israel criticized the convening of the Security Council as irresponsible and not a call for tranquillity, nor in a genuine pursuit of a negotiated peace, but to devote its time to a repetition of the rhetoric against Israel. He emphasized, instead, that in order to promote a peaceful resolution of the Arab-Israeli conflict, the Council should attempt to focus non-prejudicial efforts on the encouragement of direct negotiations between Israel and its neighbours, on the basis of its resolutions 242 (1967) and 338 (1973).¹⁴⁶

The representative of the PLO charged Israel and the United States of America with blocking the efforts of the Secretary-General and the United Nations by their rejection of the international conference. He called on the Security Council to adopt all measures designed to ensure the effective protection of the Palestinian people in the occupied territories and also to make Israel cease immediately all arbitrary measures that violated human rights and contravened international law. He also called on the Council to entrust the Secretary-General with the task of pursuing his constructive efforts.¹⁴⁷

At the 2805th meeting, on 14 April 1988, the representative of Cuba, speaking in his capacity as Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, called for the redoubling of efforts to secure the convening of an international peace conference on the Middle East in accordance with General Assembly resolution 38/58 C, in order to bring about a solution to the problem. He also appealed to the Secretary-General to implement the recommendations in his report of 21 January 1988¹⁴² to provide the necessary humanitarian assistance to the Palestinians in the occupied territories.¹⁴⁸

The representative of Israel, in his second intervention, stated that his Government had set forth two goals, one for

¹³⁵S/PV.2804, p. 4.

¹³⁶S/PV.2806, p. 6.

¹³⁷*Ibid.*, p. 6.

¹³⁸S/PV.2805, pp. 3-5.

¹³⁹For full details regarding the invitations, see chap. II of the present Supplement.

¹⁴⁰S/PV.2804, pp. 11 and 12.

¹⁴¹*Ibid.*, pp. 32-35.

¹⁴²S/19443.

¹⁴³S/PV.2804, p. 47.

¹⁴⁴*Ibid.*, p. 52.

¹⁴⁵*Ibid.*, pp. 56 and 57.

¹⁴⁶*Ibid.*, pp. 59-65.

¹⁴⁷*Ibid.*, pp. 86-90.

¹⁴⁸S/PV.2805, p. 32.

the restoration of tranquillity to the areas of Judea and Samaria and Gaza, and the other for the political resolution of those territories' ultimate status. However, he warned that peaceful political negotiations could not proceed under the threat of any kind of violence. He reiterated that, as was its right and obligation, Israel would use all measures necessary to ensure peace and security in the territories under its administration in accordance with due process of law.¹⁴⁹

During the course of the debate, several speakers condemned Israel for its disregard for and non-compliance with United Nations resolutions and demanded that Israel fully respect and implement in the occupied territories the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. They also maintained that the Security Council was duty-bound to enforce its resolutions 605 (1987), 607 (1988) and 608 (1988) in the matter. Many of them maintained that the most realistic and acceptable way to bring about a solution of the Middle East crisis was the speedy convening of an international peace conference, under the auspices of the United Nations, with the equitable participation of all directly interested parties including the PLO. In that regard, they also called for the implementation of the recommendations of the Secretary-General contained in his report of 21 January 1988.¹⁵⁰

At the 2806th meeting, on 15 April 1988, the President drew the attention of members of the Security Council to the text of a draft resolution submitted by Algeria, Argentina, Nepal, Senegal, Yugoslavia and Zambia.¹⁵¹ Under the preambular part of the draft resolution, the Council would have expressed its grave concern over the current situation in the occupied Palestinian territories; reaffirmed its resolutions 605 (1987), 607 (1988) and 608 (1988); recalled the report of the Secretary-General of 21 January 1988; and, having been apprised of the deportation by Israel, the occupying Power, of eight civilian Palestinians on 11 April 1988 and of its decision to continue the deportation of Palestinian civilians in the occupied territories; gravely concerned and alarmed by the measures adopted by Israel against the civilian Palestinian people and its persistent policy of taking measures of the collective punishment, such as the recent demolition of homes in the village of Beita; and also expressing grave concern over the action taken by the forces of the occupying Power against Sheik Saad Eddin El-Alami, Head of the Supreme Islamic Council, who was assaulted and beaten in the Haram al-Sharif in Jerusalem, on 1 April 1988; would have reaffirmed once again that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, was applicable to Palestinian and other Arab territories, occupied by Israel since 1967, including Jerusalem; recalling in particular the provisions of article 49 of the Fourth Geneva Convention and expressing alarm that Israel had continued to transfer its civilian population into the territory

it occupied and had equipped those settlers with arms which had been used against the civilian Palestinian people. In the operative part of the draft resolution the Council would have (a) urged Israel, the occupying Power, to abide immediately and scrupulously by the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to desist forthwith from its policies and practices that are in violation of the provisions of the Convention; (b) urged further Israel to rescind the order to deport Palestinian civilians and ensure the safe and immediate return to the occupied Palestinian territories of those already deported; (c) urged once again Israel to desist forthwith from deporting Palestinian civilians from the occupied territories; (d) condemned those policies and practices of Israel, the occupying Power, which violate the human rights of the Palestinian people in the occupied territories, and in particular the opening of fire by the Israeli army, resulting in the killing and wounding of defenceless Palestinian civilians; (e) affirmed the urgent need to achieve, under the auspices of the United Nations, a comprehensive, just and lasting settlement of the Arab-Israeli conflict, an integral part of which was the Palestinian problem, and expressed its determination to work towards that end; (f) requested the Secretary-General to submit periodic reports on the situation in the occupied territories, including those aspects relating to endeavours for ensuring the safety and protection of the Palestinian civilians under Israeli occupation; and (g) decided to keep the situation in the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem, under review.

At the same meeting, the representative of France called for the mobilization of efforts to ensure urgent dialogue and negotiations, on the basis of mutual recognition, for an overall political settlement ensuring the safety of all States in the region and justice for their peoples. He said that his country remained convinced that convening an international conference with the participation of the permanent members of the Security Council and all parties directly concerned was the most realistic way to achieve a just and lasting peace in the Middle East.¹⁵²

The representative of China called on the Security Council to voice its condemnation and take forceful measures in response to the policies and actions of Israel. He called for effective steps to compel Israel to implement the relevant Security Council resolutions and supported the convening of an international conference under United Nations auspices as an effective way to seek Middle East peace.¹⁵³

The representative of the Union of Soviet Socialist Republics stated that the United Nations was invested with sufficient authority and the necessary opportunities to impart a dynamic thrust to the process of a Middle East settlement and to that end the Security Council needed to proceed immediately to take the steps necessary to prepare and activate the machinery for an international conference on the Middle East, starting with the establishment of a preparatory committee.¹⁵⁴

The representative of the United Kingdom of Great Britain and Northern Ireland maintained that Israel, as a party to the Convention, had not only the legal obligation to ap-

¹⁴⁹*Ibid.*, pp. 59-63.

¹⁵⁰Saudi Arabia, S/PV.2804, p. 28; India, *ibid.*, p. 67; Libyan Arab Jamahiriya, *ibid.*, p. 71; Nepal, S/PV.2805, pp. 26-27; Yugoslavia, *ibid.*, pp. 36-38; Tunisia, *ibid.*, pp. 48-50; Kuwait, *ibid.*, p. 57; Pakistan, *ibid.*, p. 6; Argentina, S/PV.2806, p. 11; Japan, *ibid.*, pp. 12 and 13; Mr. Ansary, *ibid.*, p. 18; Mr. Maksoud, *ibid.*, pp. 21-27; Bangladesh, *ibid.*, pp. 32-35; Federal Republic of Germany, *ibid.*, pp. 41 and 42; Italy, *ibid.*, p. 53; and Algeria, *ibid.*, pp. 58-61.

¹⁵¹S/19780.

¹⁵²S/PV.2806, p. 8.

¹⁵³*Ibid.*, p. 37.

¹⁵⁴*Ibid.*, p. 47.

ply its provisions in full but also the moral obligation to ensure that its occupation took place in accordance with the standards the Convention embodied. The Security Council should again call Israel's attention to the grave concern about the situation in the occupied territories and express not merely the Council's desire for an end to the current violence but its hopes for a comprehensive, just and lasting settlement of the conflict.¹⁵⁵

At the same meeting, the Council proceeded to vote on the draft resolution.¹⁵¹ The draft resolution received 14 votes in favour to 1 against, with no abstentions, and failed to be adopted owing to the negative vote of a permanent member.¹⁵⁶

After the vote, the representative of the United States of America contended that the draft resolution just voted upon contributed neither to easing tensions in the occupied territories nor to promoting the cause of peace, and was redundant and inappropriate. Its broad and sweeping condemnation of Israel contained not a scintilla of balance and it contained no appeal or request for calm. Nevertheless, he reaffirmed that his country's position on the applicability of the Fourth Geneva Convention and its opposition in principle to deportations remained unchanged. He noted that his country was engaged in a major diplomatic effort with the parties directly concerned to try to bring about the start of direct negotiations between Israel and its Arab neighbours. Referring to a proposal put forward by the United States as a realistic and constructive one, he maintained that it offered the best hope for a political solution to the Arab-Israeli conflict and would lead to a comprehensive settlement that assured security to Israel and all the States of the region and the legitimate rights of the Palestinian people. He requested the Council to desist from rhe-

torical exercises and draft resolutions that were not productive and only cut across the objective of finding a real way to peace in the Middle East.¹⁵⁷

Decision of 26 August 1988: statement by the President

On 26 August 1988, following consultations, the President of the Security Council issued a statement on behalf of the members of the Council. The statement reads:¹⁵⁸

The members of the Security Council are gravely concerned by the continued deterioration of the situation in the Palestinian territories occupied by Israel since 1967, including Jerusalem, and especially by the current grave and serious situation resulting from the closing-off of areas, the imposition of curfews and the consequent increase in the numbers of injuries and deaths that have occurred.

The members of the Council are profoundly concerned by the persistence of Israel, the occupying Power, in continuing its policy of deporting Palestinian civilians in contravention of Security Council resolutions and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, as demonstrated on 17 August 1988 by its expulsion of four Palestinian civilians to Lebanon and its decision to expel 40 more. The members of the Council request Israel immediately to desist from deporting any Palestinian civilians and immediately to ensure the safe return of those already deported.

The members of the Council consider that the current situation in the occupied territories, described in the first paragraph above, has grave consequences for endeavours to achieve a comprehensive, just and lasting peace in the Middle East.

They reaffirm that the above-mentioned Geneva Convention is applicable to the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem, and request the high contracting parties to ensure respect for the Convention.

Recalling Security Council resolutions, the members of the Council will keep the situation in the occupied Palestinian territories, including Jerusalem, under review.

¹⁵⁵*ibid.*, p. 51.

¹⁵⁶*ibid.*, pp. 53 and 54.

¹⁵⁷*ibid.*, pp. 56 and 57.

¹⁵⁸S/20156.

20. STATEMENT BY THE PRESIDENT OF THE SECURITY COUNCIL (FORTIETH ANNIVERSARY OF THE FIRST MEETING OF THE SECURITY COUNCIL AND THE INAUGURATION ON 1 JANUARY 1986 OF THE INTERNATIONAL YEAR OF PEACE)

Decision: statement by the President

At the 2642nd meeting, on 17 January 1986, prior to the adoption of the agenda,¹ the President made the following statement² on behalf of the members of the Council:

On the occasion of the fortieth anniversary of the first meeting of the Security Council and the inauguration on 1 January of the International Year of Peace, the members of the Security Council wish to reaffirm their commitment to the Charter of the United Nations which conferred on the Council the primary responsibility for the mainte-

nance of international peace and security. At the first meeting of the Council in London 40 years ago, its members assumed this special responsibility in the conviction that it would prove a new beginning of the continuing quest for lasting peace and security.

Although peace has been preserved on a global basis for 40 years, conflicts and tensions persist. Over the course of the 2,600 meetings, the Security Council has debated the most pressing issues of peace and security. The inauguration of the International Year of Peace provides an added impetus for the members of the Council to enhance the effectiveness of the Security Council in discharging its principal role of maintaining international peace and security. They call again upon the entire membership of the United Nations to abide by their obligations under the Charter to accept and carry out decisions of the Security Council. Let us hope that 1986 and the years to come will bring the progress which is so urgently needed for the safeguarding of peace for future generations.

¹The agenda for the meeting was: "The situation in the Middle East".

²S/17745.

21. LETTER DATED 4 FEBRUARY 1986 FROM THE PERMANENT REPRESENTATIVE OF THE SYRIAN ARAB REPUBLIC TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Decision of 6 February 1986 (2655th meeting): rejection of a five-Power draft resolution

By a letter¹ dated 4 February 1986 addressed to the Secretary-General, the representative of the Syrian Arab Republic transmitted a letter of the same date from his Minister for Foreign Affairs addressed to the Secretary-General informing him and, through him, the President and members of the Security Council of the act of air piracy that had been carried out on the same date by two Israeli fighter aircraft in international airspace. The letter had stated that at 0854 hours Greenwich mean time the private Libyan civilian G-2 type aircraft registered under No. LN 777 (5-ADDR NDAE) had left the international airport of Tripoli, with an official Syrian delegation on board on its way back from an official visit to the Libyan Arab Jamahiriya. It was further stated that, while the aircraft was flying in international airspace over the Mediterranean Sea, the pilot had informed the Cyprus airport control centre, at 1101 hours, that two Israeli fighter aircraft had been intercepting him and demanding that he accompany them; and that, at 1103 hours, the aircraft's contact with the Cyprus airport had been broken off. The letter then drew attention to the gravity of that act against the safety and security of civilian travel in international airspace and the dangerous consequences deriving therefrom, and requested that the necessary steps and measures be taken to discover the fate of the aircraft and its passengers and crew and to ensure their safety. Finally, the letter had stated that the Syrian Arab Republic placed full responsibility upon Israel for that act of air piracy, which constituted a flagrant violation of the norms of international law and international conventions guaranteeing the freedom and safety of aviation.

By a letter² of the same date addressed to the President of the Security Council, the representative of the Syrian Arab Republic requested an immediate meeting of the Council to consider the Israeli act of air piracy carried out that morning against a private Libyan civilian passenger aircraft flying in international airspace over the Mediterranean.

At its 2651st meeting, on 4 February 1986, the Security Council included in its agenda the item entitled "Letter dated 4 February 1986 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council", and considered the item at the 2651st, 2653rd and 2655th meetings, held between 4 and 6 February 1986.³ In the course of its deliberations, the Council invited, at their request, the representatives of Algeria, the German Democratic Republic, India, the Islamic Republic of Iran, Israel, Iraq, Jordan, the Libyan Arab Jamahiriya, Morocco, the Syrian Arab Republic and Yugoslavia to participate, without the right to vote, in the Council's discussion of the item. The Council also extended an invitation, as requested under rule 39 of the provisional rules of procedure of the Security

Council, to Mr. Samir Mansouri, Deputy Permanent Observer of the League of Arab States (LAS) to the United Nations.⁴ The Council further decided, by vote, to invite the representative of the PLO to participate in the discussion.⁵

At the 2651st meeting, on 4 February 1986, the representative of the Syrian Arab Republic reiterated that an act of air piracy and international terrorism had been directed against international civil aviation by the Israeli authorities, who had intercepted a civilian Libyan aircraft, with an official Syrian delegation on board, flying in international airspace over the Mediterranean Sea on 4 February 1986. He appealed to the Security Council to take all necessary steps and measures to discover the fate of the Libyan aircraft and the fate of its passengers and crew, and to ensure their safety. He said that the Syrian Arab Republic placed full responsibility upon Israel for its air piracy. He said further that Israel's act fell within the jurisdiction of the Security Council since what was done by Israel did affect civil aviation in all parts of the world. He called upon the Council to condemn Israel for the act of piracy and terrorism which it had committed, and to demand that Israel put an end to such acts, and that it should heed international agreements and the norms of international law.⁶

At the same meeting, the representative of Israel said that Israel's pilots had intercepted a Libyan executive aircraft, not a civil airliner, that had been carrying a dozen people. He stated that the aircraft had been suspected of carrying terrorists who had been involved in planning attacks against Israel but that, upon examination of the passengers, it had turned out that there were no such people aboard and that, after a brief respite in Israel, the aeroplane had been retrieved with nobody hurt. He added that his Government's suspicion that there were terrorists on board had grown out of the meeting, which had just ended, of 20 terrorist organizations in Tripoli, which had been convened by President Qaddafi himself under his personal sponsorship. He said that at the meeting, which had been titled "The Revolutionary Forces of the Arab Nation", there had been clear and undisguised declarations about continuing the terrorist attacks against Israel. He then quoted a passage from a General Assembly resolution⁷ pertaining to the duty of every State to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts; and said that neither the Libyan Arab Jamahiriya nor the Syrian Arab Republic measured up to that standard. He contended that, confronted with

⁴For details on invitations under rules 37 and 39 of the provisional rules of procedure of the Security Council, see chap. III of the present *Supplement*.

⁵For the discussion on the proposal to invite the representative of the PLO and for the vote (10 in favour to 1 against with 4 abstentions), see S/PV.2655, pp. 38-42. See also chap. III of the present *Supplement*.

⁶S/PV.2651, pp. 8-13.

⁷General Assembly resolution 2625 (XXV), annex, entitled "Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations".

¹S/17785.

²S/17787, *ibid.*, p. 47.

³For the adoption of the agenda, see S/PV.2651, p. 6; see also chap. II of the present *Supplement*.

reason to believe terrorists who were planning additional attacks were on board, Israel could not be expected to sit idly by and wait to absorb the attack. He said that his Government had acted with the intention of intercepting terrorists; and that not to have acted would have been to succumb to the absolutist inhibition of the essential concept of self-defence, an interpretation which had never been applicable in practice and which was certainly outdated given the nature of terrorist warfare that was being waged. He further said that classic international law actually allowed a country to stop ships in international waters if pirates were believed to be on board, and quoted, as an example, from "Bowett's classic book", where, he said, Bowett had written:

It is clear, as the case of the *Mariana Flora* shows, that the right may be exercised against acts of piratical aggression if the circumstances are such as to reasonably warrant the apprehension of real danger by the State. The fact that the ship subsequently proves innocent of piratical character would seem to be irrelevant if the initial suspicion is well-founded.

He then referred to the principle of the "absolutist" limits on self-defence, and said that a nation attacked by terrorists was permitted to use force to prevent or pre-empt future attacks and that it was simply not serious to argue that international law prohibited States from capturing terrorists in international waters or international airspace. He concluded by asserting that a serious discussion of the problem of international terrorism and its implications for international norms would show that even those who did not yet fully accept the fundamental concept of self-defence, as it must be construed in the age of terrorism, were prepared to accept that the sanctity of human lives preceded the sanctity of airspace.⁸

At the same meeting, Mr. Mansouri, Deputy Permanent Observer of the League of Arab States to the United Nations, charged that Israel's act of intercepting the civilian Libyan aircraft over international airspace constituted an act of broadening the policy of terrorism and aggressive practices beyond aggression in Arab territories and against Arab States. He said that it was an infringement on the safety of civilian aviation in international airspace on the basis of imaginary pretexts and without justification, quite apart from being in complete contravention of international law and norms. He called upon the Council to condemn vigorously Israel's act of aggression and to affirm that it was imperative that there be no repetition of such acts by a State Member of the United Nations.⁹

At the same meeting, the representative of the Syrian Arab Republic, speaking in exercise of the right of reply, disputed the position of the representative of Israel that Israel had acted in self-defence in intercepting the Libyan aircraft. He recalled that in the past Israel had waged many wars against neighbouring Arab territories on the pretext that it had a right to act in self-defence as its security was threatened. He charged that Israel's act of intercepting the Libyan aircraft constituted an act of aggression against the entire international community, against the freedom of international aviation and against the safety of passengers. He called upon the Council to act in the interest of the in-

ternational community by adopting a strong resolution against Israel, in order to deter it from any further acts of aggression against the Arabs.¹⁰

At the 2653rd meeting, on 5 February 1986, the President drew the attention of the members of the Council to a draft resolution¹¹ that had been submitted by the Congo, Ghana, Madagascar, Trinidad and Tobago and the United Arab Emirates. Under the draft, the Security Council would have condemned Israel for its forcible interception and diversion of the Libyan civilian aircraft in international airspace and its subsequent detention of the said aircraft; considered that that act by Israel constituted a grave violation of the principles of international law and in particular the relevant provisions of the international conventions on civil aviation; called upon the International Civil Aviation Organization (ICAO) to take due account of the resolution when considering adequate measures to safeguard international civil aviation against such acts; and called upon Israel to desist forthwith from any and all acts endangering the safety of international civil aviation and solemnly warned Israel that if such acts were repeated the Council would consider taking adequate measures to enforce its resolution.

At the same meeting, the representative of the Libyan Arab Jamahiriya condemned Israel's interception and diversion of the civilian aircraft flying in international airspace as a criminal act committed in flagrant violation of the Charter of the United Nations, international law and the relevant conventions, in addition to being a violation of the sovereignty of the aircraft's owner State and aggression not only against the freedom of the passengers but also jeopardizing their safety and security. He called upon the Security Council to denounce and condemn the Israeli act and to take firm steps aimed at deterring any further Israeli terrorist acts. He further called upon the Council to deprive Israel of membership in the United Nations and to impose deterrent economic sanctions against it in order to force it to heed the will of the international community, and to comply with the relevant resolutions of the Security Council and to respect its prestige.¹²

At the same meeting, the representative of Jordan stated that Israel's act of intercepting the Libyan civilian aircraft constituted an act of violation of international conventions governing the safety of civil aviation and expressed the hope that the Security Council would condemn the Israeli violation by adopting the draft resolution before it.¹³

At the same meeting, the representative of Morocco expressed the view that Israel had been encouraged to violate international law by the impotence of the Security Council in its failure to adopt more effective measures to put an end to Israel's policy of disregarding international law. He called upon the Council, which bore the primary responsibility for the maintenance of international peace and security, to take the necessary effective measures required by the situation and to guarantee the implementation of the United Nations resolutions on terrorist acts by Israel.¹⁴

⁸S/PV.2651, pp. 14-20. For the discussions regarding the Charter principles provided in Articles 2, paragraph 1, and 51, see chap. XII of the present *Supplement*, case 2.

⁹S/PV.2651, pp. 22-24.

¹⁰*Ibid.*, second intervention, pp. 26-36.

¹¹For the text of the draft resolution, see S/17796.

¹²S/PV.2653, pp. 5-11.

¹³*Ibid.*, pp. 12 and 13.

¹⁴*Ibid.*, pp. 17 and 21.

At the same meeting, the representative of Israel refuted the accusations of the previous speakers, whom he accused of being responsible for perpetrating acts of terrorism against Israel over the years, using a strategy not provided for by the founders of the United Nations. He charged the Libyan Arab Jamahiriya, together with other Arab States, of waging a new kind of war which could be met through the policy of self-defence and called upon the Security Council to recognize the supremacy of the principle of self-defence where States were victims of terrorism.¹⁵

At the 2655th meeting, on 6 February 1986, the representatives of the United Arab Emirates, China, Ghana, Algeria, Bulgaria, India, Yugoslavia, the German Democratic Republic, Iraq, the Islamic Republic of Iran, the PLO and the President, speaking in his capacity as the representative of the Congo, rejected the invocation by Israel of the principle of self-defence as a justification for its act, which they deplored as a flagrant contravention of the norms of international law, particularly the international Conventions of Chicago, The Hague and Montreal governing the freedom and safety of civil aviation in international airspace, and called upon the Security Council to condemn Israel for its interception of the Libyan aircraft and to prevent the repetition of such acts. The representatives of Yugoslavia, the German Democratic Republic and the PLO stressed the need for the Council to facilitate the convening of an international conference on the Middle East for a just, comprehensive and lasting solution to the crisis on the basis of Israel's withdrawal from all occupied territories and the Palestinian people's right to self-determination, while the representative of the PLO further said that the Council should consider sanctions against Israel under Chapter VII of the Charter.¹⁶

At the same meeting, the representative of Israel, speaking in exercise of the right of reply, recounted a series of instances pertaining to relations among Middle Eastern States and said that most of the terrorist incidents concerning the threats to international civil aviation did not involve Israel, not even as a target. He added that, on the contrary, they involved Arabs or Middle Eastern regimes striking at other Middle Eastern regimes and that it was not the Arab-Israeli conflict but rather the continuing conflicts among the Middle Eastern regimes which had escalated terrorism beyond the Middle East. In urging the Council to reject the draft resolution condemning his Government for the interception of the Libyan aircraft, the rep-

resentative of Israel said that the States that had pushed for the draft resolution before the Council were the States that sponsored terrorism and that to adopt the draft resolution would be to encourage terrorism.¹⁷

At the same meeting, the representative of France, speaking in explanation of vote before the vote, stated that, while necessary action against terrorism could not be legitimized by violation of international law, his Government realized that Israel's action had been taken in the context of acts of terrorism which had recently been perpetrated in several European countries and that France was not able to support the draft resolution since it included formulations which did not seem to reflect the precise facts of the situation.¹⁸

The representative of the United States of America, also speaking in explanation of vote before the vote, said that although his Government opposed Israel's action, it would vote against the draft since it did not practically and appropriately address the issue of terrorism. The Government of the United States considered that terrorist violence, not the response to it, was the cause of the cycle of violence in the Middle East and the entire world. The United States was of the view that there might arise exceptional circumstances in which interception might be justified. He upheld the principle that a State whose territory or citizens were subjected to continuing terrorist attacks might respond with appropriate use of force to defend itself against further attacks, and that the appropriateness of a particular action always raised considerations of necessity and proportionality. He stressed that, where the target of a defensive action was an aircraft, heightened attention should be paid to considerations of safety, taking measures only in exceptional circumstances and exercising every possible precaution, and paying the greatest possible attention to the safety of the aircraft and those on board. He said that a State should intercept a civilian aircraft only on the basis of the strongest and clearest evidence that terrorists were aboard, but that Israel, however, had not met the standard and that the United States therefore deplored the action. Nevertheless, he concluded, his Government would not support a draft resolution which implied that interception of an aircraft was wrongful, *per se*, without regard to the possibility that the action might be justified.¹⁹

At the same meeting the draft resolution was voted upon and received 10 votes to 1, with 4 abstentions, and was not adopted owing to the negative vote of a permanent member of the Security Council.²⁰

¹⁵*Ibid.*, pp. 23-33.

¹⁶For the relevant parts of the statements, see S/PV.2655: United Arab Emirates, pp. 11-16; China, pp. 17-18; USSR, pp. 19-23; Ghana, pp. 27-32; Algeria, pp. 33-36; Bulgaria, pp. 37-38; India, pp. 43-47; Yugoslavia, pp. 48-51; German Democratic Republic, pp. 55-56; Iraq, pp. 56-59; Iran (Islamic Republic of), pp. 65-71; PLO, pp. 80-82; and the President, pp. 82-83.

¹⁷S/PV.2655, pp. 83 and 91-96.

¹⁸*Ibid.*, p. 111.

¹⁹*Ibid.*, pp. 112 and 113.

²⁰For the vote on the draft resolution (S/17796/Rev.1) see *ibid.*, p. 114. For the full text of the draft resolution, see note 10, above. See also chap. IV of the present *Supplement*.

22. THE SITUATION IN SOUTHERN AFRICA

INITIAL PROCEEDINGS

By a letter¹ dated 29 January 1986 addressed to the President of the Security Council, the representative of the Sudan, in his capacity as current Chairman of the Group of African States, requested that an urgent meeting of the Security Council be convened to consider the situation in southern Africa.

At its 2652nd meeting, on 5 February 1986, the Security Council included in its agenda² the item entitled "The situation in southern Africa" and considered the item together with the letter dated 29 January from the Sudan at the 2652nd, 2654th and 2656th to 2662nd meetings, held between 5 and 13 February 1986. In the course of its deliberations the Council invited, at their request, the representatives of Afghanistan, Algeria, Angola, Botswana, Cuba, Egypt, Ethiopia, the German Democratic Republic, Guyana, Hungary, India, the Islamic Republic of Iran, Lesotho, the Libyan Arab Jamahiriya, Mozambique, Nicaragua, Pakistan, Panama, Senegal, South Africa, the Sudan, the Syrian Arab Republic, Tunisia, the Ukrainian Soviet Socialist Republic, the United Republic of Tanzania, Yugoslavia, Zambia and Zimbabwe to take part in the discussion without the right to vote.³ The Council also extended invitations as requested under rule 39 of the provisional rules of procedure of the Security Council to a delegation of the United Nations Council for Namibia led by the President of that body, to Mr. Neo Mnumzana of the African National Congress of South Africa (ANC), to the Acting Chairman of the Special Committee against Apartheid and to Mr. Theo-Ben Gurirab of the South West Africa People's Organization (SWAPO).⁴

Decision of 13 February 1986 (2662nd meeting): resolution 581 (1986)

At the 2652nd meeting, on 5 February 1986, the representative of Togo, speaking in his capacity as current Chairman of the Group of African States, identified three elements of the "highly explosive" situation in southern Africa, as follows: (a) the policy of apartheid of the Government of South Africa; (b) the illegal occupation of Namibia by that racist regime; and (c) South Africa's policy of aggression and destabilization against independent neighbouring States. He then discussed each element, stressing what he called the "dire consequences" which posed a dangerous threat to international peace and security, in order to explain why the State President of Senegal, the current Chairman of the Organization of African Unity

(OAU), had called for the convening of the current series of meetings of the Security Council. He stated that Pretoria's response to the defiance of its racist policies by the peoples of South Africa had been the declaration of a state of emergency in July 1985, thereby giving its security forces a freedom to behave with utter arbitrariness. He said that the only crime of the black Africans who were the daily victims of the South African police was that they sought to enjoy in their homeland the most fundamental rights that had been guaranteed to all mankind by the Charter of the United Nations and the Universal Declaration of Human Rights. With respect to Namibia, he said that South Africa continued its illegal occupation of a territory that was under United Nations administration in violation of all relevant General Assembly and Security Council resolutions, in particular Council resolution 435 (1978) which embodied the United Nations plan for the independence of Namibia. He said that South Africa, instead of choosing between the two electoral processes that had been provided for in Council resolution 435 (1978), had shown its contempt for the international community by raising various pretexts ranging from the status of SWAPO and the impartiality of the United Nations and the Security Council to the presence of Cuban troops in Angola, which was extraneous to the question of Namibia. He again referred to South Africa's internal crisis and its concern with continuing the illegal occupation of Namibia, and quoted the current Chairman of OAU, the President of Senegal, who had stated that the Pretoria Government was applying a systematic policy of political, military and economic destabilization against neighbouring African States and that Angola, Mozambique and Botswana had been among the victims of frequent acts of aggression and sabotage. When South Africa had not intervened to destabilize Angola directly, he added, it had used its proxy, the National Union for the Total Independence of Angola (UNITA), which had served as a cover for the deliberate policy aimed at interfering in the internal affairs of Angola. He then recalled, in connection with the role of UNITA, the concern that had been expressed by the Heads of State or Government of the States members of OAU over the abrogation of the Clark Amendment by the United States Senate; and quoted paragraph 1 of the Declaration adopted at the twenty-first summit meeting of OAU in July 1985, which had stated: "Any financial, military and logistical support to the enemies of the Angolan people by any Government or private group or government agency, directly or indirectly, would be considered a serious violation of the 1970 Declaration on Friendly Relations among States, and of the provisions of the Charters of the Organization of African Unity and the United Nations."⁵ He emphasized Africa's confidence in the ability of the Security Council to contribute to the establishment of peace in southern Africa and called upon the Council to demand that the Pretoria Government: (a) immediately put an end to the state of emergency and release Nelson Mandela and all other political prisoners; (b) immediately abolish the policy of apartheid, which could not be reformed, and ensure respect for the equal rights of all South Africans without any discrimina-

¹S/17770.

²For the adoption of the agenda, see S/PV.2652, p. 2. While this was the first instance in which the present formulation of the agenda item was added to the list of matters of which the Security Council is seized, specific problems relating to the southern African region that have been considered by the Council are also reflected in this chapter under various headings, such as "the question of South Africa", "the situation in Namibia", "Complaint by Angola against South Africa", "Letter dated 17 June 1985 from Botswana addressed to the President of the Security Council" and "Complaint by Lesotho against South Africa".

³For details, see chap. III of the present *Supplement*.

⁴For details regarding the invitations under rule 39 of the provisional rules of procedure of the Security Council, see chap. III of the present *Supplement*.

⁵A/40/66, AHG/DECL.3 (XXI).

tion based on race; (c) cooperate in the immediate implementation of Council resolution 435 (1978), the United Nations plan for Namibian independence, as well as submit its choice of electoral processes within a deadline to be set by the Council; and he urged that all States Members of the United Nations refrain from any act that would further aggravate the complex situation in southern Africa. He concluded by stressing that the Security Council should consider at a future meeting the adoption of comprehensive mandatory sanctions under Chapter VII of the Charter of the United Nations, in the event that South Africa persisted in its defiance and intransigence.⁶

At the same meeting, the representative of South Africa said that the convening of the current series of the Security Council meetings, in the wake of far-reaching proposals on 31 January 1986 by his State President, was entirely uncalled for and a mockery of the principles governing the Council's activities, in particular the promotion and maintenance of international peace and security. He said that President P. W. Botha of South Africa, in his opening address to Parliament on 31 January, had focused precisely on the goals of the maintenance of peace and security and that some of the important reforms that had taken place in South Africa since his assumption of the presidency had included: (a) the development of full black trade-union rights; (b) recognition of the permanence of urban blacks; (c) the introduction of freehold title for blacks in urban areas; and (d) scrapping of the Prohibition of Political Interference Act, the Mixed Marriages Act and the relevant provisions of the Immorality Act. He then outlined the "framework and guidelines" for further constitutional development by quoting his State President, who had also said: (a) that South Africa would accept one citizenship for all South Africans; (b) that the sovereignty of the law must be the basis for the protection of the fundamental rights of individuals and groups; (c) that human dignity, life, liberty and the property of all must be protected regardless of colour, race, creed or religion; (d) that a democratic system of government accommodating all legitimate political aspirations of all South African communities must be negotiated; and (e) that South Africa had outgrown the outdated colonial system of paternalism and the outdated concept of apartheid. He referred to President Botha's intention to negotiate the establishment of a "national statutory council"—pending the institution of constitutional structures—that should consist of members of the South African Government and representatives of the "self-governing national states", as well as leaders of other black communities and interest groups, and declared that the reform was clearly the first step towards institutionalized power-sharing in South Africa. With respect to external relations, he reaffirmed South Africa's commitment to international coexistence through cooperation and negotiation, particularly in southern Africa, and that his Government was ready to implement Security Council resolution 435 (1978) concerning the independence of Namibia as soon as agreement could be reached on the withdrawal of Cuban troops from Angola. He reiterated his President's invitation to the neighbouring States to give "tangible expression" to the common desire for peace and stability in the region, including the withdrawal of all foreign forces, the peaceful

settlement of disputes, regional cooperation on common problems and a prohibition of cross-border violence. To that end, his President had proposed the establishment of a "permanent joint mechanism" for dealing with matters concerning threats to the peace and prosperity of southern Africa. He emphasized the importance of the proposals by President Botha as historic not only for South Africa but for all the peoples of southern Africa and called upon the Security Council to make a positive contribution to a peaceful transition to the new era by encouraging the people of South Africa towards negotiated political structures acceptable to all.⁷

At the 2654th meeting, on 6 February 1986, the representative of Zimbabwe said that South Africa's recent threats against its neighbours, economic blockades and other acts of aggression constituted a clear negation of the basic provisions of the Charter of the United Nations and the General Assembly Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, which stated: "Every State has the duty to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purpose of the United Nations. Such a threat or use of force constitutes a violation of international law and the Charter of the United Nations and shall never be employed as a means of settling international issues."⁸

He further said that South Africa, in the pursuit of its goal of establishing hegemony over the whole region, had committed aggression, economic strangulation and State terrorism, and that Pretoria had moreover fanned and instigated acts of civil strife and terrorism in almost every independent State in southern Africa, in flagrant violation of the Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States, which demanded that every State should "refrain from armed intervention, subversion, military occupation or any other form of intervention and interference, overt or covert, directed at another State or group of States, or any act of military, political or economic interference in the internal affairs of another State, including acts of reprisal involving the use of force".⁹ He stressed that the South African nationals who crossed the borders into Lesotho, Swaziland and the front-line States were victims of apartheid and that they met the requirements for refugee status as defined by international law, in particular article 1 of the 1951 Convention and the Protocol relating to the Status of Refugees. He further emphasized that, despite the fact that those refugees were labelled "terrorists" by apartheid South Africa, the neighbouring States were bound by international conventions and by bonds of humanity to uphold the provisions of the 1951 Convention on the Status of Refugees, particularly as was set out in article 3 of that Convention. He said that the real reason for South Africa's destabilization of its neighbours was that it could not stand non-racial democratic societies on its frontiers since they were the antithesis of the policy of apartheid that espoused the doctrine of the supremacy of one race over another. He re-

⁶S/PV.2652, pp. 8-14.

⁷Ibid., pp. 46-52.

⁸General Assembly resolution 2625 (XXV), annex.

⁹General Assembly resolution 36/103, annex.

called President Botha's recent statement to the South African Parliament, where he had referred to the "outdated concept of apartheid", and contrasted the declaration of "reform" with South Africa's refusal to repeal the Group Areas Act as well as its refusal to negotiate with the true leaders of black South Africans who were dismissed as "revolutionaries". With reference to the United States policy of "constructive engagement", he stressed that the fundamental issue in southern Africa was apartheid in South Africa and South Africa's colonization of Namibia, and that no African could be free until that last vestige of the African's humiliation as a race was undone.¹⁰

At the 2660th meeting, on 12 February 1986, the President of the Security Council drew the attention of the members to the text of a draft resolution¹¹ submitted by the Congo, Ghana, Madagascar, Trinidad and Tobago, and the United Arab Emirates.

At the same meeting, the representative of Egypt said that the Pretoria regime was responsible for the unrest that was besetting South Africa and that, whenever Pretoria found itself unable to stifle the resistance, it had usually made some reform proposals in an effort to delude international public opinion. He referred to the proposals in a statement to the South African Parliament on 31 January 1986, and said that the President of the Pretoria regime had nonetheless ruled out implementation of the principle of universal suffrage within a united country, thereby showing no commitment to the elimination of the apartheid regime. He said that Pretoria's leaders and the regime's representatives outside South Africa often spoke of the fear that the international community would intervene in their internal affairs and that their acts of aggression against neighbouring African States as well as the continuing occupation of Namibia sought to prevent or limit foreign interference. He then asserted that South Africa's irresponsible acts of aggression and refusal to implement United Nations resolutions regarding Namibia's independence were factors which would lead to foreign interference in the internal affairs of the African continent, particularly southern Africa, by exposing the region to the dangers of big-Power conflict. He said that the Security Council had a clear responsibility with regard to South Africa and that the responsibility stemmed from the following two factors: (a) that the Council, as the forum responsible for the maintenance of international peace and security, had a special role in the organization of contemporary international relations and that it should intervene, in accordance with the Charter, to end South Africa's manoeuvres which had rendered the region insecure and volatile with dangers not only for Africa but for international peace and security in general; and (b) that the Security Council was responsible, under the Charter, for ensuring compliance with its resolutions, and that it was time the Council exercised its prerogatives under the Charter to force South Africa to respect the resolutions calling upon Pretoria to terminate the policy of apartheid and the occupation of Namibia, as well as those calling upon it to refrain from launching acts of aggression against neighbouring countries.¹²

In the course of the Council's deliberations, many representatives stressed the importance of comprehensive mandatory sanctions under Chapter VII of the Charter as the most effective means of forcing South Africa to dismantle its apartheid system and of restoring peace and stability in the region.¹³

At the 2662nd meeting, on 13 February 1986, the President of the Security Council put a revised text of the draft resolution (S/17817/Rev.1) to a vote.¹⁴ Speaking before the vote, the representative of the United States said that the denomination in the draft resolution of "uses of force" by a State as "terrorism" was neither necessary nor helpful and that it would have sufficed to state that the use of force by a State was contrary to the Charter of the United Nations. He stated that "respect for territorial integrity" was an important and universal principle and that calling only upon South Africa to respect international borders did not advance matters. He further said that the draft resolution incorrectly implied that external assistance was the main cause of destabilization of some States in the region, whereas in his delegation's view Governments that relied on foreign troops to stay in power against the opposition of a significant portion of the domestic population were inherently unstable and that stability could be enhanced in such States through a dialogue between the Government and opposition groups.¹⁵

The revised draft resolution was then voted upon and adopted by 13 votes to none, with 2 abstentions, as resolution 581 (1986).¹⁶ The resolution reads as follows:

The Security Council,

Having considered the request of the Permanent Representative of the Sudan to the United Nations contained in document S/17770,

Bearing in mind that all Member States are obliged to refrain in their international relations from the threat or use of force against the sovereignty, territorial integrity or political independence of any State or from acting in any other manner inconsistent with the purposes and principles of the United Nations,

Gravely concerned at the tension and instability created by the hostile policies and aggression of the apartheid regime throughout southern Africa and the mounting threat they pose to the security of the region and its wider implications for international peace and security,

Gravely concerned that such acts of aggression can only serve to aggravate the already volatile and dangerous situation in the southern African region,

Reiterating its total opposition to the system of apartheid,

Reaffirming the right of all countries to give sanctuary to refugees fleeing from the oppression caused by the apartheid system,

*Taking note of the communiqué of the Ministers of the front-line States and of the European Economic Community in which, *inter alia*, the Ministers condemned South Africa's policy of destabilization in all its manifestations, including the use of any direct or indirect armed*

¹³For the texts of relevant statements, see S/PV.2652: Senegal, p. 23; Zambia, pp. 28 and 29; S/PV.2654: Acting Chairman of the Special Committee against Apartheid, p. 13; S/PV.2656: President of the United Nations Council for Namibia, p. 27; India, p. 33; S/PV.2657: Denmark, pp. 31 and 32; German Democratic Republic, p. 38; S/PV.2658: Algeria, p. 11; Bulgaria, pp. 17 and 18; Trinidad and Tobago, p. 23; Ghana, p. 36; Iran (Islamic Republic of), p. 47; S/PV.2659: Venezuela, p. 13; Union of Soviet Socialist Republics, p. 22; Cuba, p. 29; S/PV.2660: Yugoslavia, p. 19; Panama, p. 23; Madagascar, p. 37; Nigeria, p. 47; S/PV.2661: United Arab Emirates, pp. 27 and 28; Syrian Arab Republic, pp. 33 and 34; Ukrainian SSR, p. 46; Hungary, p. 48; Pakistan, p. 56; and S/PV.2662: Tunisia, p. 11.

¹⁴S/PV.2662, p. 31.

¹⁵*Ibid.*, p. 41.

¹⁶For the vote on the draft resolution, see *ibid.*, p. 43.

¹⁰S/PV.2654, pp. 16-18, 22 and 26-31.

¹¹S/17817, subsequently revised and adopted as resolution 581 (1986).

¹²S/PV.2660, pp. 8-13.

actions in neighbouring States, and agreed to deny perpetrators of such actions any assistance or support,

Recalling its resolutions 567 (1985), 568 (1985), 571 (1985), 572 (1985) and 580 (1985), by which, *inter alia*, it condemned South Africa's aggression against Angola, Botswana and Lesotho,

Convinced that the apartheid system of the racist regime of South Africa and its continued illegal occupation of Namibia are the source of tensions and insecurity in southern Africa,

Gravely concerned at the recent threats by South Africa to continue to perpetrate acts of aggression against the front-line States and other countries in southern Africa aimed at destabilizing them,

Conscious of the urgent need to take effective steps for the prevention and removal of all threats to peace and security in the region posed by South Africa's recent threats to use force against countries in southern Africa,

Convinced that only the elimination of apartheid can lead to a just and lasting solution to the explosive situation in South Africa in particular and in southern Africa in general,

1. *Strongly condemns* racist South Africa for its recent threats to perpetrate acts of aggression against the front-line States and other States in southern Africa;

2. *Strongly warns* the racist regime of South Africa against committing any acts of aggression, terrorism and destabilization against independent African States and its use of mercenaries;

3. *Deplores* the escalation of violence in the region and calls upon South Africa to respect fully the sanctity of international borders;

4. *Deplores* any form of assistance given by States which could be used to destabilize independent States in southern Africa;

5. *Calls upon* all States to exert pressure on South Africa to desist from perpetrating acts of aggression against neighbouring States;

6. *Reaffirms* the right of all States in the fulfilment of their international obligations to give sanctuary to the victims of apartheid;

7. *Demands* the immediate eradication of apartheid as the necessary step towards the establishment of a non-racial democratic society based on self-determination and majority rule through the full and free exercise of universal adult suffrage by all the people in a united and non-fragmented South Africa, and to this end demands:

(a) The dismantling of the bantustan structures as well as the cessation of uprooting, relocation and denationalization of the indigenous African people;

(b) The abrogation of the bans and restrictions on political organizations, parties, individuals and news media opposed to apartheid;

(c) The unimpeded return of all the exiles;

8. *Demands* that the racist regime of South Africa put an end to the violence against and repression of the black people and other opponents of apartheid, unconditionally release all persons imprisoned, detained or restricted for their opposition to apartheid and lift the state of emergency;

9. *Deplores* the racist regime of South Africa for its disregard of the principles of international law and its obligations under the Charter of the United Nations;

10. *Commends* the front-line States and other States neighbouring South Africa for their support of freedom and justice in South Africa and requests Member States to extend urgently all forms of assistance to these States in order to strengthen their capacities to receive, maintain and protect South African refugees in their respective countries;

11. *Requests* the Secretary-General to monitor developments related to South Africa's threats to escalate acts of aggression against independent States in southern Africa and to report to the Security Council as the situation demands;

12. *Decides* to remain seized of the matter.

¹⁷S/18072.

Decision of 23 May 1986 (2686th meeting): rejection of five-Power draft resolution

By a letter¹⁷ dated 21 May 1986 addressed to the President of the Security Council, the representative of Senegal requested, on instructions from the President of Senegal and current Chairman of the Organization of African Unity, the convening of an urgent meeting of the Council to consider South Africa's aggression against Botswana, Zambia and Zimbabwe.

By a letter¹⁸ dated 22 May 1986 addressed to the President of the Security Council, the representative of Zambia requested, on instructions from the Chairman of the front-line States, an immediate meeting of the Council to consider South Africa's military attacks, on the morning of 19 May 1986, against Botswana, Zambia and Zimbabwe.

At its 2684th meeting, on 22 May 1986, the Security Council included in its agenda the letter dated 21 May 1986 from the representative of Senegal addressed to the President of the Council and considered the item at the 2684th to 2686th meetings, held on 22 and 23 May 1986. In the course of its deliberations, the Council invited, at their request, the representatives of Argentina, Botswana, Cuba, Czechoslovakia, the German Democratic Republic, India, the Islamic Republic of Iran, the Libyan Arab Jamahiriya, Senegal, South Africa, the Syrian Arab Republic, the United Republic of Tanzania, Zambia and Zimbabwe to take part in the discussion without the right to vote.¹⁹ The Council also extended invitations as requested, under rule 39 of the provisional rules of procedure of the Security Council, to the Chairman of the Special Committee against Apartheid and to Mr. Syed Sharifuddin Pirzada of the Organization of the Islamic Conference.¹⁹

At the 2684th meeting, on 22 May 1986, the President of the Security Council drew the attention of the members of the Council to six documents before the Council.²⁰

At the same meeting, the representative of Senegal said that the latest acts of aggression by South Africa against Botswana, Zambia and Zimbabwe had been unanimously condemned by the international community. He then quoted extensively from a statement by the President of Senegal, the current Chairman of OAU, who had condemned South Africa's "State terrorism" and flagrant violation of the integrity, independence and sovereignty of the three States and had declared that the time had come for the members of the Security Council to adopt mandatory economic sanctions to safeguard the Council's credibility as the guardian of international peace and security. The representative of Senegal stated that South Africa's latest acts of aggression against the front-line States had shown its disrespect for the Principles and Purposes of the Charter of the United Nations and for the foundations of international law, and that Pretoria had flagrantly defied Security Council resolution 580 (1985), which stated that "all Member States must refrain in their international relations from the threat or use of force against the territorial integrity or

¹⁸S/18076.

¹⁹For details, see chap. III of the present Supplement.

²⁰S/18067, S/18069, S/18070, S/18075, S/18076 and S/18077, letters dated between 19 and 22 May 1986 addressed to the United Nations from, respectively, Botswana, Algeria, the Union of Soviet Socialist Republics, Barbados, Zambia and Kenya concerning South Africa's attacks committed on the morning of 19 May 1986 against the three neighbouring States of Botswana, Zambia and Zimbabwe.

political independence of any State, or acting in any other manner incompatible with the purposes of the Charter of the United Nations". He further said that, shortly after the commemoration of the fortieth anniversary of the Charter of the United Nations and on the eve of the special session of the General Assembly devoted to development issues of Africa, it was inconceivable that South Africa should continue to defy and scorn the whole world, particularly the Security Council whose authority it rejected. He then stressed that the situation in southern Africa, the central problems of which were the eradication of the apartheid system and the independence of Namibia in accordance with the relevant United Nations resolutions, constituted a definite threat to international peace and security, and that the Council should take the appropriate measures, in accordance with the Charter, under which it was entrusted with the major responsibility for maintaining international peace and security. He concluded that Africa expected the Council to shoulder its responsibility not only by condemning South Africa and demanding just and speedy reparations for the damage it had caused, but also by deciding on the application of comprehensive mandatory economic sanctions against Pretoria.²¹

At the same meeting, the representative of Zambia recalled his statement²² to the Council on 5 February 1986 in which he had spoken about South Africa's threats of attacks against the front-line and other States for the reason that those States, including his own, had continued to give sanctuary to refugees who had fled from the apartheid system, in accordance with their international obligations to do so. He further said that at the time some members of the Council had not taken their concern seriously and that some had even indicated that the Council meeting had not been justified since there had been no actual attack. He then gave a detailed account of the time, targets, types of weapons and equipment used and the number of those killed and wounded as well as the material damage inflicted in each of the attacks against Zambia, Botswana, and Zimbabwe on 19 May 1986, and charged that "friends of South Africa", some of which were permanent members of the Council, were responsible both through inaction and active military, economic and political support, thereby encouraging South Africa to attack and destabilize its neighbours. He said that the timing of South Africa's attacks against the three neighbouring States, when the group of eminent persons established by the Commonwealth countries to find peaceful solutions to the problems of apartheid was in South Africa, had clearly shown Pretoria's intention to poison the atmosphere for peaceful negotiations. He then emphasized that the last peaceful option for eliminating apartheid was the imposition of mandatory and comprehensive economic sanctions against South Africa, and that the argument by some Western countries that the sanctions would hurt the people of South Africa was a "lame excuse", since those people were already suffering and since they were prepared to pay the price for their freedom at present rather than risk much more eventually. He called on the Security Council not only to condemn South Africa for its acts of aggression against three peaceful States Members of the United Nations, but also to pronounce it-

self on how a crime against humanity, apartheid, should be eliminated and stated that, in his Government's view, it was time to invoke Chapter VII of the Charter and to impose mandatory comprehensive economic sanctions against South Africa.²³

At the same meeting, the representative of South Africa affirmed that on 19 May 1986 "small elements" of the South African Defence Force had attacked "a terrorist operational centre and transit facility in Harare (Zimbabwe), a terrorist transit facility situated at Mogaditsano, outside Gabarone (Botswana), and a terrorist operational centre 15 kilometres south-west of Lusaka (Zambia)". He then recalled that his delegation had informed the Security Council at its meetings²⁴ on 10, 20 and 21 June and 30 December 1985 that South Africa had been and would be obliged to take action against "terrorist bases" responsible for planning and executing violence in his country. He further recalled that his Government had frequently warned that it would take action if Governments tolerated and harboured terrorists that were engaged in hostile actions against South Africa. He said that, while the international community had clearly rejected the use of violence as a means for political ends, terrorism should be consistently deplored in all areas. He asserted that the Governments of South Africa's neighbouring States had nevertheless frequently expressed their support to the aims and actions of ANC, which they justified as that terrorist organization's "legitimate struggle" to bring an end to the system of government in South Africa. He then referred to the statement by the President of South Africa on 31 January 1986, and reiterated his Government's commitment to negotiation on broadening the basis of democracy in his country.²⁵ He stressed that negotiation was the key to the resolution of the internal problems of South Africa as well as to resolving differences with the neighbouring States; but that regarding ANC bases in Zimbabwe, Botswana and Zambia, his Government would take whatever action might be appropriate for the defence and security of its people.²⁶

In the course of the Council's deliberations, several participants invoked Chapter VII of the Charter of the United Nations and urged the Security Council to impose mandatory and comprehensive economic sanctions against South Africa.²⁷

²³S/PV.2684, pp. 12-21.

²⁴For the texts of the statements by South Africa, see, respectively, S/PV.2583, in connection with the situation in Namibia, pp. 87-103; S/PV.2597, in connection with the complaint by Angola against South Africa, pp. 22-27; S/PV.2599, in connection with the letter dated 17 June 1985 from the Permanent Representative of Botswana to the United Nations addressed to the President of the Security Council (S/17279), pp. 31-36; S/PV.2639, in connection with the complaint by Lesotho against South Africa, pp. 11-13. See also entries in the present chapter under the same headings.

²⁵For details on the reform proposals and an outline of "guidelines" for constitutional development, see the statement by the representative of South Africa at the 2652nd meeting of the Council, note 7 above.

²⁶S/PV.2684, pp. 22-28.

²⁷For the texts of relevant statements, see S/PV.2684: Chairman of the Special Committee against Apartheid, p. 22; India, pp. 38 and 42; United Republic of Tanzania, p. 47; S/PV.2685: Bulgaria, p. 12; China, p. 16; Mr. Pirzada of the Organization of the Islamic Conference, p. 19; Argentina, p. 31; S/PV.2686: Madagascar, p. 123; Denmark, p. 23; USSR, p. 29; Venezuela, p. 32; Syrian Arab Republic, p. 77; and Trinidad and Tobago, pp. 97, 101 and 102.

²¹S/PV.2684, pp. 22-28.

²²S/PV.2652, pp. 24-32.

At the 2685th meeting, on 23 May 1986, the President drew the attention of the members of the Council to a draft resolution²⁸ submitted by the Congo, Ghana, Madagascar, Trinidad and Tobago and the United Arab Emirates.

At the 2686th meeting, on the same date, the President of the Security Council, speaking in his capacity as the representative of Ghana, said that South Africa's attacks against the front-line States were morally indefensible; that they constituted—"by common definition"—State terrorism; that they contravened the letter and spirit of the Charter of the United Nations; and that those attacks, which were committed in the pursuit of the preservation of a system that had been universally condemned, especially by the Security Council, had followed a long chain of similar previous acts of aggression. He further said that failure on the part of the Council to act resolutely in the current instance would mean its inadvertent concurrence in State terrorism, in illegality and in racism. He then referred to the draft resolution (S/18087) before the Council and said that his delegation had accordingly joined the sponsors of the draft text, which called for selective sanctions, limiting itself to actions that legislative bodies and multilateral organizations, especially of Western States, had already instituted against South Africa. He stressed that the intention was to bring the selective measures under a United Nations umbrella and that, with some linguistic adjustments in the draft text, the sponsors were confident that a unanimous decision could be reached. He further stated that Botswana, Zambia and Zimbabwe were entitled, in addition to assistance to improve their defensive capabilities, to full and fair compensation for the damage to life and property.²⁹ When the 2686th meeting resumed following a brief suspension,³⁰ the representative of Trinidad and Tobago orally introduced, on behalf of the sponsors, a number of textual revisions to the draft resolution. In one instance, an explicit reference, in operative paragraph 6 of the draft, to "Chapter VII" (of the Charter of the United Nations) was deleted and replaced with the words "the provisions". He

then requested that the draft resolution (S/18087/Rev.1), as orally revised, be put to the vote.³¹

The representative of the United Kingdom requested a separate vote on the twelfth preambular paragraph and on operative paragraph 6³² of the draft resolution. Following the objection by the representative of Trinidad and Tobago, on behalf of the sponsors of the draft resolution, to the proposal to have a separate vote on the two paragraphs,³³ the draft resolution, as orally revised, was voted upon as a whole; it received 12 votes to 2, with 1 abstention, and was not adopted owing to the negative votes of two permanent members.³⁴ Under the operative paragraphs of the draft text,³⁵ the Council would have, *inter alia*: (a) condemned South Africa for the military raids in Botswana, Zambia and Zimbabwe; (b) demanded full and adequate compensation by South Africa to the three States; (c) commended the Governments of the three States for the support they were rendering to refugees from South Africa; (d) expressed its solidarity with the people of South Africa in their struggle for freedom and justice; (e) determined that the policies and acts of the racist regime of South Africa constituted a threat to international peace and security; and (f) decided, as an effective means of combating the apartheid system and bringing peace and stability in southern Africa, to impose against South Africa selective economic and other measures, including: (i) suspension of all new investments and guaranteed export loans; (ii) prohibition of the sale of krugerrand and all other coins, all new contracts in the nuclear field and all sales of computer equipment; and (iii) restrictions in the field of sports and cultural relations.

³¹*Ibid.*, pp. 121 and 122.

³²*Ibid.*, p. 126. The twelfth preambular paragraph related to a notation by the Council that the policy of "constructive engagement" had not succeeded; while operative paragraph 6, as orally revised, involved an affirmation that the Council was "acting in accordance with the provisions of the Charter of the United Nations".

³³*Ibid.*, pp. 126 and 127. For the procedural discussion in connection with the proposal for a separate vote and rule 32 of the provisional rules of procedure of the Security Council, see also chap. I, part V, of the present *Supplement*, under rule 32.

³⁴For the vote, see S/PV.2686, p. 128.

³⁵See note 28 above.

23. LETTER DATED 25 MARCH 1986 FROM THE PERMANENT REPRESENTATIVE OF MALTA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

LETTER DATED 25 MARCH 1986 FROM THE PERMANENT REPRESENTATIVE OF THE UNION OF SOVIET SOCIALIST REPUBLICS TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

LETTER DATED 26 MARCH 1986 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

INITIAL PROCEEDINGS

By a letter¹ dated 25 March 1986, the representative of Malta requested an urgent meeting of the Council to discuss the grave situation which had arisen in the Central

Mediterranean and to consider appropriate action to reduce tension and restore peace and stability in the region. On the same date, the representative of the Soviet Union requested² that the Council meet to consider "the situation

¹S/17940.

²S/17941.

in the southern Mediterranean"; and by a letter³ dated 26 March 1986 the representative of Iraq, as Chairman of the Arab Group of States, requested that the Council immediately meet to consider the question of the United States aggression against the Libyan Arab Jamahiriya.

The Council included the three letters in its agenda and considered the matter at its 2668th through 2671st meetings, from 26 to 31 March 1986.

At the 2668th meeting, on 26 March 1986, the Council invited, at their requests, and in accordance with rule 37 of the provisional rules of procedure of the Security Council, the representatives of Czechoslovakia, Hungary, Kuwait, the Libyan Arab Jamahiriya, Malta, Poland, the Ukrainian Soviet Socialist Republic and Viet Nam. The Council also invited, at the 2669th meeting, the representatives of the Byelorussian Soviet Socialist Republic, Cuba, Democratic Yemen, the German Democratic Republic, India, Mongolia, the Syrian Arab Republic and Yugoslavia; at the 2670th meeting, the representatives of Algeria, Ethiopia, the Islamic Republic of Iran and the Lao People's Democratic Republic; and at the 2671st meeting, the representatives of Afghanistan, Mozambique and Nicaragua. At the 2670th meeting, the Council further invited, at the request of the representative of the United Arab Emirates,⁴ Dr. Clovis Maksoud, Permanent Observer of the League of Arab States (LAS).

The first speaker at the 2668th meeting was the representative of the Soviet Union. He stated that on 24 and 25 March the United States of America had committed premeditated acts of armed aggression against the Libyan Arab Jamahiriya, which had led to an abrupt rise in tension in the area and created a threat to international peace and security. Moreover, the United States threatened to commit further acts of aggression.

As evidence of the premeditated nature of the United States attack on the Libyan Arab Jamahiriya, he noted that the United States had directed at Libya a torrent of threats and slanders, had adopted economic sanctions to destabilize the Libyan economy and had publicly discussed ways of physically eliminating the Libyan leadership. In recent months, the United States navy had maintained a constant presence off the Libyan coast. He declared that the United States was practising a policy of State terrorism and was disregarding the Charter of the United Nations, the norms of international law and the fundamental principles of relations among States.

The Soviet representative attributed the United States' aggressions against the Libyan Arab Jamahiriya to its displeasure at Libya's independent, anti-imperialist policy in international affairs and its vigorous opposition to attempts by the United States and Israel to impose separate capitulationist deals on the Arabs. He warned that although the Libyan Arab Jamahiriya, as well as Nicaragua, had borne the brunt of the United States' offensive, all developing countries and the Movement of Non-Aligned Countries itself were targeted. The United States aimed to demonstrate that if its warnings were not heeded, its navy and aircraft were ready to restore its kind of order.

He concluded that it was the duty of the Council to condemn vigorously the aggression committed by the United

States against a Member State, to take all necessary measures to put a halt to those actions and to apply effective measures to protect the sovereignty and territorial integrity of the Libyan Arab Jamahiriya.⁵

The representative of Malta stated that his Government supported adherence to the principles expressed in Article 2, paragraphs 3 and 4, of the Charter in dealing with differences between States. It could not condone the use of force or threats to enforce claims and believed that a military solution was not acceptable, particularly when a State chose to exercise what it considered to be its rights in waters thousands of miles from its territory. The Council must act firmly and urge the United States to stop holding manoeuvres in disputed waters close to the Libyan mainland and to stop attacking Libyan ships and the Libyan mainland.

He noted that many Mediterranean States were promoting the relaxation of tension in their region. That process was being threatened by one super-Power's build-up of armaments in the region, which was provoking the other super-Power to increase its military presence as well.

He cited a statement⁶ made by the Foreign Ministers of the non-aligned Mediterranean countries, meeting at Valletta in 1984, to the effect that freedom of the seas in a closed sea like the Mediterranean should be exercised strictly for the purposes of peace, and that there should be no naval deployment, especially by States outside the region, that directly or indirectly threatened the interests of non-aligned Mediterranean Members.

He further cited the commitments undertaken by the participants in the Conference on Security and Cooperation in Europe (CSCE). Principles II, V and X of the Declaration on principles guiding relations between participating States dealt with refraining from the threat or use of force, the peaceful settlement of disputes and the fulfilment in good faith of obligations under international law. He pointed out that the CSCE participants had also agreed to ensure that those principles would be applicable in their relations with the Mediterranean non-participating States. He stated that one of the participating States was failing to abide by those undertakings.

The representative of Malta appealed to the parties to seek a solution as envisaged under Chapter VI of the Charter through the peaceful means of their choice. He recalled that his Government had appealed to the two sides in January to hold direct talks; following an intensive effort, the Prime Minister of Malta had secured Libyan agreement, but the United States had not reacted positively. Malta reiterated its appeal to the United States to enter into direct consultations with the Libyan Arab Jamahiriya and stood ready to assist and cooperate in any action that could resolve the current difficulties and open the way for their just and lasting resolution.⁷

The final speaker at the 2668th meeting was the representative of the United States, who maintained that the cause of the conflict under consideration was the Libyan Arab Jamahiriya's unfounded claim over a vast area of the Mediterranean Sea and its attacks on those who exercised their rights to navigate in and fly over the area.

³S/17946.

⁴S/17948.

⁵S/PV.2668, pp. 7-12.

⁶S/16758.

⁷S/PV.2668, pp. 12-18.

He declared that the United States, by entering the Gulf of Sidra, had been defending freedom of navigation, which was essential to maintaining international security and the flow of commerce. All nations shared a fundamental interest in maintaining and defending the principles of freedom of navigation and overflight.

He stated that the United States regularly conducted naval and air exercises in every part of the world, including in the Gulf of Sidra. In the current instance, advance notice of the exercise had been posted in accordance with international practice, and the exercise had been publicly and widely recorded. He recalled that on 24 March 1986, the Libyan Arab Jamahiriya had notified the Secretary-General that it would disregard the role of the Council and "resort to its own strengths", and a day later, without provocation, Libyan forces had launched six surface-to-air missiles against United States vessels and aircraft in and over international waters. He claimed that his country's response to the attack had been measured, appropriate to the circumstances and in conformity with Article 51 of the Charter, and he warned that any further attacks would also be resisted with force, if required.

He concluded that, in view of the grave challenge to freedom of navigation in international waters posed by Libyan actions, the Council should reaffirm freedom of navigation and overflight and condemn those nations that resorted to force to violate those norms.⁸

At the 2669th meeting, on 27 March 1986, the representative of the United Kingdom of Great Britain and Northern Ireland declared that the principle of the right to freedom of navigation in international waters was at stake in the current discussion, and he affirmed his Government's commitment to that principle, including innocent passage through territorial seas. The United Kingdom deplored any unjustified threat to or action against navigation, whenever and wherever it occurred.

He stated that there had been no justification for the Libyan attack and that it constituted a breach of Libya's obligations under international law, in particular Article 2, paragraph 4, of the Charter of the United Nations. He further stated that the United States forces had exercised their right of self-defence under Article 51 of the Charter in a proportionate and justifiable manner. He concluded that the Council should uphold the principles concerned, urge the parties to observe restraint and call for the strict observance of international law.⁹

The representative of France stated, among other things, that his Government considered the Libyan Arab Jamahiriya's claims to sovereignty over the Gulf of Sidra to be without historical foundation and unjustified under the 1958 and 1982 Conventions on the Law of the Sea. Such claims were particularly suited to arbitration or international jurisdiction, and any threat of armed intervention to enforce such territorial claims must be ruled out. France hoped that the principles of international law, especially those relating to freedom of navigation in international spaces, would be safeguarded in a peaceful fashion in order to avoid military confrontations whose consequences would be difficult to control.¹⁰

The representative of India expressed his Government's conviction that enduring peace must be based on acceptance of the principles of political and socio-economic pluralism by States and adherence to the principles of non-use of force, non-intervention and non-interference.

He recalled that in 1985 the Ministerial Conference of Non-Aligned Countries had called for the transformation of the Mediterranean region into a region of peace, security and cooperation and had urged States not to use their military forces and facilities against Mediterranean members of the Movement of Non-Aligned Countries. On 26 March 1986, the Movement's Coordinating Bureau had affirmed its full support for and solidarity with the Libyan Arab Jamahiriya in safeguarding its independence, stability, sovereignty and territorial integrity and had demanded a stop to military operations endangering the security and territorial integrity of the Libyan Arab Jamahiriya, as well as regional and international peace and stability. The Coordinating Bureau had found the United States' action especially condemnable in view of its responsibilities as a permanent member of the Security Council.¹¹

At the 2670th meeting, on 27 March 1986, the representative of the Syrian Arab Republic asserted that the question before the Council had no relation to freedom of navigation or to a dispute regarding sovereignty over the Gulf of Sidra. He stated that there were scores of disputes over gulfs, borders and sovereignty between States, and they were usually settled by internationally recognized peaceful means.

He claimed that the United States wanted to eliminate the Libyan regime because of Libya's commitments to the purposes and principles of the Charter of the United Nations, the objectives of the Movement of Non-Aligned Countries, support for decolonization in all forms, the liberation of Arab territories from Zionist occupation and resistance against conspiracies aimed at liquidating the question of Palestine and entrenching the Israeli occupation of Arab territories. He declared that any United States action against any Arab State was aimed at serving Israel, with which, since 1981, the United States had had a strategic alliance designed to impose hegemony and control over the Arabs. The United States was trying to prepare public opinion to accept military action in the Arab region by convincing it that there was terrorism that must be fought, while the recent aggression had been intended to distort the struggle in the region and to divert attention from Israel's crimes against the Arab people in Palestine, southern Lebanon and the occupied Golan Heights.

The representative of the Syrian Arab Republic asserted that the future of international peace and security depended upon the Council's effectiveness in standing up to this aggression. The Council should strongly condemn the American act of aggression, take measures to effect the withdrawal of United States forces from the Gulf of Sidra and call upon the United States to withdraw its bases from the Mediterranean.¹²

The representative of China expressed his Government's concern over recent United States actions. China opposed and condemned all actions violating the norms guiding international relations and encroaching upon the territorial

⁸Ibid., pp. 18-22.
⁹S/PV.2669, pp. 32-37.
¹⁰Ibid., pp. 37-38.

¹¹Ibid., pp. 52-56.
¹²S/PV.2670, pp. 11-17.

sovereignty of other countries. China called upon the United States to cease its military threat against the Libyan Arab Jamahiriya, and called upon both sides to resolve their differences peacefully, in accordance with the means and procedures provided in the Charter.¹³

The representative of the Libyan Arab Jamahiriya told the Council that on 24 and 25 March 1986 the United States had engaged in manoeuvres that violated Libya's sovereignty, had entered Libyan territorial waters and had bombed Libyan territory. He reported that, already, three months into 1986, the United States had carried out four sets of manoeuvres adjacent to the Libyan coast; and since 1981, it had carried out more than 18. The United States had established fleets of warships alongside the Libyan Arab Jamahiriya and other Mediterranean States, which in itself was a continuous source of threat and aggression and constituted interference in their sovereign decision-making powers. The Libyan Arab Jamahiriya advocated the transformation of the Mediterranean into a zone of peace and cooperation from which all military fleets should be withdrawn.

The representative of the Libyan Arab Jamahiriya denied that the United States had been acting in self-defence when it bombed Libya, pointing out that the two countries were thousands of kilometres away from each other. The United States had arrogated to itself the right to reject the national legislation of certain States, claiming that it was dangerous to the United States and proclaiming the right to oppose it and to exercise self-defence.

For that reason, he argued, the conflict involved the whole world and threatened all States that adopted political stands and national legislation not to the liking of the United States. Moreover, the aggression against the Libyan Arab Jamahiriya represented a grave precedent which other States might use in the future.

Regarding the United States' claim to have sent its fleet to the region to impose respect for international law and peaceful navigation, he stated that it was tantamount to claiming that it had received a mandate from the international community, without consultations. He called upon the Council to condemn the United States action and activities, which were contrary to the rule of law and peaceful cooperation.¹⁴

The representative of the Islamic Republic of Iran stated that the military manoeuvre of the United States had been aimed at covering up the defeat of its campaign for global economic sanctions against the Libyan Arab Jamahiriya by redirecting public attention from its foreign policy failures to its military might. The United States claimed it was defending freedom of navigation, but what international conventions recognized was the right of innocent passage. He cited article 17 of the United Nations Convention on the Law of the Sea, entitled "Right of innocent passage", and article 19, paragraphs 2 (a) and (b), of that Convention, which stated that exemptions from innocent passage included, *inter alia*, any threat or use of force or any exercise or practice with weapons. Moreover, article 300 of that Convention referred to good faith as an important principal concept in the overall argument of freedom of navigation and innocent passage.

The Islamic Republic of Iran considered that to label so many ships, surveillance devices and aircraft carriers "innocent passage" and to have recourse to the right of freedom of navigation in this instance was an insult to the intelligence of the international public.¹⁵

Dr. Clovis Maksoud, Permanent Observer of the League of Arab States, noted that the League had strongly condemned the deployment of American warships in the Gulf of Sidra. He stated that the complaint by the Libyan Arab Jamahiriya was shared by the entire Arab world, not only because a threat to the security of one Arab State constituted a threat to all, but also because members of the League did not want to see such a precedent set.

He argued that if each time a State wanted to test another State's claims regarding the scope of its territorial waters in which it deployed warships and staged military exercises, the way would be opened to international anarchy and brinkmanship, which could escalate, the next time, into something that the world would come to regret deeply. The United States claimed that its reason for going into the Gulf of Sidra was to challenge the legal position taken by the Libyan Arab Jamahiriya. Dr. Maksoud suggested that the Libyan claim was not without logic, and if it was to be challenged on either legal or economic grounds, the many peaceful avenues for doing so should have been exhausted before the exercise of any military option.

The League of Arab States did not challenge the right to challenge, but it condemned the instruments to which the United States had resorted. Given the background of adversarial relations between the two countries, including the recent imposition by the United States of economic sanctions against the Libyan Arab Jamahiriya, deploying the American navy in the Gulf could be interpreted as a deliberate provocation. Dr. Maksoud concluded that it was the responsibility of the Council to help close the option of military deployment and set in motion incentives for States that wanted to test the legality of the Libyan Arab Jamahiriya's claim or a similar claim to resort to legal, political and diplomatic avenues, institutions and recourses.¹⁶

The United States, the Soviet Union and the United Kingdom each exercised its right of reply at the 2670th meeting.

At the 2671st meeting, on 31 March 1986, the President drew the attention of members to a draft resolution¹⁷ submitted by Bulgaria and the Soviet Union, by which the Council would have expressed deep concern about the threat to peace and security in the Mediterranean as a result of the United States attack against the Libyan Arab Jamahiriya, and reaffirmed the obligation of all Members to refrain from the threat or use of force, in accordance with the Charter of the United Nations; firmly condemned the act of armed aggression against Libya; demanded an immediate halt to any hostile action against Libya and requested that the United States immediately withdraw its forces from the area; considered Libya entitled to compensation for the loss of lives and property resulting from the attack; and decided to remain seized of the matter.

There were several additional speakers at the 2671st meeting, including the representatives of the Libyan Arab

¹³*Ibid.*, pp. 24-27.

¹⁴*Ibid.*, pp. 27-32.

¹⁵*Ibid.*, pp. 36-42.

¹⁶*Ibid.*, pp. 48-57.

¹⁷S/17954.

Jamahiriya and the United States of America, who again exercised their right of reply. The draft resolution was not put to a vote. At the close of the meeting, the President stated that the date of the next meeting of the Council to consider the matter would be fixed by the President for the

month of April following consultations with the members of the Council.¹⁸

¹⁸S/PV.2671, p. 39.

24. LETTER DATED 12 APRIL 1986 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF MALTA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Decision of 14 April 1986 (2673rd meeting): adjournment of the meeting to the following day

By a letter¹ dated 12 April 1986 addressed to the Secretary-General, the representative of the Libyan Arab Jamahiriya transmitted the text of a message addressed to the Secretary-General from the Secretary of the People's Committee of the People's Bureau for Foreign Liaison of the Libyan Arab Jamahiriya, concerning the deteriorating security situation in the Mediterranean as a result of the decision of the United States of America to stage new military aggression against the Socialist People's Libyan Arab Jamahiriya. In the message, the Secretary of the People's Committee of the People's Bureau for Foreign Liaison of the Libyan Arab Jamahiriya had stated that aircraft carriers and other naval units of the United States of America were proceeding towards the Libyan coast for the purpose of staging military aggression against his country, on the pretext of taking revenge on Libya for acts with which Libya had denied any links. He had also recalled that, less than two weeks earlier, the United States had dispatched units of its fleet which had staged aggression against the Libyan Arab Jamahiriya, thereby violating the integrity of its internal waters and its sovereignty over its coast and its territory. It was stated that, while the Security Council meeting which had convened to consider the previous United States military aggression against the Libyan Arab Jamahiriya at the request of Malta and the Soviet Union had not yet concluded its consideration, all the speakers at the Council's meetings² had condemned and censured the aggression, and that the failure of the Council to adopt deterrent measures had caused the United States to persist in aggression and enabled it to obtain political and military assistance from permanent members of the Council and States Members of the Organization in order to consecrate the law of aggression and make it the law of nations. It was further stressed that, faced with United States preparation for aggression against the Libyan Arab Jamahiriya with the collaboration of the Atlantic Alliance in flagrant violation of the Charter of the United Nations and the norms of international law, the Socialist People's Libyan Arab Jamahiriya had considered itself in a state of legitimate self-defence under Article 51 of the Charter of the United Nations to protect its sovereignty and safeguard its independence, including requesting the implementation of the mutual defence agreements and treaties concluded by it at any level.

¹S/17983.

²For the Council's consideration of the question at its 2668th to 2671st meetings, held between 26 and 31 March 1986, see sect. 23 above.

By a letter³ dated 12 April 1986 addressed to the President of the Security Council, the representative of Malta requested that the Council be convened immediately to consider and take appropriate and urgent action to stop the repeated threat of use of force, as well as the imminent resort to armed attack in the Central Mediterranean.

At its 2672nd meeting, on 12 April 1986, the Security Council included in its agenda⁴ the item entitled "Letter dated 12 April 1986 from the Chargé d'affaires a.i. of the Permanent Mission of Malta to the United Nations addressed to the President of the Security Council" and considered the item at the 2672nd and 2673rd meetings, on 12 and 14 April 1986. In the course of its deliberations, the Council invited, at their request, the representatives of the Libyan Arab Jamahiriya, Malta, the Syrian Arab Republic and the Ukrainian Soviet Socialist Republic to participate, without vote, in the Council's discussion of the item. The Council also extended an invitation, as requested, under rule 39 of the provisional rules of procedure of the Security Council, to Mr. Clovis Maksoud, Permanent Observer of the League of Arab States.⁵

At the same meeting, the representative of Malta said that, for the second time in less than two weeks, his Government had considered it necessary to request the convening of the Security Council to give urgent consideration to the grave and dangerous situation which had arisen in the Central Mediterranean. He recalled his delegation's statement⁶ before the Council on 26 March 1986 conveying the appeal for reason and prudence and underlining the belief of the Government of Malta that all disputes between States should be settled by the peaceful means envisaged in Chapter VI of the Charter of the United Nations—namely, negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice—and not by resort to the threat or use of force. He stated that reports over the last 24 hours gave his delegation reason to believe that a real risk of imminent resort to the use of force in the Central Mediterranean had again arisen, and that his Government once again appealed to all parties concerned to exercise the utmost restraint and to act in full conformity with the principles and purposes of the Charter of the United Nations and to ensure that they undertook no measure which would create a threat to peace

³S/17982.

⁴See S/PV.2672, p. 2.

⁵For details on the invitations under rules 37 and 39 of the provisional rules of procedure of the Security Council, see chap. III of the present *Supplement*.

⁶S/PV.2668, pp. 12-18. See also sect. 23 above.

and security in the area and beyond. He further said that his Government also considered that the situation called for immediate action by the Security Council under Articles 33 and 34 of the Charter of the United Nations and that, for that purpose, his delegation was submitting a draft resolution⁷ for urgent consideration by the Council with the objective of putting an immediate halt to any further action that might lead to the use of force, and of entrusting the Secretary-General with full powers to take whatever action was necessary for the maintenance of peace in the Central Mediterranean. He concluded by urging, while the Council was seized of the matter, a complete cessation of all forms of action which could further aggravate the situation, and by appealing to all States Members of the United Nations, particularly the members of the Council, to act in a manner which would permit the Secretary-General to fulfil his functions under the Charter.⁸

At the 2673rd meeting, on 14 April 1986, at the outset of the Council's discussion the President drew the attention of the members of the Council to a draft resolution⁹ that had been submitted by Malta. Under the draft text, the Security Council would have expressed concern at the mobilization of naval forces in the Central Mediterranean in preparation for a military attack on the Libyan Arab Jamahiriya; reaffirmed the obligation of all Member States to refrain from the threat or use of force in the Central Mediterranean; called upon all parties concerned to desist from all further action which could lead to the use of armed force; and entrusted the Secretary-General to take immediate appropriate action with the parties concerned to ensure that only the peaceful means envisaged by the Charter were utilized to reconcile any differences between them.

At the same meeting, the representative of the Libyan Arab Jamahiriya said that, two weeks ago, the United States had invoked "freedom of navigation" as a pretext for its flagrant act of armed aggression in Libyan territorial waters and on Libyan territory in violation of the Charter of the United Nations and the norms of international law and that, while the Security Council had not concluded its consideration of that complaint,¹⁰ which had been brought before it by the Soviet Union, Malta and the Group of Arab States, the Council's failure to adopt a resolution had encouraged the United States to pursue its aggression. He said that statements by United States officials over the past few days and the orders that had been issued to the United States fleet to proceed towards Libya's shores constituted a blatant violation of the Charter of the United Nations and of the norms of international law. He stressed that there were no grounds or evidence for the barrage of American allegations ascribing to the Libyan Arab Jamahiriya the responsibility for the acts of terrorism which were taking place in the world, including the responsibility for the incidents at the Rome and Vienna airports, despite categorical evidence of statements by officials of the States concerned that the Libyan Arab Jamahiriya had nothing to do with the incidents. Since plans for an act of aggression had already been made, as affirmed in statements of all United

States officials, the situation was quickly approaching the point of explosion; in the event of an American attack, the Libyan Arab Jamahiriya would be bound to undertake legitimate self-defence under the provisions of Article 51 of the Charter. He stated that the Security Council must take measures within the next few hours to contain the situation and, as the organ entrusted with the task of maintaining international peace and security, the Council must stand firm in opposing and condemning all instances of the use of force.¹¹

The representative of the United States of America supported the view that it was the primary responsibility of the Security Council to maintain peace and security; in that connection, there was no action the Council could take more useful than to cause those who were violating international law in general, and Article 2, paragraph 4, of the Charter of the United Nations in particular, to cease the violations. He clarified that he was not speaking of an isolated instance of a use of force in violation of Article 2, paragraph 4, but what the Council was faced with was a persistent course of conduct by a Member State, the Libyan Arab Jamahiriya, in flagrant disregard of the most fundamental rules of international law. He said that Libyan armed forces were then present and in action on the territory of neighbouring Chad and that Libyan armed forces had opened fire a few weeks ago on American naval forces that were operating on and over international waters on the high seas. It was a long-established and firm principle that the force prohibited by Article 2, paragraph 4, of the Charter was that used by uniformed members of the armed forces of a country, but it was just as much a violation of Article 2 when individuals in civilian clothes planted bombs in airplanes or in crowded cafes, and the fact that such actions, which were targeted on innocent civilians, also violated other rules of law and were correctly described as "terrorist acts" in no way decreased the extent to which they violated Article 2, paragraph 4. He further recalled that Article 2 also prohibited the threat of force and said that, in addition to using force, the Government of the Libyan Arab Jamahiriya had also threatened the use of force, not only against American citizens, but against anyone who was allied with the United States or shared their view, and that the conduct of the Libyan Government was the conduct of an outlaw regime which was prepared to trample on, and did trample on, the international norms that were the hallmark of a civilized international community. Specific threats had been made against European cities, despite the protestations of innocence that had been heard at the Council table. He referred to "latest reports" from the Libyan Arab Jamahiriya regarding plans to move foreign workers to military bases; if true, they indicated an intention to use civilians to shield military operations, and such a move would be another violation of the norms of civilized conduct and a truly horrible abomination. Any effort at preventive diplomacy must focus on ways and means of ending the consistent policy of violation of fundamental norms and deal with the course of illegal conduct by the Government of the Libyan Arab Jamahiriya. While the use of force in violation of Article 2, paragraph 4, gave rise to a right of self-defence, the right of self-defence, as Article 51 made expressly clear, was an inherent right restricted by nothing in the Charter of the United Nations.

⁷For procedures concerning the submission of proposals or draft resolutions by invited representatives, see chap. III, part III, of the present *Supplement*.

⁸S/PV.2672, pp. 3-5.

⁹S/17984.

¹⁰See sect. 23 above.

¹¹S/PV.2673, pp. 4-11.

There were specific procedures set forth in connection with the exercise of the right, and Article 51 specifically required that "measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council". The representative recalled that, when the United States had been forced to respond to the Libyan attacks on its aircraft and ships operating on and over international waters, his Government had immediately reported the fact to the Council; it was revealing that Libya's contempt for the law of the Charter extended even to such a procedural requirement. Although Libya's forces were present in Chad, Libya had already fired missiles at their planes and ships, and although Libya had used force against innocent civilians and civilian targets, the Security Council had received no report that had been filed by the Libyan Arab Jamahiriya pursuant to the requirements of Article 51. He said that they were faced with a regime that considered itself outside the law, that considered itself unrestricted by the Charter, unaffected by global condemnations of terrorism and, evidently, without any obligation to honour the rules of civilized conduct and human rights. He further stated that, if the Council were to face its responsibilities and seek to reduce tensions in the area which the Libyan Arab Jamahiriya felt free to threaten, it must begin with measures to bring Libya into the fold of nations for which the requirements of the Charter were imperatives, and that any action by the Council must be grounded on and explicitly address the persistent illegal conduct of the Libyan Arab Jamahiriya, which had caused much suffering and heightened tension.¹²

The representative of the Union of Soviet Socialist Republics referred to the series of Council meetings¹³ that had been convened at the initiative of the Soviet Union and other States, and said that the militaristic course of the use of force by the United States against the Libyan Arab Jamahiriya had been the subject of widespread condemnation and that an unqualified demand had been addressed to Washington that it immediately halt the policy and remove its naval units from the Libyan coast. Unfortunately, a cloud of blackmail and threats was once again rising from the shores of the Potomac and calls were being issued from Washington for the Libyan leadership to be taught a lesson by military means. Highly placed officials in Washington were talking about the possible targets of a strike against Libyan territory, thereby revealing that the United States was making intensive preparations for a new act of aggression against the Libyan Arab Jamahiriya even to the point

of provoking a conflict in the region that could threaten international peace and security. Nothing could justify the use of force or the provocative disregard of the Charter of the United Nations and the basic norms of international law. The Soviet representative then reiterated his Government's warning, at the Council's prior meetings,¹⁴ that the policy of force against the Libyan Arab Jamahiriya was testimony to the United States policy of "new globalism" which had been taking on an increasingly dangerous and belligerent character, posing a threat to world peace. He stressed that the Security Council, to fulfil its duty under the Charter as the supreme body responsible for the maintenance of international peace and security, must prevent the situation from getting out of control by utilizing the full potential of preventive diplomacy, as many members of the Council had repeatedly advocated. He further specified that the Security Council must make clear its fundamental view of the "militaristic actions" of the United States, wholeheartedly support Libya's sovereignty and territorial integrity and demand unequivocally that the United States cease its policy of aggression, armed provocation and threats against Libya and withdraw its armed forces from Libyan shores. He concluded with reference to a statement in which the General Secretary of the Central Committee of the Communist Party of the Soviet Union, Mr. Mikhail S. Gorbachev, had proposed that an international conference of the Mediterranean States, States adjacent to the area, the United States and other interested parties should be convened to consider measures ranging from confidence-building measures in the military field to the reduction of military forces and military activities and the withdrawal from the Mediterranean of nuclear-weapon-bearing vessels. He said that the Soviet Union had expressed its readiness to enter immediately into talks with the United States on the question of the simultaneous and mutual withdrawal of their naval units from the Mediterranean with the aim of the normalization of the situation in the area, the reduction of the level of military confrontation and the transformation of the region into a zone of stable peace and good-neighbourliness.¹⁵

At the conclusion of the 2673rd meeting, on 14 April 1986, the President stated that a number of representatives had indicated that they wished to speak, but not before the following day, and that, consequently, the next meeting of the Council to continue consideration of the agenda item would take place the following day, at 11 a.m.¹⁶

¹²*Ibid.*, pp. 11-16.

¹³See sect. 23 above.

¹⁴S/PV.2668, pp. 7-12. See also sect. 23 above.

¹⁵S/PV.2673, pp. 16-21.

¹⁶*Ibid.*, p. 22. For suspension and adjournment of meetings under rule 33 of the provisional rules of procedure of the Security Council, see chap. I, part V, of the present *Supplement*.

25. LETTER DATED 15 APRIL 1986 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

LETTER DATED 15 APRIL 1986 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF BURKINA FASO TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

LETTER DATED 15 APRIL 1986 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF THE SYRIAN ARAB REPUBLIC TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

LETTER DATED 15 APRIL 1986 FROM THE PERMANENT REPRESENTATIVE OF OMAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

INITIAL PROCEEDINGS

By a letter¹ dated 15 April 1986 addressed to the President of the Security Council, the representative of the Libyan Arab Jamahiriya requested that the Council meet immediately to consider and adopt urgent and effective measures against the armed military aggression staged by the United States of America against it.

A number of letters (from the representatives of Burkina Faso,² the Syrian Arab Republic³ and Oman, in his capacity as Chairman of the Arab Group⁴), condemning the act of aggression by the United States against the Libyan Arab Jamahiriya and requesting an immediate Security Council meeting, had been received by the President of the Security Council.

Decision of 21 April 1986 (2682nd meeting): rejection of five-Power draft resolution

At its 2674th meeting, the Security Council included the item in its agenda⁵ and considered it at its 2674th to 2680th, and 2682nd to 2683rd meetings, on 15 to 18, 21 and 24 April 1986. In the course of the meetings, the representatives of Afghanistan, Algeria, Bangladesh, Benin, Burkina Faso, the Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Democratic Yemen, the German Democratic Republic, Hungary, India, the Islamic Republic of Iran, the Lao People's Democratic Republic, the Libyan Arab Jamahiriya, Malta, Mongolia, Nicaragua, Oman, Pakistan, Poland, Qatar, Saudi Arabia, the Sudan, the Syrian Arab Republic, Uganda, the Ukrainian Soviet Socialist Republic, Viet Nam and Yugoslavia were invited, at their request, to take part in the discussion without the right to vote.⁶

At its 2680th meeting, the Council decided to invite by vote, in accordance with past practice, the representative of the Palestine Liberation Organization (PLO) to participate in the discussion.⁷

At the 2674th meeting, the representative of the United Arab Emirates charged the United States with having turned its back on the use of peaceful means of settling political and ideological differences in flagrant violation of the Charter of the United Nations and the rules of international law by launching an armed aggression against the territory of an independent State, causing innocent victims indiscriminately. He further charged that his country held the United States responsible for the act of aggression against the Libyan Arab Jamahiriya and it also held the United Kingdom of Great Britain and Northern Ireland responsible for authorizing the use of bases on its territory for the purpose of launching a military act of aggression against the Libyan Arab Jamahiriya.⁸

The representative of the Libyan Arab Jamahiriya condemned the United States for violating Article 2 (4) of the Charter by launching savage air raids against Libyan civilian targets. He also charged the United States with violating Article 51 of the Charter, which refers to the right of legitimate self-defence and which asks that all measures taken by Members in the exercise of this right be reported to the Council. He charged that the United States had not informed the Council of the designs of the United States to use force. The launching of the raid against the Libyan Arab Jamahiriya by the United States had been unjustified and unprovoked. He called upon the Council to adopt a resolution that would firmly and unequivocally condemn international terrorism, as practised by the United States, since, under the terms of the Charter, it was the Council's responsibility to safeguard international peace and security. Condemning the United Kingdom for providing the logistics and giving support to the United States, he further stated that the gravity of the threat to international peace and security was compounded by the fact that the raid had taken place with the blessing and support of certain States, first and foremost, the United Kingdom.

The representative of the United States, referring to Article 51 of the Charter of the United Nations, stated in his defence that the United States, in the exercise of its inherent right of self-defence, had ordered its forces to respond to hostile Libyan military attacks in international waters in the Gulf of Sidra. The United States forces had struck targets that were the sites used to carry out the Libyan Arab

¹S/17991.

²S/17992.

³S/17993.

⁴S/17994.

⁵S/PV.2674.

⁶For details, see chapter III of the present *Supplement*.

⁷For the vote and discussion, see S/PV.2680. See also chapter III of the present *Supplement*.

⁸S/PV.2674.

Jamahiriya's harsh policy of international terrorism, including ongoing attacks against United States citizens and installations.

He further referred to the persistent course of conduct by the Libyan Arab Jamahiriya in violation of Article 2 (4) of the Charter and in flagrant violation of the most fundamental rules of international law. He stated that the scourge of Libyan terrorism was not a problem for the United States alone, but one that threatened all members of the civilized world community. He challenged all members of the Council to give meaning to their commitment to uphold the principles of the Charter and to act in common defence of those principles.

At the 2675th meeting, the representative of the Union of Soviet Socialist Republics condemned the United States action against the Libyan Arab Jamahiriya as aggressive marauding, and warned that if an immediate end was not put to that action, the Soviet Union would be forced to draw far-ranging conclusions. He criticized the fact that, in spite of the standing of the United States as a great Power and a permanent member of the Security Council, who bore a special responsibility for the maintenance of world peace, it was most grossly violating the Charter of the Organization which forbids the use of force in international relations. He called upon the Security Council to condemn firmly the act of armed aggression carried out by the United States against the Libyan Arab Jamahiriya and stated that the Security Council must shoulder the responsibilities entrusted to it by the Charter of the Organization and by all peace-loving States on earth.⁹

Many speakers who participated in the debate¹⁰ maintained that the United States' act against the Libyan Arab Jamahiriya constituted a violation of Article 2 (4) of the Charter. Many stated that the act of aggression committed by the United States was a serious violation of the independence, sovereignty and territorial integrity of the Libyan Arab Jamahiriya and a flagrant violation of all norms and principles of international law and the Charter of the United Nations. Many speakers denounced the United States and the United Kingdom's implementation of Article 51, which refers to the right of legitimate self-defence, as unjustifiable. They urged the Security Council, as the organ of the United Nations with the primary responsibility for the maintenance of international peace and security, to devote its attention to the situation in the Mediterranean and to take appropriate action to prevent any further illegal use of force in the region. Many of them also stated that all international disputes should be solved by peaceful means, through negotiations, as clearly envisaged in the

⁹S/PV.2675.

¹⁰S/PV.2675: the Syrian Arab Republic, p. 18; Oman, pp. 27 and 28; Bulgaria, pp. 33-36; Cuba, pp. 38-40; Democratic Yemen, pp. 42-45; India, pp. 48-51; China, p. 53; S/PV.2676: Algeria, pp. 4-7; Yugoslavia, p. 8; Ukrainian SSR, pp. 14-17; the German Democratic Republic, pp. 23-26; Qatar, pp. 5-10; Madagascar, pp. 12-16; Mongolia, pp. 23-26; Poland, pp. 28-31; Hungary, pp. 32 and 33; Viet Nam, p. 36; Burkina Faso, p. 41; Saudi Arabia, pp. 46 and 47; S/PV.2677: Afghanistan, pp. 6 and 7; the Lao People's Democratic Republic, pp. 9-11; Czechoslovakia, pp. 12 and 13; Benin, p. 18; the Islamic Republic of Iran, pp. 21 and 22; the Sudan, pp. 27-31; S/PV.2679: Bangladesh, pp. 9-12; S/PV.2680: the Byelorussian SSR, p. 6; the Congo, pp. 26 and 27; Nicaragua, pp. 47 and 48; S/PV.2682: Pakistan, p. 7; Organization of the Islamic Conference, p. 12; Uganda, pp. 15 and 16; Malta, pp. 19 and 20; Thailand, pp. 39 and 40.

Charter. A few further urged that the Security Council should take steps to ensure that full and prompt compensation be provided to the Libyan Arab Jamahiriya.

The representative of Venezuela suggested that it was neither impossible nor too late for the Council to agree to recommend appropriate procedures or methods of adjustment, as set out in Article 36 (1) of the Charter. He warned that little could come of decisions rejected by either or both parties because they failed to take into account the background or other aspects of the problem, or because they did not strike the necessary balance. He reiterated that the authority and credibility of the Council was weakened by its repeated failure to implement its resolutions. He further recalled the Secretary-General's statement that the resort to force was not an effective means of resolving disputes and would only lead to further violence. The States involved, therefore, had to desist from escalating tension, exercise restraint and seek a resolution of the critical situation through the means provided in the Charter. Declining to enter into an analysis of the legal aspects of the case before the Council, he stated that the task was better carried out by the International Court of Justice or an arbitration tribunal with access to all the evidence the parties could provide and also to the briefs and the arguments of qualified legal experts. He stressed that the United States, like the other permanent members of the Security Council, had a special responsibility in the maintenance of international peace and security.¹¹

The representative of the United Kingdom stated that the central issue faced by the Council was that of "terrorism". He said that much of terrorism was connected with political problems, whether grievance was justified or not. The Council had the primary role within the international community of dealing with political problems that got out of hand or threatened to do so. It was, of course, better if they could be resolved peacefully by negotiation between the participants without having recourse to the Council. However, the Council had to insist that it would not negotiate under pressure and that it would not allow its judgement to be swayed by terrorism. He further added that the Council had to insist that the principles that it had already laid down, that terrorism was criminal, should be adhered to in specific cases and that the terrorists had to be punished accordingly. He stated that when terrorism was carried out, whether overtly or covertly, by agents of a State or a would-be State, it was of a different and worse kind; it was a deliberate act of State policy. State-directed terrorism was, in fact, war by another name. While supporting the principles which had been invoked by many speakers, of the need to seek the peaceful settlement of disputes and to refrain from the threat or use of force in accordance with Article 2 of the Charter, he questioned whether the Libyan Arab Jamahiriya had refrained in its international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations. He further noted that the United States was justified in drawing the conclusion from past events that Libyan defiance of the norms of international behaviour would continue. The United States had made clear that it had conclusive evidence of direct Libyan involvement in terrorist acts and in planning for further such acts. Even the British Government had evi-

¹¹S/PV.2679.

dence beyond dispute. The United States had, like others, the inherent right of self-defence, as reaffirmed in Article 51 of the Charter. He maintained that the right of self-defence was not an entirely passive right. It plainly included the right to destroy or weaken the capacity of one's assailant, to reduce his resources and to weaken his will, so as to discourage and prevent further violence. He further stated that the British Government's answer to the American request for the use of American aircraft based in the United Kingdom was in support of action directed against specific Libyan targets demonstrably involved in the conduct and support of terrorist activities. Finally, he urged the Security Council to show the courage and wisdom expected of it, and address itself to the task of ensuring proper respect for international law by the Libyan Arab Jamahiriya and by any other States involved in supporting terrorism.

The representative of Ghana argued that the concept of self-defence in the context of relations between big Powers and small countries was a troublesome one, because of the practical possibility of its one-sided application. That is why the Charter of the United Nations had imposed certain clearly defined limitations on that concept. He stated that a specific precondition for the exercise of the right of self-defence was "if an armed attack occurred against a member of the United Nations". In this context, he doubted that an armed attack within the meaning of Article 51 had occurred that justified resort to the use of force in self-defence. The incidents described were not in the nature of armed invasions perpetrated against the territorial integrity or sovereign independence of the United States. Indeed, they had not occurred on United States territory. Referring to Article 33 of the Charter he said that it provided adequate guidance for the peaceful settlement of disputes. The objective was to encourage the peaceful settlement of conflicts in such a manner that international peace and justice was not endangered. He also pointed out that the good offices of the Secretary-General were also available to any Member State in dealing with inter-State disputes. Furthermore, he reiterated that Articles 33, 34, 35 and 36 were useful procedures for the peaceful settlement of disputes. Additionally, General Assembly resolution 2625 (XXV) of 24 October 1970¹² and resolution 40/61 of 9 December 1985¹³ on measures against terrorism provided a sufficient legal framework and principles for dealing with inter-State disputes.¹⁴

At the 2682nd meeting, on 21 April 1986, the President drew attention to a draft resolution submitted by the Congo, Ghana, Madagascar, Trinidad and Tobago and the United Arab Emirates.¹⁵ According to the preamble of the draft resolution,¹⁶ the Security Council would recall General Assembly resolution 40/61 of 9 December 1985 and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States, the Declaration on the Strengthening of International Security; and the Definition of Aggression. The Council would condemn the armed attack by the United States in violation of the Charter of the United Nations and the

norms of international conduct. In addition, it would call upon the United States to refrain forthwith from attacks or threats thereof. The Council would further condemn all terrorist activities, whether perpetrated by individuals, groups or States, and call upon all parties to refrain from resorting to force, to exercise restraint in this critical situation and to resolve their differences by peaceful means in keeping with the Charter. The Council would finally request the Secretary-General to take all appropriate steps to restore and ensure peace in the central Mediterranean and to keep the Security Council regularly informed of the implementation of the present resolution.

Prior to the vote, statements were made by the representatives of the United States, Denmark, Australia and Thailand. The representative of the United States deplored the failure of the said draft resolution to come to grips with the Libyan Arab Jamahiriya's blatant, unrepentant and continuing use of force in violation of Article 2, paragraph 4, of the Charter and maintained that for the Council to endorse an erroneous and deficient draft would be to mock the oft-stated commitment of the Council and the General Assembly to oppose terrorism in all its forms as criminal conduct that had to be resisted and punished. The delegation of Denmark said that the draft did not reflect appropriately the complex issues with which the Council had been confronted and that no attempt had been made to address the interrelationship between action and reaction which had been at play. In the opinion of the delegation of Australia, the draft did not approach the issue with the same sense of balance. It focused its criticism on one party, the United States, and did not directly address the actions of the Libyan Arab Jamahiriya, which had played a large part in contributing to the existing tensions. Finally, the delegation of France said that the draft was excessive and unbalanced, and that the Libyan responsibility was not mentioned therein; hence they could not accept it.¹⁷

The draft resolution was put to the vote. It received 9 votes to 5 (Australia, Denmark, France, United Kingdom, United States) with 1 abstention, and was not adopted owing to the negative vote of a permanent member of the Council.

Following the vote, the representative of Venezuela said that the adoption of the draft would not have encouraged a solution of the dispute by peaceful means. He reiterated that, in accordance with Article 36 of the Charter, the Council should have been called upon to recommend the appropriate procedures or methods of adjustment. He also believed that the draft did not duly take into account the whole background of the problem and all its aspects.

The representative of the Union of Soviet Socialist Republics commented that in the draft resolution, the United States should have been subjected to even more vigorous condemnation and that the draft should have reflected that, in accordance with the norms of international law, the Libyan Arab Jamahiriya had a legitimate right to compensation for damage suffered as a result of the attack. He stressed that the Council's failure to adopt the draft resolution as a result of the three vetoes of the United States and its allies did not mean that the consideration of the issue was not giving results. On the contrary, it emphasized that the isolation of the Western Powers was forcing

¹²GAOR, 25th sess., Suppl. No. 28 (A/8028), p. 121.

¹³GAOR, 40th sess., Suppl. No. 53 (A/40/53), pp. 301 and 302.

¹⁴S/PV.2680.

¹⁵S/PV.2682.

¹⁶S/18016/Rev.1.

¹⁷S/PV.2682.

them to utilize extreme means to prevent the Council from condemning them.

The representatives of the Libyan Arab Jamahiriya and the Syrian Arab Republic both denounced the use of vetoes by the Western Powers and expressed their appreciation for the support of the "overwhelming majority of the world's States" represented in the Council.

At the 2683rd meeting, the representative of India, speaking in his capacity as the Chairman of the Movement of Non-Aligned Countries, reiterated on behalf of the Movement, their grave concern over the serious developments in the central Mediterranean that had grave consequences for peace and security, not only in the region but in the world at large. He stated that the bombing of Libyan cities by United States aircraft, which was in contravention of the purposes and principles of the United Nations Charter and norms of international law, had been undertaken, with the attendant risk of a wider conflagration, against the sovereignty, territorial integrity and independence of a sovereign State. Referring to the text of the communiqué adopted at the emergency session of the Coordinating Bureau of the Movement of Non-Aligned Countries, held on 15 April 1986 in New Delhi, he reiterated that the ministers and heads of delegation of non-aligned countries strongly condemned the act of aggression by the United States against the Libyan Arab Jamahiriya and that this act was all the more condemnable since, by virtue of its position as a permanent member of the Council, it had the primary responsibility for the maintenance of international peace and security and to abide by the principles of the Charter of the United Nations. While demanding that the United States put an immediate halt to its military operations, which violated the sovereignty and territorial integrity of the Libyan Arab Jamahiriya, endangered peace and security in the Mediterranean region and posed a grave threat to international peace and security; and further demanding that full and prompt compensation be provided to the Libyan Arab Jamahiriya for the human and material losses that it had suffered, the Ministers and heads of delegation called upon the Security Council to take urgent action to condemn the United States act and to prevent the repetition of such acts. He further said that, in view of the events that had occurred, the non-aligned members of the Council had jointly sponsored a balanced draft resolution. However, owing to the five negative votes, including the triple veto, the Council had lost an opportunity to place on record its commitment to the important concepts included in the draft resolution. Noting that nothing could justify the use of massive force or an armed attack against a sovereign State, in contravention of the purposes and principles of the Charter of the United Nations, he continued that the Movement of Non-Aligned Countries, while sharing worldwide abhorrence of terrorism still believed that the responsibility of the Security Council did not end there, in spite of its paralysis resulting from the triple veto. It was imperative that the Security Council, as the primary organ responsible for the maintenance of international peace and security, discharge its responsibilities in that direction. Finally, he urged the Secretary-General to use to the utmost

his political and moral authority in the cause of peace to persuade the parties concerned to exercise restraint in that critical situation and to resolve differences by peaceful means in keeping with the Charter.¹⁸

Statements were further made by the delegations of Yugoslavia, Cuba, Ghana and the Congo, all of whom had been mandated by the ministerial meeting of the Coordinating Bureau of the Movement of Non-Aligned Countries to visit Tripoli. Those delegations communicated to the Council their assessments, views and the demands of the Movement of Non-Aligned Countries, following their visit to Tripoli.¹⁹

Speaking in the exercise of the right of reply, the representative of the United States said that more relevant than the size were the rights of nations large and small, the rights recognized in international law and the Charter of the United Nations. Article 51 of the Charter specifically recognized the right of self-defence by Member States—both for themselves and their citizens. The United States representative emphasized that it did not take advanced technology or the resources of a large country to spread destruction in civilized society, but that terrorism could be attempted by any small group of determined, fanatical and demented individuals. It was an even greater danger if it was backed by a State, such as the Libyan Arab Jamahiriya, in flagrant violation of Article 2 (4) of the Charter.

The representative of the Libyan Arab Jamahiriya, in the exercise of his right of reply, while reiterating his delegation's position, further pointed out that, notwithstanding the decision of the Council, the United States Administration had reiterated that it might commit a further act of aggression. On behalf of his delegation, he warned the Council of the dangers of such an operation. While praising the position adopted by the international community which had condemned the United States, he further warned that no one should underestimate the Libyan Arab Jamahiriya's strength. Libyans were not weak and, if and when necessary, they were determined to fight. However, he concluded, they understood the cost of war and they wanted peace.

- The representative of the United Kingdom, in his reply, reflected his delegation's position on the statements made by some of the members of the Movement of Non-Aligned Countries directed towards the failure of the Security Council in addressing the issue. Referring to the draft resolution voted on in the Council earlier, he stated that it had not mentioned the Libyan Arab Jamahiriya and that, in refusing to accept such a resolution, the Security Council, which had followed its constitutional procedures, had acted foolishly or unfairly. The omission, among other considerations, of any reference to the long history of State-directed provocations and State-directed terrorism, was enough to justify the Council in deciding not to adopt the draft resolution.

¹⁸S/PV.2683.

¹⁹*Ibid.*, Yugoslavia, pp. 14-17; Cuba, pp. 17-27; Ghana, pp. 27-37; Congo, pp. 37-41.

26. LETTER DATED 27 JUNE 1986 FROM THE PERMANENT REPRESENTATIVE OF NICARAGUA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

By a letter¹ dated 21 June 1986 addressed to the Secretary-General, the representative of Nicaragua transmitted the text of a note dated 17 June 1986 from the Minister for Foreign Affairs of Nicaragua to the Ministers for Foreign Affairs of the Contadora Group and the Support Group.

By a letter² dated 27 June 1986 addressed to the Secretary-General, the representative of Nicaragua transmitted the text of a note dated 25 June 1986 from the Acting Minister for Foreign Affairs of Nicaragua to the Secretary of State of the United States of America.

By a letter³ dated 27 June 1986 addressed to the President of the Security Council, the representative of Nicaragua requested the convening of an emergency meeting of the Council.

At its 2694th meeting, on 1 July 1986, the Security Council included the item in the agenda and considered it at the 2694th to 2698th meetings, from 1 to 3 July 1986. The Council invited the following, at their request, to participate in the discussion, without the right to vote: at the 2694th meeting, India and Nicaragua; at the 2695th meeting, Afghanistan, Democratic Yemen, the German Democratic Republic, the Lao People's Democratic Republic, Spain, the Syrian Arab Republic and Viet Nam; at the 2696th meeting, Angola, Cuba, Czechoslovakia, El Salvador, Mongolia and the Ukrainian Soviet Socialist Republic; at the 2697th meeting, Algeria, Guyana, the Islamic Republic of Iran, the Libyan Arab Jamahiriya and Yugoslavia.

At the 2694th meeting, the Minister for Foreign Affairs of Nicaragua referred to the approval given by the House of Representatives of the United States Congress to the request for new funds (\$100 million) for the mercenary forces fighting against Nicaragua. He declared that the decision amounted to a declaration of war and was one further step towards sending United States troops to Nicaragua. He denounced the actions of the United States Administration against the sovereignty, independence, self-determination and territorial integrity of Nicaragua. He recalled that the Contras had been established in 1981, financed, trained and directed by the United States Central Intelligence Agency (CIA); after they had attacked and mined Nicaraguan ports in 1983 and 1984, the United States Congress had prohibited direct or indirect aid to those forces. However, in 1985 and again in 1986, so-called humanitarian aid had been approved, which had been used for training the mercenary army, supplying it with heavy weapons, and transport. He maintained that the \$100 million was but the tip of the iceberg and its approval by the House of Representatives signalled the beginning of a new dangerous stage in the United States policy of State terrorism designed to bring Nicaragua down through the overthrow of its freely and democratically elected Government. He referred to the United States' ongoing boycott of all diplomatic efforts to find a peaceful, just and hon-

ourable solution of the Central American crisis; its refusal to resume direct dialogue with Nicaragua; constant pressure and blackmail with the view to thwarting the efforts of the Contadora Group. He gave an account of these efforts including the latest "Panama message" of 7 June 1986,⁴ which the Government of Nicaragua considered the only instrument for effective conclusion of the negotiating process to achieve peace in Central America. The speaker conveyed his country's readiness to make available to the Contadora Group the inventory of military weaponry and other information;¹ as well as the agreement with the three fundamental commitments outlined in the Peace Act;⁴ non-use of a country's territory as a base for aggression; non-participation in a military or political alliance that threatened peace in the region; no support to subversive groups. He considered that the United States Government lacked the political will to support the Contadora process. The representative also recalled the Judgment of the International Court of Justice on the Nicaraguan request in regard to the military activities carried out by the United States against Nicaragua. He referred particularly to the rejection by the Court of the notion of collective self-defence invoked by the United States. He noted that the Court had accepted that, by assisting the Contras, the United States acted in breach of its obligations under international law. In conclusion, the Minister reiterated the irrevocable determination of his people to defend themselves. He renewed the appeal to the Government of the United States to desist from its militarist designs and to resume direct dialogue with Nicaragua, and expressed his conviction that the Security Council, the organ responsible for the maintenance of international peace and security, had a fundamental role to play in preventing a catastrophe.⁵

The representative of the United States of America pointed out that Nicaragua had brought its standard complaint to the Security Council for the eleventh time in order to divert the Council's attention from its own behaviour in the region. The source of conflict in Central America was Nicaragua's aggression, he added. With regard to the opinion of the International Court of Justice, he argued that, even at first reading, serious questions could be raised about certain conclusions of law which were included in the Court's opinion. He went on to add that those conclusions were uniquely dependent on the evidence and the facts presented by Nicaragua. He did not believe that the Court was equipped to deal with complex facts and intelligence information which was not available to it. He stated that, contrary to the assertion of the representative of Nicaragua, the Sandinista leadership actively, deliberately and substantially supported subversion in Latin America. That was, he said, in line with commitments by that leadership to promote the revolutionary struggle beyond Nicaragua's borders. He added that facilities had been established within Nicaragua for training guerrillas from other Central American countries. The real, varied

¹S/18175.
²S/18189.
³S/18187.

⁴S/18143.
⁵S/PV.2694, pp. 3-16.

and massive evidence of this activity was received from aerial photography, captured documents, weapons and captured or defecting commanders in the territories of El Salvador, Honduras and Costa Rica. The representative gave examples of Nicaraguan cross-border military incursions. He also asserted that the massive military build-up in Nicaragua, reinforced by the presence of thousands of Cuban and Soviet advisers, had a most profound impact on Nicaraguan society. The repressive regime responsible for the militarization of the society created a tragic situation in the country, which gave rise to the development and growth of the armed democratic resistance. Its 20,000 participants were the same men and women who had fought alongside the Sandinistas against Somoza and who now wanted to establish true democracy in their country with full respect for human rights and an economic system providing for growth and the equitable distribution of wealth. The representative described the United States policy towards Nicaragua as having four broad objectives: an end of Nicaraguan aggression through conventional military attacks or through support to guerrilla groups; severance of Nicaraguan military ties to Cuba and the Soviet block; reduction of Nicaragua's military strength to levels that would restore military equilibrium to the region; and fulfilment of the original promises for democratic pluralism and respect for human and civil rights. He expressed his conviction that achievement of these goals would ensure the restoration of peace and security in the region. He described the above-mentioned goals as consistent with multilateral diplomatic initiatives endorsed by the Security Council.

He recalled that the United States initially had provided substantial economic assistance to the Sandinista-dominated regime and had been instrumental in the action of the Organization of American States delegitimizing the Somoza regime. However, later on, when the role of the Sandinistas in the Salvadoran conflict had become clear, his country had sought, through diplomatic and other means, to convince Nicaragua to halt its subversive policies. Later still, economic measures and further diplomatic efforts had been employed but the Nicaraguan posture had remained one of complete and sustained intransigence. He acknowledged that Nicaragua's neighbours had asked for assistance and the United States had responded. Referring to over \$2 billion aid to the Central American countries since 1979, he informed the Council that three quarters of the sum had been used for economic assistance and barely one fourth had been military assistance. The speaker went on to say that, faced with the failure of all peaceful means and the unacceptability of allowing Nicaraguan subversion and aggression to continue unchecked, supporting the resistance was the most effective way of exerting pressure on the Sandinistas to modify their policy. He expressed the hope that the combination of factors, such as the failure of Nicaragua's policy of aggression, a burden of military costs, a collapsing economy, deepening popular discontent and effective democratic resistance, would lead the Sandinistas to engage in serious negotiations aimed at achieving both regional peace and internal reconciliation. He confirmed that the United States policy did not seek the overthrow of the Nicaraguan Government. Nicaragua had accepted the Contadora Document of Objectives as the basis for negotiations. The United States, too, had made clear that full and verifiable implementation of the Document would meet their policy goals in Nicaragua and the region.

He believed that the House of Representatives' approval of the request for further assistance to the resistance should give the Nicaraguan Government good reason to negotiate seriously. He was sure that the actions of his Government were in compliance with international law and the Charter of the United Nations. He reiterated the United States readiness to resume a high-level bilateral dialogue with Nicaragua at the same time as it opened talks with its opposition.⁶

The representative of Venezuela stated that his country, together with other members of the Contadora Group and the Support Group, had made and continued to make efforts to contribute to peace and cooperation in Central America. Such efforts were parallel to efforts by the international community, as shown by the statements of many Governments and by resolutions of the Security Council, the United Nations General Assembly and the General Assembly of the Organization of American States. The Contadora Group had drawn up a set of documents containing detailed, concrete proposals which, in the form of the revised Contadora Act on Peace and Cooperation in Central America, had been presented to the Central American Foreign Ministers on 6 June 1986. The general guidelines for the process were laid out in the Panama Message⁴ of 7 June 1986, which was read in full by the representative. He went on to say that, with the completion of work on substantive aspects of the problem, and upon approval of the revised Contadora Act by the Central American countries, procedural arrangements would be necessary in order to enable its implementation. He expressed the hope that the States directly concerned would respond positively to those efforts. At the same time, the speaker pointed out that the recent decision by the United States House of Representatives to authorize significant financial and military assistance to the so-called Contras did not promote the negotiating process as devised and carried out by the Contadora Group and the Support Group. He reiterated that the principle of non-intervention in the internal affairs of other States, directly or indirectly, was stressed in the Charter of the Organization of American States and, while the Charter of the United Nations did not contain a provision framed in similar terms, the General Assembly had repeatedly affirmed its validity in numerous resolutions. He also added that the recent decision of the International Court of Justice established that the principle of non-intervention formed part of customary international law. He expressed the regret of his delegation that the United States was persevering in conduct that was contrary to international law and far from promoting the cause of peace in Central America. He hoped that such a course would not be pursued forever and that the United States Government would come to understand that such actions were prejudicial to its relations with the countries of the region. He noted that history showed that United States intervention in various countries generally resulted in the establishment of autocratic regimes, which had been largely responsible for the political, economic and social backwardness of those countries.⁷

The representative of India recalled Security Council resolution 562 (1985), which supported the right of Nicaragua and of the countries of the region to decide on their own political and economic system; reaffirmed support for

⁶Ibid., p. 17-32.

⁷Ibid., pp. 32-44.

the Contadora Group; called upon the States to refrain from actions impeding the peace objectives; and called upon the Governments of the United States and Nicaragua to resume their dialogue. He also underlined that the situation in Central America was an important issue engaging the attention of the Movement of the Non-Aligned Countries. He referred to the condemnation of the acts of aggression against Nicaragua by previous non-aligned declarations and read the text of a communiqué, which had just been adopted by the Coordinating Bureau of the Movement. The Bureau had expressed grave concern at the recent vote in the House of Representatives and condemned any such funding of mercenary forces as a violation of the sovereignty and political independence of Nicaragua; it reiterated its call for bringing the Contadora peace process to fulfilment and deplored the fact that the United States had continued to prevent a negotiated political solution and to obstruct the peace process. He was convinced that peace in Central America should be based on acceptance of the principle of the political and socio-economic pluralism of States, observance of the principles of non-interference and non-intervention and on a positive appreciation of the problems of the region. He urged a constructive and cooperative approach to enable a peaceful solution. He called upon the Security Council to grasp this reality and to give the urgent task of bringing peace to the region a real chance.⁸

The representative of Nicaragua, speaking in exercise of his right of reply, denied the accusations put forward by the representative of the United States and defended the validity of the decision of the International Court of Justice in favour of Nicaragua.⁹

At the 2695th meeting, the representative of the German Democratic Republic expressed support for Nicaragua. He asserted that recent decisions made in Washington, D.C. had led to a new stage in the undeclared war against Nicaragua. He added that new weapons and equipment, training and instruction by United States military and secret service specialists would bring about an intensification of attacks in order to topple by military force the legitimate Government of a sovereign, independent and non-aligned State. He declared that his country condemned State terrorism and the use of force in international relations, as it completely disregarded the purposes and principles of the Charter of the United Nations and endangered peace in that region and the world. He referred to the Judgment of the International Court of Justice in favour of Nicaragua and the rejection by the Court of the alleged assertion of need for a so-called collective self-defence which had been fabricated only to justify an aggressive course. He recalled the communiqué adopted at a recent meeting of the Warsaw Treaty member States, according to which "no State or group of States could build its own security and well-being upon imposing its will on other countries and peoples by military force". The speaker welcomed the efforts of the Contadora States and the Support Group to find a peaceful solution. He called for an end to the escalating acts of murder and terror perpetrated against the people of Nicaragua. He stressed that the Security Council should adopt relevant measures and thus contribute to a peaceful, just and honourable solution in Central America.¹⁰

The representative of Viet Nam supported the claim by Nicaragua and pointed out that the United States did not conceal its contempt for the liberation movement and seized every opportunity to support rebels fighting elected Governments in Asia, Africa, Latin America and elsewhere around the world. Considering Central America its own backyard, the United States arrogated to itself the right to punish any country which seemed to be independence-oriented. He noted that Nicaragua threatened no country, let alone the United States. He called upon the Security Council to condemn the irresponsible act by the United States Government and expressed confidence that Nicaraguans would successfully defend the independence, sovereignty and territorial integrity of their country.¹¹

The representative of the Union of Soviet Socialist Republics shared the concern of the Nicaraguan Government over the escalation of the United States' aggressive policy against that country.

He observed that Nicaragua had made consistent efforts to use procedures set out in the Charter of the United Nations in order to defend its sovereignty and to maintain peace and security in the region. He referred to the recent decision of the International Court of Justice which had found that the United States violated international law by training, arming, equipping and financing the Contra forces. He also referred to the Court's rejection of claims for arbitrary exercise of the right to "collective self-defence", frequently invoked by Washington to justify its aggression against sovereign States. He condemned the approval by the House of Representatives of an allocation of \$100 million to finance mercenaries as an extremely dangerous step towards aggravation of tension in Central America and an escalation of the undeclared war against the people of that region. He considered that the latest step confirmed that the United States Administration was an open opponent of a political settlement. It rejected the appeals of the Contadora Group and the Support Group, as well as Nicaraguan proposals for a radical reduction in offensive weapons. He also pointed out that Washington was raising a propaganda row about a fictitious threat to its "national interests" from Nicaragua, Cuba and the Soviet Union in order to mask its own policy in the region. He denied the allegations about his country's intentions to use the territory of Nicaragua for military and strategic purposes. On the contrary, he added, it was the United States which was pursuing the course of militarization in Central America by stationing military personnel, conducting manoeuvres and establishing military bases and airfields. In conclusion, the representative strongly condemned the new, extremely dangerous step taken by the United States to escalate its aggressive activities in Central America and demanded that it be halted. He believed that a solution to the critical situation in Central America could be achieved through a political settlement based on international law, and called upon the Security Council to oppose strongly attempts to trample upon the sovereignty of independent countries and upon the relevant provisions of the Charter of the United Nations.¹²

¹¹*Ibid.*, pp. 7-12.

¹²*Ibid.*, pp. 21-26. Similar views were expressed at the same meeting by the Representative of Bulgaria (pp. 27-32); at the 2696th meeting by the Representatives of Czechoslovakia (pp. 43-51) and Mongolia (pp. 52-57).

⁸*Ibid.*, p. 44-51.

⁹*Ibid.*, p. 51-52.

¹⁰S/PV.2695, pp. 3-7.

The representative of the Syrian Arab Republic recognized the legitimacy of the concern of the representative of Nicaragua at the persistent attempts by the United States to destabilize and overthrow the Government of Nicaragua. He considered the approval of new aid to the mercenaries to be in contravention of the provisions of the Charter of the United Nations, namely, the principles of self-determination and the right of peoples to choose their own social and economic systems. That action was undermining the efforts of the Contadora and the Lima Support Groups to restore peace in Central America. It was required that all States refrain from furnishing military or material aid to the irregular forces. He drew a parallel to policies of the United States Administration on South Africa and the Middle East. He concluded that it was the duty of the Security Council to put an end to such flagrant, direct intervention by a super-Power and a permanent member of the Security Council.¹³

The representative of the Lao People's Democratic Republic confirmed his country's condemnation of the acts of armed provocation, aggression and destabilization, which had taken the form of a total trade embargo and the mining of Nicaraguan ports. He recalled that at the ministerial meeting of the Coordinating Bureau of the Non-Aligned Countries, his delegation had unequivocally condemned an imperialist super-Power and a permanent member of the Security Council. He added that Nicaragua wanted justice and dignity and not "pax Americana" and that the United States ought to accede to the appeal of the international community and renew contact with the legitimate Government of Nicaragua, as called for in resolution 562 (1985). He called upon the United States not to disrupt the noble efforts of the members of the Contadora Group and the Lima Support Group.¹⁴

At the 2696th meeting, the representative of Australia observed that the major Powers, in particular, permanent members of the Security Council, had special responsibilities to set an example to the international community in the conduct of international relations. It was clear that peace in Central America remained elusive despite efforts by the Contadora Group and the Support Group owing to a lack of the political will required to finalize an agreement. He added that serious economic and social problems were at the root of the political tensions in Central America.

He urged that the East-West conflict should be kept out of the region and that international disputes should be settled by peaceful means in accordance with the Charter of the United Nations. He also considered that all States had the right to choose their own form of government free from outside interference. Recalling Security Council resolution 562 (1985), in which the United States and Nicaragua had been urged to resume their dialogue, the speaker lamented the fact that the wish of the Council had remained unheeded. He urged all sides to avoid actions which might complicate the search for peace. In his view, the vote by the House of Representatives to allocate \$100 million in military aid to the Contras had done nothing to promote a peaceful settlement of Central American problems, nor had it encouraged the Government of Nicaragua to improve po-

litical freedoms or to negotiate with the Contras. The subsequent Nicaraguan decision to close down *La Prensa* was also to be regretted. Referring to the findings of the International Court of Justice, the representative indicated that his country remained committed to the observance of international law and to the role of the Court in settling international disputes.

He said that, on the positive side, the United States and Nicaragua had maintained diplomatic relations and that they both had elected Governments which enjoyed popular support. He noted further that both countries had proclaimed their concern for the region and its people. All those factors, he hoped, could form the basis for a new era of relations between them. He expressed the belief that the Contadora process presented the most positive prospect for peace in Central America, and that it was up to the countries directly involved to make reciprocal concessions and to exercise tolerance in order to carry the peace process forward.¹⁵

The representative of Spain underlined a need for a comprehensive, regional, peaceful and negotiated solution and reiterated his Government's support for the work of the Contadora and the Lima Support Groups. He emphasized the need to ensure respect for international law and appealed to the parties concerned to contribute to the creation of the conditions necessary for peace in Central America.¹⁶

The representative of China considered that the recent action of the House of Representatives placed new obstacles to the restoration of peace and stability in Central America. He maintained that any form of interference in the affairs of the countries of the region would aggravate the tension and would be detrimental to a peaceful settlement.¹⁷

The representative of Democratic Yemen condemned United States policies and practices of aggression and called upon the Security Council to support Nicaragua's legitimate right to sovereignty and self-determination.¹⁸

The representative of El Salvador stated that, although the Council had been convened to consider the relations between the United States and Nicaragua, his country had decided to participate in the debate because the statement of the representative of Nicaragua affected the interests of the whole region, in particular his country, and because his Government wanted to leave no doubt about its position on the crisis. He interpreted the Nicaraguan statement that the authorization of aid to the anti-Sandinistas would lead to a widespread conflagration, as a threat by Nicaragua to neighbouring countries to drag them into a conflict on a regional scale. Moreover, the internal situation in Nicaragua, where 300,000 soldiers were on a war footing, proved that that country enjoyed an unusual military hegemony that was totally illogical in the region. He also stated that the crisis in Central America had intensified because Nicaragua did not respect the basic principles of international coexistence and constantly interfered in the internal affairs of other States. In the case of his country it had been impossible to resolve any political, economic and social problems, because of the existence of minority groups which

¹³*Ibid.*, pp. 21-26.

¹⁴*Ibid.*, pp. 32-36.

¹⁵S/PV.2696, pp. 3-8.

¹⁶*Ibid.*, pp. 8-10.

¹⁷*Ibid.*, pp. 10-12.

¹⁸*Ibid.*, pp. 12-16.

had taken up arms supplied by external forces, namely, Nicaragua. Those groups had resorted to terrorist acts in order to achieve their political objectives. They attacked a legally established Government and violated the fundamental rights of the Salvadoran people. He then cited a number of facts which, according to him, had shown Nicaraguan interference in El Salvador. The speaker expressed the readiness of his Government to continue a realistic and sincere dialogue with the opposition forces at the national level, as well as to support the Contadora initiatives at the regional level. He observed that the majority of the speakers in support of Nicaragua had come from countries outside the area of conflict, but ultimately the solution of the problem had to come from the Latin American countries which had a special interest.¹⁹

The representative of Cuba condemned the United States Administration for the campaigns of slander against the Sandinista leaders, the mining of the ports, the economic embargo and the interminable manoeuvres on Nicaragua's borders. The recent approval of \$100 million for the arming and training of the mercenary bands was the culmination of the policy of harassment, a violation of international law and of the principles of peaceful coexistence and non-interference in the internal affairs of States. He maintained that the United States policy towards Nicaragua was in line with its intent of imposing its philosophy on the world. In that context he referred to the escalation of the arms race, the invasion of Grenada, the bombing of the capital of the Libyan Arab Jamahiriya, the economic blockade of Cuba and the support of the apartheid regime in South Africa. He favoured a peaceful negotiated solution to the conflict in Central America and said that the Security Council, entrusted by the Charter with the responsibility of safeguarding international peace and security, could do no less than the International Court of Justice, and that the peoples of America hoped that the illegal measures imposed against Nicaragua would be ended.²⁰

The representative of Ghana stated that it was important that the Security Council was seized of the matter because the recent decisions of the United States Congress and of the International Court of Justice were of profound significance to international peace and security, and because of the need to search for possible means for preventing any further escalation of violence in Central America. He considered that the United States was arming the Contras with the objective of destabilizing the Nicaraguan revolution and imposing "hand-picked traitors" as legitimate contenders for power. He expressed support for the Charter of the United Nations and the pronouncements of the International Court of Justice. He rejected attempts to explain the instability in the Central American region as resulting from a historical confrontation between East and West in that region. He rejected the claim that arrogated to only regional countries the right to pronounce on matters within their geographical region. He called upon the Security Council to issue a strong condemnation of the illegal acts of the United States and emphasized that the democratic pluralism in international relations ought to be unequivocally embraced by its members.²¹

The representative of the Ukrainian Soviet Socialist Republic attributed the conflict in Central America to deep-rooted causes, such as the consequences of the harsh economic exploitation of human and natural resources of the countries of the region by foreign companies and the imperialistic imposition of political domination. He recalled the resolutions of the Security Council and of the General Assembly reaffirming the rights of Nicaragua and appealing to the interests of all States concerned to cooperate fully with the Contadora Group. He interpreted the decision of the United States Administration to finance directly the crimes of the Contra bands as part of an aggressive policy designed to overthrow the lawful Government of Nicaragua. He favoured a fair and negotiated settlement of the problems of Central America. The representative stressed that the United Nations, and particularly the Security Council, should play an important role in normalizing the situation in this region.²²

The representative of the United States of America, speaking in exercise of the right of reply, referred to a number of offensive and inaccurate remarks. He argued that to be denounced by a country which had forced, through terror and repression, two million of its own people to flee was for him a badge of honour, and suggested that some representatives who advocated freedom and democracy might well be advised to put those principles to work in their home countries. He mentioned, in particular, the Soviet Union, Cuba and Ghana. He also reiterated his country's position concerning the Judgment of the International Court of Justice, stating that the Court was not competent to deal with the crisis in Central America. The speaker maintained that there was evidence of Sandinista aggression. He presented a chart showing the Nicaraguan military build-up which had started much earlier than the claims of the Contra operations. He asserted that the resistance within Nicaragua made its Government more than quadruple its prison space during the past seven years. He also gave some examples proving Nicaraguan involvement in El Salvador and invited the members to visit the United States Mission to view a display with more evidence.²³

The representative of Ghana, exercising his right of reply, stated that the foreign policy of his country was based on the concept and practice of positive neutralism, which reflected an active effort to find solutions to international problems, and that its reluctance to applaud acts of aggression by the United States did not constitute an offence against anyone.²⁴

The representative of Nicaragua pointed out that the United States had failed to prove that his country was a factor of destabilization in Central America. She added that, because of Nicaragua's respect for the rule of law, her Government had brought its case to the International Court of Justice. She quoted from the Judgment of the Court and reiterated her country's readiness to resume the bilateral dialogue with the United States.²⁵

The representative of the Soviet Union expressed regret that the representative of the United States had resorted to attacks on several Member States. He commented that the

¹⁹Ibid., pp. 16-22.

²⁰Ibid., pp. 22-27. Similar views were expressed by the representative of Angola (pp. 57-60).

²¹Ibid., pp. 28-38.

²²Ibid., pp. 38-43.

²³Ibid., pp. 61-66.

²⁴Ibid., pp. 66-70.

²⁵Ibid., pp. 70-72.

evidence presented by the representative of the United States was a propaganda show, and the material produced had been fabricated by the CIA. He attributed the position of the United States to the policy of neo-globalism, with the aim of suppressing national liberation movements and undermining regimes that were not to the liking of the United States. That had been the case with the Libyan Arab Jamahiriya and Grenada. He warned that new acts of aggression were being planned against Nicaragua.²⁶

At the 2697th meeting, the representative of the Islamic Republic of Iran said that the Security Council was ready for constructive work for ensuring peace and security for small nations, but that all its efforts for the protection of the small victimized Member States were being obstructed by the impediment of the veto exercised by one permanent member. He noted that, by its non-acceptance of the jurisdiction of the International Court of Justice, the United States was extending the veto and nullifying the Court's decisions. He stated further that the whole enterprise of allocating \$100 million for the support of the Contras might have been motivated not only by animosity towards the Nicaraguan revolution but also by corruptive motives. He mentioned other cases on which the Security Council was unable to act effectively, such as the occupation of Palestine or the problem of apartheid, and said that the views of individual members, as well as the collective voice of the Council, should reach the American public outside the Council's chamber, and that the media should invite the members of the Council to panel discussions and live debates.²⁷

The representative of Madagascar recognized the complexity of the situation in Central America and the need to preserve a balance among the various opinions. He was also aware of the fact that the Council could not obtain complete information and had to take as a point of reference the principles of international law, past resolutions and decisions of the Security Council, the successive actions taken by the Contadora Group and by the Support Group as well as the Judgment of the International Court of Justice. He pointed out that States could exercise their natural right of collective or individual self-defence according to Article 51 of the Charter, but in the case under consideration, it was essential to have irrefutable proof that there had in fact been an armed aggression; and that the exercise of that right was valid only until the Security Council had taken measures to maintain international peace and security. He added that the exercise of the right of collective self-defence might "warrant intervention, which might result in counter-intervention, which in turn could also claim to be based on the same principle". He went on to say that the choice of "the most appropriate means of self-defence . . . must be defined in the context of morality, law, justice and commonwealth and civil responsibility". He concluded by calling upon the Council, first, to demand that all States respect the obligations incumbent upon them under the Charter; second, to ensure that intervention and interference were not allowed to be automatically justified on the pretext of the defence of national interests, as construed unilaterally; third, to support the principles that constitute the foundation of interna-

tional society in which pluralism can also be accommodated; and fourth, not to rest content with giving a purely formal, almost ritual, support to the Contadora efforts but rather to create all the political, legal and other conditions necessary for them to succeed.²⁸

The representative of Denmark stated that, unfortunately, no immediate solution to the complex problems of the region was in sight and that recent developments demonstrated the urgency of intensifying negotiations. He considered that there was no realistic alternative to the Contadora process and that it was the responsibility of the countries of the region themselves to solve their differences. His country demonstrated its support and encouragement by participating in the ongoing political and economic cooperation between the States members of the European Community, the Central American States and the Contadora Group aimed at strengthening economic development and social stability in the region. In his opinion, a lasting solution to the conflicts in Central America should be based on a commitment to democratic systems of government, freedom of the press and respect for the Universal Declaration of Human Rights. He rejected outside interference of any kind in the internal affairs of the Central American countries and the use of force or violation of the sovereignty of any State. His country remained committed to the role of the International Court of Justice in settling international disputes and to the strict observance of international law. He appealed to all countries to show restraint, to renew the dialogue and to seek a solution to disputes in Central America by peaceful means.²⁹

The representative of France said that Central America was faced with political conflicts and violent struggles which for years had forestalled any prospects for peace and stability. France, as a permanent member of the Security Council, could not remain indifferent. His Government was committed to a peaceful settlement, based on dialogue and reconciliation. That also was the approach followed by the Contadora Group. He reaffirmed his country's concern over the arms race in that region and emphasized the importance which France attached to the development of democracy in the countries of the region. He added that in order to achieve that objective it was essential to ensure respect for fundamental freedoms and human rights. He supported the quest for a comprehensive and lasting settlement guaranteeing all States of the region their sovereignty and security.³⁰

The representative of the Congo expressed thanks to and admiration for those Latin American countries whose leaders, at different levels, at different times and in various places, had spared neither time nor effort to find the most equitable and lasting solution possible to the problems besetting the Central American region. He noted, however, that the United States had demonstrated a systematic desire for obstruction, if not rampant interventionism. He expressed the hope that the use of force would be soon banished from inter-American relations, and that all States would recommit themselves to the provisions of the Charter and make the International Court of Justice the final arbiter of their disputes.³¹

²⁶*Ibid.*, pp. 73-76.

²⁷S/PV.2697, pp. 3-16.

²⁸*Ibid.*, pp. 16-22.

²⁹*Ibid.*, pp. 22-25.

³⁰*Ibid.*, pp. 26-27.

³¹*Ibid.*, pp. 27-33.

The representative of the United Arab Emirates stated that disagreement on or disapproval of a given political or economic system should not be used as a pretext for violating the rules of conduct among States, because the result would be chaos where third world countries would be the first victims. He recalled the provisions of Article 33 of the Charter of the United Nations and supported the efforts of the countries of the Contadora Group which, in his view, were better able to understand the circumstances and causes of the crisis. He could not support any unilateral action outside the framework of the provisions of the Charter, more notably those relating to the Security Council machinery. He noted Nicaragua's responsiveness and its desire to negotiate, and called for the United States to reconsider its position. As the volatile situation in Central America threatened not only peace and security, he considered that it was the primary responsibility of the Council to halt and settle such conflicts permanently and comprehensively. He reaffirmed his country's rejection of threats to the independence and sovereignty of States on the pretext of the East-West conflict and the imposition of any conditions on their independence and political options.³²

³²*Ibid.*, pp. 33-38.

At the 2698th meeting, the representatives of Algeria, Guyana and Yugoslavia denounced actions aimed at the destabilization of the Government of Nicaragua and joined other non-aligned countries in their support of the efforts of the Contadora Group and of the Judgment of the International Court of Justice. They called for a peaceful solution to the dispute.³³

The representative of the Libyan Arab Jamahiriya strongly denounced the approval of funds by the United States House of Representatives for assistance to the Contras. According to him, such funds could be used to undertake a direct invasion of Nicaragua. He rejected the use of the pretext of collective self-defence and called upon the Security Council to exercise the powers vested in it by the Charter in order to put an end to the policy of blackmail and force pursued by the United States all over the world, including Latin America, Africa, Asia and the Mediterranean.³⁴

The representatives of Trinidad and Tobago and Afghanistan supported the position of Nicaragua and called upon the parties to act according to the findings and Judgment of the International Court of Justice.³⁵

³³S/PV.2698, pp. 3-18.

³⁴*Ibid.*, pp. 18-25.

³⁵*Ibid.*, pp. 26-33.

27. LETTER DATED 22 JULY 1986 FROM THE PERMANENT REPRESENTATIVE OF NICARAGUA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

INITIAL PROCEEDINGS

Decision of 31 July 1986 (2704th meeting): rejection of a draft resolution submitted by the Congo, Ghana, Madagascar, Trinidad and Tobago and the United Arab Emirates

By a letter¹ dated 22 July 1986 addressed to the President of the Security Council, the representative of Nicaragua requested the convening of a meeting of the Council.

By a previous letter² dated 11 July 1986 addressed to the President of the Council, the representative of Nicaragua transmitted the text of the Judgment of the International Court of Justice dated 27 June 1986 in the case *Military and Paramilitary Activities in and against Nicaragua*.

By a letter³ dated 18 July 1986 addressed to the Secretary-General, the representative of the United States of America transmitted the text of the separate and dissenting opinions on the Judgment of the International Court of Justice dated 27 June 1986 in the case *Military and Paramilitary Activities in and against Nicaragua*.

At its 2700th meeting, on 29 July 1986, the Council included in its agenda the letter dated 22 July 1986 from the representative of Nicaragua. Following the adoption of the agenda, the President, with the consent of the Council, in-

vited the representatives of Afghanistan, Cuba, Czechoslovakia, Democratic Yemen, El Salvador, Honduras, India, the Islamic Republic of Iran, the Lao People's Democratic Republic, the Libyan Arab Jamahiriya, Poland, the Syrian Arab Republic, the Ukrainian Soviet Socialist Republic, the United Republic of Tanzania, Viet Nam and Zimbabwe, at their request, to participate in the discussion without the right to vote.⁴

At the same meeting, the representative of Nicaragua,⁵ while reiterating the decision of the International Court of Justice in the case of Nicaragua and the United States, recalled that in its principal Judgment, the Court had decided that the United States had acted against Nicaragua in breach of its obligation under customary international law: not to intervene in the affairs of another State; not to use force against another State; not to violate its sovereignty and not to interrupt peaceful maritime commerce. The Court had decided that there was no legal justification for any of those activities. The Court had also explicitly rejected the justification of collective self-defence maintained by the United States in connection with the military and paramilitary activities in and against Nicaragua. He further stated that, as a result of those decisions, the Court had ordered the United States to cease and desist immediately from all those illegal activities and to compensate Nicaragua for the damages suffered. Stressing the Court's

¹S/18230.

²S/18221.

³S/18227.

⁴For details, see chap. III of the present *Supplement*.

⁵S/PV.2700.

finding that Nicaragua had never made any binding legal commitment to the Organization of American States (OAS) in connection with its internal political system, he pointed out that, in what constituted the most important paragraph in its decision, the Court had declared that the United States' discontent with Nicaragua's political, social and economic system could not give it any right to intervene in Nicaragua's internal affairs. He reiterated that his delegation had come before the Security Council to seek a peaceful and honourable solution to the differences between Nicaragua and the United States; that his country had made every possible effort to guarantee the success of the peaceful endeavour of the countries of the Contadora Group and the Lima Group on behalf of Latin America. Finally, stating that Nicaragua was prepared immediately to undertake negotiations with the United States Government in order to overcome existing problems and normalize relations, he concluded that Nicaragua was only asking for a declaration of support for the International Court of Justice and for law in international relations.

The representative of El Salvador stated that his delegation could not refrain from speaking, since it was difficult, if not impossible, to establish limits in the apparently bilateral controversy being discussed, and separate it from the regional problem involving interrelated, often inflexible factors and forces opposed to change of attitude, all of which affected the crisis in Central America. Stressing that direct and indirect support given by the Sandinistas had enabled armed groups to maintain the military capacity to adopt intransigent positions, causing vast damage to the economic infrastructure and population of El Salvador, he maintained that his country had been the victim of continuing aggression on the part of the Government of Nicaragua. Therefore, his country, which was small, without the means to confront aggression for very long and obliged to defend its sovereignty and institutionality, had in self-defence sought assistance and international cooperation through bilateral channels. However, El Salvador had refrained from appealing to the Council because other forums for the consideration of regional problems had not yet been fully utilized. Emphasizing that, in his Government's opinion, Nicaragua remained a destabilizing factor because of its approach, conduct and activities in the framework of the international legal-political structure and the exercise of power and democracy, he pointed out that the situation in Nicaragua, its ideological and political system, its relations with the United States and the commitments and/or military political indebtedness by the Sandinista Front to armed groups in El Salvador did not justify intervention by Nicaragua in the internal affairs of El Salvador.

The representative of the United States, while regretting that Nicaragua had sought to misuse the Court, maintained that the case concerned was inappropriate for judicial resolution. The Court had been asked to address one small, carefully selected part of the crisis in Central America, he said. Maintaining that the only way to solve the crisis was through negotiations involving all parties, he further stated that his delegation believed that the Court had fundamentally misperceived the situation in Central America. It was simply wrong on many of its facts, and the Court's adoption of the relevant international law was seriously flawed in important respects. Stressing that Nicaragua would continue to be torn by strife unless and until there was genuine reconciliation reached through a process of negotiation, he

continued that such negotiation was as necessary in solving the crises in Central America as the negotiations between Nicaragua and the other Central American Governments. He maintained that the United States had consistently supported efforts to achieve a comprehensive settlement of the crisis in Central America. It supported the Contadora process and would abide by a comprehensive, verifiable and simultaneous implementation of the 1983 Contadora Document of Objectives. He said that the United States had long sought meaningful negotiations with the Sandinista Comandantes, and noted that the communiqué adopted by the Coordinating Bureau of the countries of the non-aligned movement in New York on 28 July 1986, which was a one-sided espousal of Sandinista views, was astonishing and disturbing. It made demands only on the United States and asked nothing of the Nicaraguans. He reiterated that the alignment of the non-aligned against the United States, the use of double standards by the non-aligned, once again demonstrated by that document, seriously undermined the concept of true non-alignment.⁶

The representative of India, while conveying the text of the communiqué issued by the Coordinating Bureau of the Movement of the Non-Aligned Countries at its meeting held in New York on 28 July 1986, stated that the Bureau had expressed its satisfaction with the Judgment of the International Court of Justice and had made an urgent and strong appeal to the United States to comply strictly and immediately with that Judgment. It had also urged the United States to resume talks with Nicaragua as a means of reaching a specific agreement on peace in the region and reaffirmed its support of the efforts of the Contadora Group and the Support Group towards finding a political, peaceful and negotiated solution to the crisis in Central America.

The representative of the Soviet Union stated that a peaceful settlement in Central America was possible only if account was taken of the legitimate security interests of the countries of the region, of the need to remove military bases, to withdraw foreign troops and to put an end to the use of a country's territory for intervention in the internal affairs of another. He said that the Soviet Union had consistently advocated that Central America's problems be solved by the States of the region themselves, by political methods and constructive talks. He further recalled that a number of the basic requirements for a political settlement in Central America had been reflected in Security Council resolution 562 (1985).⁷

The representative of Honduras stated that the Government of Nicaragua had submitted to the International Court of Justice an unproductive request for a ruling against the Government of Honduras. He said that the internal conflicts which remained unsolved in Nicaragua and the arms race undertaken by that country had considerably changed the security balance which existed in Central America and which was a factor of peace. He charged that Nicaragua was not only infiltrating subversive groups into Honduran territory in order to incite guerrilla warfare against the established democratic Government, but it was also training those insurgents to destabilize other democratic Governments in the region. He added that Nicaragua had also

⁶S/PV.2701.
⁷S/PV.2702.

committed innumerable direct violations against the sovereignty and territorial integrity of Honduras. Maintaining that the Nicaraguan policies had brought about popular unrest in Nicaragua and the appearance of insurgent groups of Nicaraguans fighting the abuses of the Sandinista Government, he stated further that the internal conflict in Nicaragua was not contained within its borders and led to additional tension with neighbouring countries: the Sandinista Government had been carrying out a policy of disrupting border settlements and persecuting indigenous Nicaraguans of Miskito origin, thus creating a mass exodus of refugees towards neighbouring countries. The internal conflict in Nicaragua had also led to the displacement of thousands of Honduran peasants who had been living in the border areas.⁸

The delegate of China opposed the act of interference in the internal affairs of Nicaragua and hoped that the United States Government would respect the ruling of the International Court of Justice. He stated that the problem between the United States and Nicaragua had to be solved through peaceful negotiations on an equal footing. He supported the efforts by the Contadora Group and the Support Group.

The representative of Venezuela, also speaking on behalf of other members of the Contadora Group (Colombia, Mexico and Panama), and the Support Group (Argentina, Brazil, Peru and Uruguay), stated that they attached great importance, among other principles, to the renunciation of the threat or use of force in relations among States, and the peaceful settlement of all international disputes. He reiterated that the Contadora initiative had been inspired by those principles stated in Article 5, paragraphs (a), (b), (c), (d) and (j) of the Charter of the Organization of American States. He stressed that the support given to the Contadora initiative by the United Nations General Assembly, the Security Council and many States from various regions of the world was a powerful form of encouragement for its actions to achieve peace. He further emphasized the appropriateness of dialogue between all the parties concerned and the readiness of the Contadora Group to continue in its efforts to achieve a peaceful, negotiated solution to the problems of the region.

In the course of the 2701st and 2704th meetings, a number of speakers⁹ called upon the United States to abide by the rulings of the International Court of Justice. Many stated that the United States' use of force against Nicaragua was a violation of the Charter of the United Nations. They urged the Security Council to assume its responsibilities and help facilitate peaceful settlement of the problem in the region. They also urged the Council to give support to the Contadora Group. Several speakers maintained that the United States claim of collective self-defence was unjustified in this case.

At the 2704th meeting, on 31 July 1986, the President drew the attention of the Council to the text of a draft reso-

lution¹⁰ submitted by the Congo, Ghana, Madagascar, Trinidad and Tobago and the United Arab Emirates.

Under the draft resolution, the Council would recall resolution 530 (1983) and resolution 562 (1985); would take note of the Order of 10 May 1984 of the International Court of Justice (S/16564), its Judgment of 26 November 1984 and the final Judgment of the Court on *Military and Paramilitary Activities in and against Nicaragua* on 27 June 1986.³ Further, the Council, being made aware that, according to the Charter of the United Nations, the International Court of Justice is the principal judicial organ of the United Nations and that each Member State undertakes to comply with the decision of the Court in any case to which it is a party, would also recall all the relevant principles of the Charter of the United Nations; and while recognizing the repeated efforts made by the Contadora Group and the Support Group, the Council would: reaffirm the role of the International Court of Justice as the principal judicial organ of the United Nations and a means for peaceful solution of disputes; make an urgent and solemn call for full compliance with the Judgment of the International Court of Justice of 27 June 1986;³ recall the obligation of all States to seek a solution to their disputes by peaceful means in accordance with international law; call upon all States to refrain from carrying out, supporting or promoting political, economic or military actions of any kind against any State of the region that could impede the peace objectives of the Contadora Group; and finally, would request the Secretary-General to keep the Security Council informed of the implementation of the present resolution.

Speaking in explanation of vote before the vote, the representative of the United Kingdom stated that the best hope of bringing about a solution lay in the signature of a comprehensive agreement based on the 21 Contadora objectives and subject to adequate verification and control. Stressing that, in order to prevent further deterioration of the situation in the region, all the Central American States, including Nicaragua, had to demonstrate the necessary political will to reach agreement on the basis of the 21 Contadora objectives; he noted that Nicaragua's actions over the past year and more had given a strong impression of selectivity in its approach to the commitments needed to make a reality of the Contadora principles. He maintained that the failure of the debate and the draft resolution to address such considerations as above demonstrated a lack of balance. He said that the Nicaraguan letter and the debate had raised two issues, one legal, one political. These issues tended to paint two different conclusions as regards voting. This being so, and because his delegation could not countenance anything that suggested that the Central American problem was only a bilateral United States-Nicaraguan question, his delegation would abstain, he concluded.¹¹

At the same meeting, the President put the draft resolution to a vote; it received 11 votes to 1, with 3 abstentions, and was not adopted owing to the negative vote of a permanent member of the Council.

The representative of France, in explaining his vote after the vote, stated that the draft resolution contained certain

⁸S/PV.2704.

⁹S/PV.2701: Democratic Yemen, p. 27; Czechoslovakia, p. 32; the Syrian Arab Republic, pp. 33-38; S/PV.2702: Cuba, pp. 5 and 6; Viet Nam, pp. 9 and 10; Poland, p. 17; Lao People's Democratic Republic, pp. 24 and 25; S/PV.2703: Bulgaria, p. 8; the Libyan Arab Jamahiriya, pp. 12-17; the Republic of Tanzania, pp. 21-23; Ukrainian SSR, p. 30; Afghanistan, pp. 32 and 33; Zimbabwe, pp. 34-41; S/PV.2704: the Congo, pp. 6-10; Ghana, pp. 11 and 12; Madagascar, p. 36.

¹⁰S/18250.

¹¹S/PV.2704.

objectionable elements relating, in particular, to the Judgment of 27 June of the International Court of Justice, with respect both to the role of the Court and to substance, elements which could not receive unanimous agreement, and, therefore, his delegation had been forced to abstain in the vote on the draft.

The representative of the United States maintained that his delegation had been compelled to vote against the draft resolution because it could not and would not have contributed to the achievement of a peaceful and just settlement of the situation in Central America within the framework

of international law and the Charter of the United Nations. The draft contained no reference to Nicaragua's solemn undertakings; it contained no reference to Nicaragua's own responsibility for the situation in Central America and, by focusing on the 27 June decision of the Court, presented a false picture of that situation as if it were limited to differences between Nicaragua and the United States. He further stated that he had voted against the draft because it would have painted an inaccurate picture of the true situation in Central America.

28. LETTER DATED 17 OCTOBER 1986 FROM THE PERMANENT REPRESENTATIVE OF NICARAGUA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

INITIAL PROCEEDINGS

By a letter¹ dated 17 October 1986, addressed to the President of the Security Council, the representative of Nicaragua requested an emergency meeting of the Council, in accordance with the provisions of Article 94 of the Charter, to consider the "non-compliance" by the United States with the Judgment of the International Court of Justice dated 27 June 1986 concerning *Military and Paramilitary Activities in and against Nicaragua*.

Decision of 28 October 1986 (2718th meeting): rejection of five-Power draft resolution

At the 2715th meeting, on 21 October 1986, the Council included the item in its agenda.² In the course of the discussions the President, with the consent of the Council, invited the representatives of Algeria, Argentina, Cuba, Democratic Yemen, Guatemala, Honduras, India, Iraq, the Islamic Republic of Iran, Mexico, Peru, Spain, the Syrian Arab Republic and Yugoslavia, at their request, to participate in the discussion without the right to vote.³

The question was considered at the 2715th to 2718th meetings, held on 21, 22, 27 and 28 October 1986.

At the 2715th meeting, the representative of Nicaragua stated that, owing to the failure of all initiatives to halt the United States aggression against his country, Nicaragua had been forced to go to the International Court of Justice and file legal proceedings against the United States for its illegal policy of force and intervention against Nicaragua. He reiterated the Court's ruling regarding the United States questioning of the Court's jurisdiction in the case, which stated that the Court rejected the United States' argument that its conduct was permissible according to the right of collective self-defence established under Article 51 of the Charter of the United Nations. Maintaining that the United States had no grounds whatsoever for failing to abide by the decision of the Court and thereby violating international law, he recalled paragraph 3 of Article 2 of the Charter and also noted that judicial settlement and recourse to the International Court of Justice was one of the fundamental means of peaceful solution of disputes established in Chapter VI of the Charter of the United Nations. He further

emphasized that it was of the utmost importance for the Security Council, the United Nations and the entire international community to remind the United States of its obligation in accordance with Article 94 of the Charter to abide by the Court's ruling, to put an end to its war of aggression against Nicaragua and set in motion the negotiating process the Court had suggested in its decision.⁴

The representative of the United States, while stating that the acceptance of the jurisdiction of the Court was a matter of consent and it was not something that happened as a function of membership in the United Nations pursuant to the Charter or the Statute of the International Court of Justice, further noted that the United States did not accept the proposition that they had consented to the jurisdiction of the Court in the case brought by Nicaragua. Consequently, the United States did not believe that the current item brought by Nicaragua under Chapter XIV, Article 94, of the Charter had any merit. There was nothing in Chapter XIV of the Charter that referred to the question of jurisdiction and nothing anywhere in the Charter that could be said to create consent to jurisdiction where none existed.

He reiterated that the United States policy towards Nicaragua would continue to be based upon that Government's responsiveness to continuing concerns affecting the national security of the United States and Nicaragua's neighbours: Nicaragua's close military and security ties to Cuba and the Soviet Union and its Warsaw Pact allies; Nicaragua's build-up of military forces in numbers disproportionate to those of its neighbours; Nicaragua's unlawful support for armed subversion and terrorism; Nicaragua's internal repression and finally its refusal to negotiate in good faith for a peaceful solution of the conflict in Central America based upon the comprehensive implementation of the September 1983 Contadora Document of Objectives and, in particular, its refusal to engage in a serious national dialogue with all elements of the Nicaraguan democratic opposition. Convinced that the Sandinistas' behaviour had demonstrated that the Nicaraguan regime would negotiate seriously with the opposition and its neighbours only when under pressure to do so, he stated further that the United States' assistance to the Nicaraguan democratic resistance was the essential element needed to convince the Government of Nicaragua to enter into such negotiations.⁵

¹S/18415.

²S/PV.2715.

³For details, see chap. III of the present *Supplement*.

⁴S/PV.2715, pp. 4-20.

⁵S/PV.2716, pp. 6-9.

The representative of India pointed out that it was the first time that a Government had come to the Security Council, under Article 94 (2) of the Charter of the United Nations, to seek compliance by a Member State with a Judgment of the International Court of Justice. Regretting that the Security Council resolution 562 (1985) had not had the desired positive effect in Central America, he added that the situation there continued to deteriorate, endangering peace and stability in the region. Reiterating the position of the Non-Aligned Movement that States had the inalienable right to choose their political, economic and social system free from outside interference, he stated that it was their conviction that peace in Central America could be brought about only if policies of intervention, interference and intimidation, the threat of use of force and other coercive measures were eschewed and also that the Contadora Group represented an authentic regional initiative for solving the Central American problem by peaceful means.⁶

The representative of Peru emphasized the exceptional importance of the debate in at least three areas: the legal order as a collective expression to regulate international relations; the political order with regard to the abuse of power or its use for purposes of hegemony; the order of the national security of small and medium-sized States which made it their priority to base their national independence and sovereignty on wholehearted respect for the principles of non-interference in the internal affairs of other States. He said that his country was convinced that for the benefit of all, large and small, the Council would find a way to reconcile the heterogeneity of its interests with the unanimous aspiration of humanity for an order founded on peace and law, and would arrive at the necessary agreements to preserve the international legal order which was an essential condition for civilized co-existence.⁷

The representative of Mexico maintained that peace in Central America as a product of dialogue, and not the use of force, was a shared responsibility. He said that the historic problem then facing Central America derived from the extraregional rejection of the political development to which the peoples of the region were clearly entitled. Mexico had no hesitation in describing the authorization of financial aid for Nicaragua's counter-revolution as a historical, political and legal error that could seriously damage the relations between the United States and Latin America. He further reiterated that the Contadora Act contained elements that would have to be taken into account in any negotiated settlement of the crisis. The strength of Contadora and its Support Group lay not only in unity and the harmonious combination of efforts, but also in its authentic representation of the values and principles which should sustain international relations on the American continent.⁸

The representative of Cuba charged that a permanent member of the Security Council was not only encouraging aggression and the forcible overthrow of the Government of a State Member of the United Nations, but was openly using the authority of the State to finance aggression. He stated that the United States policy in Central America, and particularly in Nicaragua, ran counter to Article 1 (2) of the

Charter of the United Nations. It was time for the Council to call for the rule of reason and justice in that afflicted region and to contribute to the creation of conditions to ensure respect for the obligations deriving from treaties and other instruments of international law. He supported Nicaragua's request that the United States abide by Article 94 of the Charter.⁹

The representative of Argentina remained convinced that Contadora offered the only realistic, just means of securing a peaceful, negotiated settlement of Central America's problems, and that the revised Act on Peace and Cooperation in Central America constituted a set of commitments that could bring peace to the region if they were accepted and carried through in good faith by all the parties involved.¹⁰

Emphasizing the need for the most scrupulous compliance with the purposes and principles of the Charter, as well as with all its other provisions, and particularly with principles as fundamental to the international legal order as that of non-intervention in the internal affairs of other States and the peaceful settlement of international disputes, the representative of Venezuela stated that the situation in Central America was a result of prolonged dictatorships, with the inevitable sequels of grave and systematic violations of the whole range of human rights. He stressed the necessity and righteousness of multilateral action, and added that, within that framework, the participation of regional groups in resolving disputes that primarily affected the countries of the region was particularly appropriate.¹¹

Condemning as dangerous, steps by the United States to escalate aggressive activities, and demanding that they be ended, the representative of the Soviet Union stated that it favoured the establishment of a comprehensive system of international security, and wished to see full respect for the right of every people to choose in sovereignty the path and form of its own development. He expressed his country's support for the constructive efforts of the Contadora Group aimed at a political settlement of the situation in Central America through efforts by the Latin Americans themselves, without outside interference of any kind. He believed that the decision of the International Court in the case of the complaint by Nicaragua had to be implemented immediately and fully, and that the Security Council had to state its authoritative opinion on that matter.¹²

The representative of Honduras charged that the Sandinista Government was simply using the Council and the highest judicial organ within the United Nations system for its own political ends, with a clear propagandist intent, to the detriment of the prestige and dignity of the International Court of Justice. He stated that his Government not only disagreed with the use of the Court for propagandistic purposes, but also condemned that attitude because it represented a further stumbling block placed by the Nicaraguan Government in the way of the peace process in Central America. The Governments and peoples of Central America had, with reason, pinned their hopes for peace and security on the Contadora process, but, in resorting to other

⁶*ibid.*, pp. 16-18.

⁷*ibid.*, pp. 22 and 26.

⁸*ibid.*, pp. 33-36.

⁹*ibid.*, pp. 41 and 42.

¹⁰*ibid.*, p. 48.

¹¹S/PV.2717, pp. 4-6.

¹²*ibid.*, pp. 17-20.

bodies, the Sandinista Government was impeding that process and had gone so far as to damage the prestige of the highest Court in the world, he noted. He emphasized that the sole aim of his statement was to alert the members of the Council to the fact that, by jeopardizing the important peace process in Central America, the Sandinista Government was using the Council as it had attempted to use the International Court of Justice, in order to project an image that did not reflect the facts experienced by its people, who had to a considerable degree declared itself in rebellion against the Government.¹³

The representative of Guatemala stated that, like other countries in Central America, his country too was affected by any problem arising in the region. Citing the problem in Central America as very complex, he called for dialogue, for diplomatic and political negotiations, and for agreements to resolve the question in a comprehensive manner. He reiterated that Guatemala was pursuing a policy of active neutrality, since that was how it could best contribute to the restoration of peace, reconciliation, and the establishment of conditions that would facilitate Central American integration and the development of its peoples. He re-emphasized Guatemala's unconditional support to the Contadora Group and the Support Group.¹⁴

In the course of the 2716th to 2718th meetings, a number of speakers referred to the efforts made by Nicaragua to normalize the situation in the region and many recalled the terms of the Judgment of the International Court of Justice, in particular the part that found that the United States was violating the norms of international law. Appealing for immediate cessation of those activities and for respect for fundamental principles, such as non-interference in the internal affairs of sovereign States and the non-use of force or the threat of the use of force, a number of speakers maintained that it was the obligation of the parties to any dispute to seek a solution by peaceful means as enshrined in Article 2, paragraph 3, of the Charter. All of them agreed on a number of peaceful means that were available to the parties, particularly the need to cooperate with the Contadora Group and the Support Group.¹⁵

At the 2718th meeting, on 28 October 1986, the President drew the attention of the Council members to a draft resolution¹⁶ submitted by the delegations of the Congo, Ghana, Madagascar, Trinidad and Tobago and the United Arab Emirates.

Under that draft, the Council: would recall its resolutions 530 (1983) and 562 (1985) and, being aware under the Charter that each Member undertakes to comply with the decision of the International Court of Justice in any case to which it is a party, would consider that Article 36, paragraph 6, of the Statute of the Court provides that, in the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court; would take note of the Judgment of the International Court of Justice of 27 June 1986 in the case of *Military and Para-*

military Activities in and against Nicaragua and consider the events that had taken place in and against Nicaragua after the said Judgment, in particular the continued financing by the United States of military and other activities in and against Nicaragua; emphasizing the obligation of States, under customary international law, not to intervene in the internal affairs of other States, the Council would urgently call for full and immediate compliance with the Judgment of the International Court of Justice of 27 June 1986, in conformity with the relevant provisions of the Charter, and request the Secretary-General to keep the Council informed on the implementation of the resolution.

Before the vote, the representative of the United Kingdom, on a procedural point, observed that the document to be voted on had been circulated in provisional form for the first time only after the Council had convened that afternoon. He stated that, in keeping with the custom of the Council, 24 hours should have been allowed between the circulation of the draft resolution and the voting on it. Nevertheless, he was ready to vote, since there had been a lot of consultation and the provisional text was congruent with documents that he had seen before. However, he hoped that they would in the future have a longer period between the circulation of a document and voting on it.¹⁷

In his statement before the vote, the representative of Thailand stated that the draft resolution, based as it was on Article 94, posed an unresolved dilemma for the Council, which could have been asked to take more appropriate action in pursuit of a peaceful settlement. He would, therefore, abstain on the draft resolution.¹⁸

The representative of the United States maintained that the said draft resolution did not focus on the real issues of the conflict. It took no note of Nicaragua's responsibility for the existing situation in the region; instead, the draft sought to present, in the guise of support for the 27 June decision of the International Court, a one-sided picture of the situation in Central America. It also attempted to portray a false image of the situation as merely a conflict between Nicaragua and the United States.¹⁹

The representative of China maintained that the problems between Central American countries and between Nicaragua and the United States had to be settled through consultations on an equal footing and that the Judgment of the International Court had to be respected by the countries concerned. He would, therefore, proceeding from his position, vote in favour of the draft resolution.²⁰

The Council then proceeded to vote on the draft resolution¹⁶ which received 11 votes to 1, with 3 abstentions, and was not adopted, owing to the negative vote of a permanent member of the Security Council.²¹

In a statement after the vote, the representative of Denmark stated that it was because of Denmark's firm belief in and support for the principles of international justice which the International Court represented that led it to vote in favour of the draft resolution.²² The representative of the United Kingdom maintained that, while it did not chal-

¹³S/PV.2718, pp. 14-17.

¹⁴Ibid., pp. 17-21.

¹⁵S/PV.2716: Iraq, pp. 26 and 27; Yugoslavia, pp. 43-46; S/PV.2727: Algeria, p. 22; Bulgaria, pp. 26-28; Ghana, pp. 36-38; S/PV.2718: Spain, pp. 6 and 7; Congo, pp. 11 and 12; the Syrian Arab Republic, pp. 24-27; Democratic Yemen, pp. 28-32; the Islamic Republic of Iran, pp. 33-37.

¹⁶S/18428.

¹⁷S/PV.2718, pp. 38 and 39.

¹⁸Ibid., p. 43.

¹⁹Ibid., p. 46.

²⁰Ibid., p. 50.

²¹Ibid., p. 51.

²²Ibid., pp. 51 and 52.

lunge the draft resolution on legal grounds, the United Kingdom could not support a draft resolution that failed to take account of the wider political factors and failed to acknowledge that Nicaragua had largely brought its troubles upon itself. That delegation had therefore abstained.²³ The

²³*Ibid.*, p. 52.

representative of France, in explaining France's abstention, stated that the draft resolution contained questionable references to the Judgment of 27 June 1986 by the International Court of Justice, both on matters of substance and on the Court's role.²⁴

²⁴*Ibid.*, p. 53.

29. LETTER DATED 13 NOVEMBER 1986 FROM THE PERMANENT REPRESENTATIVE OF CHAD TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

By a letter¹ dated 13 November 1986 addressed to the President of the Security Council, the representative of Chad transmitted the text of a memorandum of the same date and requested the convening of an urgent meeting of the Security Council to consider the serious situation then prevailing in his country, the northern part of which had been occupied by the neighbouring Libyan Arab Jamahiriya. He further said that, in addition to the occupation, in the northern region, of 550,000 sq km, the perpetual interference in the internal and external affairs of the Republic of Chad, and the repeated acts of aggression, destabilization and terrorism in his country, the Tripoli regime had of late further escalated the war by embarking on a systematic and collective massacre of the innocent civilian populations in the occupied zone. It was further stated, in the memorandum annexed to the letter, that the Libyan military occupation of northern Chad had begun in 1972 with the Aouzou Strip, a region covering 114,000 sq km, and that it had since been steadily expanded until, in August 1983, it had extended over 550,000 sq km, stretching over the entire Prefecture of Borkou-Ennedi-Tibesti, after an unprecedented military offensive by air and land. The memorandum also asserted that, since August 1983, the Libyan Arab Jamahiriya had been reinforcing its military presence daily by constructing airfields capable of accommodating all types of military equipment and by installing sophisticated communication and defence systems while, simultaneously, the "Libyanization" of northern Chad, including the organization of deportation of women and children, had begun with the stamping out of all traces of Chadian identity and the imposition of Arabic to replace French, of the Green Book as the only political philosophy and of the Libyan dinar as the only currency. The memorandum concluded that the genocidal crimes that were being perpetrated by the Libyan occupier against the defenceless civilian populations had led the Government of the Republic of Chad to bring the situation before the international community so that it could assume its responsibilities by exercising pressure on the Libyan regime in order to induce it to withdraw its occupation troops from Chadian territory without delay.

At its 2721st meeting, on 18 November 1986, the Security Council included in its agenda the item entitled "Letter dated 13 November 1986 from the Permanent Representative of Chad to the United Nations addressed to the

President of the Security Council", and considered the item at the same meeting.² The Council decided to extend invitations, at their request, to the representatives of Chad, Egypt, the Libyan Arab Jamahiriya and Zaire to participate, without vote, in the discussion of the item.³

At the same meeting, the representative of Chad said that his Government had felt obliged to seize the Council, once again, of the extremely serious situation resulting from the occupation of a large part of Chad by the Libyan Arab Jamahiriya in flagrant violation of law and international custom. He said that what was at stake was the survival of a segment of the Chadian population, its natural heritage, sovereignty, independence and its territorial integrity, resulting from the Libyan Arab Jamahiriya's occupation of Chadian territory, and its systematic massacre and genocide of the Chadian people in the Borkou-Ennedi-Tibesti region. He appealed to the Security Council to help take up the challenge in conformity with the principles of the Charter of the United Nations and the charter of the Organization of African Unity (OAU), and to bring about the immediate withdrawal of the Libyan occupation troops from Chad and to ensure that Libya ended the genocide it had been carrying out in the territory.⁴

The representative of the People's Republic of the Congo said that the Chadian conflict could be resolved under the auspices of OAU and that a competent body which had been established to deal with the problem had held several meetings on the question. He stated that the non-aligned countries also supported the efforts of OAU to bring about national reconciliation in Chad and to establish, without foreign interference, lasting peace and respect for Chad's territorial integrity and independence. Stating that the conflict in Chad lent itself to a regional initiative within the framework of OAU, he called upon the Security Council, in conformity with the relevant provisions of the Charter of the United Nations, to take due account of the need for OAU to find a solution to the Chadian problem and to encourage the regional organization in its initiatives and efforts aimed at achieving national reconciliation in order to enable Chad to regain peace, national unity and territorial integrity.⁵

²For the adoption of the agenda, see S/PV.2721, p. 2.

³For details on invitations, see chap. III of the present *Supplement*.

⁴S/PV.2721, pp. 3-9.

⁵*Ibid.*, pp. 11-13. For the discussions on the principles contained in Chapter VIII of the Charter, see chap. XII of the present *Supplement*.

¹S/18456, annex.

The representative of Zaire said that the situation in Chad was a dramatic attack on the principles of international law and the principles set forth in the Charter of the United Nations and in the OAU charter, in particular the provisions that related to sovereignty, political independence, territorial integrity, non-intervention in the internal affairs of States, non-use of force in relations among States, and the peaceful settlement of disputes as stipulated in article 3 of the OAU charter and Article 2 of the Charter of the United Nations. He said that no country had the right to threaten the sovereignty and territorial integrity of another, and called for the withdrawal of the Libyan forces from Chad. He then quoted the provisions of Article 51 of the Charter of the United Nations and stated that, in response to the appeal for assistance by the legitimate Government of Chad, Zaire had sent troops as tangible evidence of its commitments to the preservation of the territorial integrity of each African State in accordance with Article 3 of the OAU Charter.⁶

The representative of France said that France had learned that in the Chadian conflict non-combatants had been the target of attacks resulting in the destruction of Gourma and Monou, areas where civilians had been killed. He said that France had set up a military assistance unit, at the request of the Chadian Government and in conformity with Article 51 of the Charter of the United Nations, to act as a deterrent against outside interference in Chadian affairs.⁷

The representative of the United States of America recalled that the Government of Chad had vigorously worked towards the goal of national reconciliation since it had come to power in 1982, but that its domestic progress had been disrupted by external military aggression directed against it, with an invasion in 1983 by the Libyan Arab Jamahiriya in clear violation, not only of the Charter of the United Nations, but also that of OAU. He recalled further that in that invasion, the Libyan Arab Jamahiriya had seized nearly half of the territory of Chad and was in continued occupation of Chad's northern provinces, which it

continued to maintain through harsh military rule. He said that the Libyan Arab Jamahiriya's attacks on Chad had threatened not only its smaller neighbour, but also the peace and stability of other nations in the region. He called upon the international community to demand that the Libyan Arab Jamahiriya withdraw its military forces from Chad and cease its aggression against a Member of the United Nations.⁸

At the same meeting, the representative of the Libyan Arab Jamahiriya challenged the ground upon which the Security Council was convened, as the problem of Chad was an internal one resulting from the remnants of French colonialism that could best be handled under the auspices of OAU. He said that the regional organization had already entrusted to the President of the People's Republic of the Congo the task of seeking national reconciliation among the contending Chadian parties. He then accused the Government of the United States of America of using the Chadian conflict to divert attention from the American aggression against the Libyan Arab Jamahiriya, and as an excuse to support the Chadian faction led by Hissein Habre, whose regime did not control Chad. He called upon other States, in particular the "colonial Powers" which were intervening in Chadian affairs, to put an end to their intervention in the territory.⁹

The representative of the Union of Soviet Socialist Republics expressed his delegation's support for the position taken by OAU in its attempt to achieve national reconciliation in Chad without any outside interference. He accused the United States of America and France of using the Security Council meeting as a basis for attacking the Libyan Arab Jamahiriya, to increase tension on the Libyan border and to use the internal conflict in Chad to effect far-reaching political policies and designs aimed against another African country. He condemned the escalation of imperialist interference in the internal affairs of African countries as illegal acts that threatened destabilization of the international environment.¹⁰

⁶Ibid., pp. 16-19.

⁷Ibid., pp. 21 and 22.

⁸Ibid., pp. 23-27.

⁹Ibid., pp. 28-36.

¹⁰Ibid., pp. 41-43.

30. LETTER DATED 9 DECEMBER 1986 FROM THE PERMANENT REPRESENTATIVE OF NICARAGUA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

INITIAL PROCEEDINGS

By a letter¹ dated 8 December 1986 addressed to the President of the Security Council, the representative of Nicaragua requested the convening of a meeting of the Security Council to consider the incidents in the Central American region which endangered international peace and security.

At the 2728th meeting, on 10 December 1986, the Council considered the item on its agenda. The representatives of Honduras and Nicaragua were invited, at their request, to participate without vote in accordance with the relevant provisions of the Charter and rule 37 of the provisional rules of procedure of the Council. Members of the Council had a letter dated 8 December 1986 from the Permanent Representative of Nicaragua to the United Nations, which contained the text of the note of the Minister for Foreign Affairs of Nicaragua to the Minister for Foreign Affairs of Honduras describing the violation of Nicaraguan airspace by firefighter planes flying from Honduras.

¹S/18514.

The representative of Nicaragua gave an account of the events, charging that three aircraft had attacked positions of the Sandinista People's Army, causing the death of seven people and the wounding of another nine; on the same day, two combat aircraft from the same formation attacked a town, 25 kilometres from the northern border, destroying a home, killing two children and wounding three soldiers. According to Nicaraguan intelligence sources, the aircraft had taken off from United States bases located on Honduran territory and the attacks had been co-ordinated by American specialists; besides, the rockets and bombs used in the bombings could only have been transported by powerful combat aircraft, which the mercenary forces did not possess. He stated that responsibility for the latest grave event lay with the United States Government, whose objective was to overthrow the legitimately established Government of Nicaragua. The speaker recalled that in recent years his Government had often drawn the Council's attention to such activities as the conducting of joint military manoeuvres by the United States and the Honduran armies; the strengthening of the military structure established by the United States in Honduras; the permanent presence of advisers and specialized bodies of the United States on Honduran soil; the continued financing of counter-revolutionary mercenaries; the constant violation of Nicaraguan territorial waters and airspace. He condemned the United States tactics of bringing the military manoeuvres closer to the counter-revolutionary bases and the border of Nicaragua, as well as of carrying out electronic and air espionage of the Nicaraguan Pacific coast and territory. Moreover, the representative of Nicaragua indicated some actions within the "context of aggression and preparation of the conditions necessary to the direct participation of the United States in the war,"² such as financing and direct control of adversary operations, training of commandos, and speculation about an invasion of Honduran territory by troops of the Sandinista People's Army. He stated that his Government had come to the Security Council, in view of preparations for direct military intervention against Nicaragua, to alert the international community to the new escalation of United States aggression as "an attack against the peace, security and lives of peoples of Nicaragua and Honduras".³ He called for respect for the norms and principles of international law and for the right of the peoples of Central America to life and peace. He informed of his Government's proposal to the Government of Honduras to invite the Secretary-General of the United Nations to send a fact-finding committee to the zone of tension, with the participation of the Contadora Group members, to determine the causes of tension and recommend relevant measures to be adopted to prevent a further worsening of the situation. He described the negative response of the Government of Honduras as being a result of pressure by the United States Government.⁴

The representative of Honduras denied the allegations of the representative of Nicaragua. He stated that the border situations had worsened considerably as a result of the attack by approximately 200 soldiers of the Sandinista People's Army on an observation post within Honduran territory, in the course of which two soldiers had been

captured, three wounded in the battle, and the military equipment from the post belonging to the Honduran army seized by the Sandinista army. At the same time, a number of purely civilian villages had been attacked, and the Government had been so far unable to determine human losses and material damage. The speaker pointed out that his Government, demonstrating a peaceful and conciliatory approach, had made attempts to prevent a worsening of the situation through diplomatic means, warning that Honduran armed forces "would be obliged to carry out their constitutional duty to defend the national territory and sovereignty"⁵ and had called for withdrawal of all Sandinista troops from its territory. He said that the Nicaragua proposal to send a United Nations and Contadora Group commission to avoid worsening of the situation had been "absolutely unacceptable", and had left the Honduran Government no alternative but to take appropriate and legitimate action, that is, to order the Honduran air force "to take all necessary measures to remove the invading soldiers" from Honduran territory, using its own resources and those supplied at its request by the Government of the United States. He assured the Council that all the actions had been taken without exceeding the legal limits imposed by the United States Government and under precise orders of the commander of the armed forces of Honduras to operate strictly within national territory. The speaker informed the Council that the Permanent Mission of Honduras would present it with "many identification cards" left behind or taken from members of the Sandinista army on Honduran territory, as well as a document which was an instruction to the Nicaraguan army proving the existence of a premeditated plan of invasion. Totally rejecting his country's responsibility for the incident, the representative of Honduras asserted that the Government of Nicaragua was violating the principles of international law contained in international agreements and in the Charter of the United Nations, in particular, in Article 2. He also quoted in full the response of the Honduras Foreign Minister to the telex of the Minister for Foreign Affairs of Nicaragua claiming that Honduran aircraft had attacked the positions of the Sandinista People's Army on Nicaraguan territory. He affirmed the will of his Government, respectful of its commitments under the Charter, to explore the path to peace with dignity in Central America. He expressed confidence in the Security Council's good judgement and its ability to distinguish lies from the truth.⁶

The President of the Security Council, speaking in his capacity as the representative of the United States, called the reason used by Nicaragua to convene the Council "patently false and a cynical complaint" and an abuse of the Council. He portrayed Nicaragua as an aggressor trying to present itself as a victim. In his account of events, he acknowledged that the United States, at the request of the President of Honduras, had agreed to transport Honduran troops and supplies in nine unarmed United States helicopters to the region, 25 miles away from the conflict. He emphasized that the massive Soviet-backed military build-up in Nicaragua was a serious threat to the countries in the region, which "the Central American democracies had sought to counter not by matching force with force but

²S/PV.2728, pp. 9 and 10.

³Ibid., p. 12.

⁴Ibid., pp. 3 and 13.

⁵Ibid., p. 17.

⁶Ibid., pp. 13-26.

through negotiation of a comprehensive regional agreement", which the United States had supported. He pointed out that the issue before the Council was not one between Nicaragua and the United States; the real problem was the aggression of Nicaragua against its neighbours and the United States was prepared to come to the prompt assistance of the victims.⁷

The representative of Nicaragua questioned the United States insistence on attributing the problems of Central America solely to Nicaragua and observed that the Security Council and the international community were long aware that his country had been more than once subjected to aggression. She referred to a ruling in that regard by the International Court of Justice condemning the United States for its policy of aggression. She affirmed that the only force in Honduran territory that was not Honduran was that of the United States and the counter-revolutionary force created, armed and supplied by the United States Administration. She questioned why the mechanism of a fact-finding commission of the Secretary-General of the United Nations, proposed by her Government to the United States and Honduras, had not been accepted and reiterated that the reason for convening that meeting was to alert the Security Council to the fabrications and pretexts for wider United States involvement in the direct actions against Nicaragua. She recalled that the mechanism should be found for a solution of the situation within the Contadora

framework and in bilateral relations between the United States and Nicaragua. She reiterated the appeal made at a meeting with the Secretary-General of the United Nations to send a fact-finding mission to the border area, despite objections from the Honduran Government, and to send a commission to the bombed area of Nicaragua.⁸

The representative of Honduras, exercising the right of reply, clarified that his country was unable to accept the on-site presence of a United Nations commission as a matter of "national dignity", unless Nicaragua agreed to withdraw the Sandinista troops from its territory. He also stated that the military base in question was under sovereign administration, management and ownership of his country; the United States advisers operated in Honduras within the framework of friendly relations. He confirmed his country's readiness to withdraw the military advisers, in the interest of peace in the region, provided that Nicaragua would also withdraw its troops. He also denied that Honduras had sought to obtain F-15 aircraft and that it had a large number of F-5s. The representative presented photocopies of the military identification papers of Nicaraguan soldiers who were on Honduran territory, and other evidence.⁹

The President said that there were no more speakers on the list and that the next meeting of the Council would be fixed in the course of consultations.

⁷S/PV.2728, pp. 26-28.

⁸Ibid., pp. 28-32.

⁹Ibid., pp. 32 and 33.

31. STATEMENT BY THE PRESIDENT OF THE SECURITY COUNCIL (IN CONNECTION WITH HOSTAGE-TAKING AND ABDUCTION)¹

Decision: Statement by the President.

On 28 January 1987, following consultations of the Security Council, the President was authorized to issue a statement on behalf of the Members of the Council. The Statement reads as follows:

¹S/18641.

The members of the Security Council have had occasion in the past to draw attention to various acts of hostage-taking and abduction. In resolution 579 (1985) the Security Council condemned unequivocally all such acts and called for the immediate safe release of all hostages and abducted persons wherever and by whomever they are being held. Conscious of the serious implications of this issue, and, in particular, its humanitarian aspects, the members of the Council again condemn all acts of hostage-taking and abduction and demand the immediate and safe release of all hostages and abducted persons.

32. LETTER DATED 10 FEBRUARY 1988 FROM THE PERMANENT OBSERVER OF THE REPUBLIC OF KOREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

LETTER DATED 10 FEBRUARY 1988 FROM THE PERMANENT REPRESENTATIVE OF JAPAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

INITIAL PROCEEDINGS

By a note¹ dated 10 February 1988, the President of the Security Council circulated the text of a letter of the same date, together with its enclosure, from the Permanent Ob-

server of the Republic of Korea to the United Nations addressed to the President of the Security Council, requesting an urgent meeting of the Council, in accordance with Article 35, paragraph 2, of the Charter of the United Nations, to consider the situation arising from the incident in which a commercial passenger airliner, Flight 858, of the Republic of Korea, with 115 people on board, had been destroyed by an explosion in mid-air during a regular flight from

¹S/19488.

Baghdad to Seoul on 29 November 1987. The Permanent Observer of the Republic of Korea to the United Nations had also stated that the findings of the investigation by his Government had revealed that the explosion had been caused by time bombs that were planted by two North Korean agents. He had further declared that the Republic of Korea accepted, in connection with its request for a meeting of the Security Council, the obligations of a peaceful settlement of disputes as stipulated in the Charter; and requested, in the same letter, that a representative of his Government be invited by the Security Council to participate in the discussion in accordance with Article 32 of the Charter.

By a letter² dated 10 February 1988 addressed to the President of the Security Council, the representative of Japan requested that an urgent meeting of the Council be convened to consider the destruction on 29 November 1987 of the Korean Air Lines passenger aircraft, Flight 858, which had claimed 115 victims.

At the 2791st meeting, on 16 February 1988, prior to the adoption of the provisional agenda, the representative of the Union of Soviet Socialist Republics stated that his delegation held the view that the inclusion of the present item in the agenda of the Security Council could well have negative consequences for the situation in the Korean peninsula, which was already quite tense; and that it wished to have that view reflected in the Council's records.³ The Council then adopted⁴ the agenda, which included the letters from the Permanent Observer of the Republic of Korea to the United Nations and from the representative of Japan, respectively; and considered the item at the 2791st and 2792nd meetings, held on 16 and 17 February 1988. In the course of its deliberations, the Council invited, at his request, the representative of Bahrain to participate, without vote, in the discussion of the item.⁵ The Council also extended invitations, at their request, to the Democratic People's Republic of Korea and the Republic of Korea to participate in the discussion, without the right to vote, in accordance with the provisions of Article 32 of the Charter.

Decision of 17 February 1988 (2792nd meeting): adjournment

At the 2791st meeting, on 16 February 1988, the Minister for Foreign Affairs of the Republic of Korea recalled that a Korean Aircraft had been blown up in mid-air over the Andaman Sea off the coast of Burma, while on a flight from Baghdad to Seoul via Abu Dhabi, on 29 November 1987, and that all 115 passengers and crew, including one Indian and one Lebanese national, had been killed. He then stated that his Government had brought the matter before the Security Council for the following reasons: (a) that a State-directed act of terrorism had posed a grave threat, not only to the safety of international civil aviation, but also to international peace and security; (b) that this had not been the first terrorist attack by North Korea against the Republic of Korea; that the 1983 bombing incident in Ran-

goon, which had been intended to kill the President of the Republic of Korea while on a State visit to Burma, had claimed the lives of 16 officials, including the Deputy Prime Minister, the Minister for Foreign Affairs, the Minister of Commerce and Industry, the Minister of Energy and Resources and the Secretary-General to the President; and that the official finding of the investigation by the Government of Burma had been that "the perpetrators were North Koreans acting under instruction of the Government of the Democratic People's Republic of Korea" following which Burma had withdrawn its recognition of North Korea and closed the North Korean Embassy in Burma; (c) that North Korea not only maintained that its involvement in the bombing in Burma and the sabotage against the KAL airliner had been concocted, but also argued that the Republic of Korea had committed those crimes, thereby dangerously implying that North Korea, which had consistently used international terrorism as an instrument of its national policy, might repeat its terrorist acts and that his Government hoped to deter North Korea from committing such acts in the future by bringing the matter before the Security Council; and (d) that the sabotage of a civilian airliner had been designed by North Korea as part of an attempt to disrupt the forthcoming Olympic Games in Seoul. The Minister for Foreign Affairs of the Republic of Korea referred to the document¹ submitted to the Council by his Government and said that, while that document contained a detailed picture of the incident, he would only highlight some of the important background and the key findings of the investigation. He then briefly described, on the one hand, the search efforts, immediately following the disappearance of Flight 858, undertaken by his Government and Korean Air Lines with the cooperation of the Governments of Burma, Thailand, India and other countries; and, on the other hand, the investigation which had begun by examining the identities of the passengers on board the airliner, particularly those that had disembarked at the flight's first stopover point in Abu Dhabi. He said that the investigation had led to suspicion focusing on two Japanese named Shinichi Hachiya and Mayumi Hachiya, who had been on board Korean Air Lines Flight 858 from Baghdad to Abu Dhabi and who, as it had later been discovered, had been travelling with forged Japanese passports. He said that the two suspects, while under questioning at the airport in Bahrain, had attempted to commit suicide by taking cyanide poison and that "Shinichi Hachiya" had died within hours, while the young woman, "Mayumi Hachiya", had survived. He stated that, since both Bahrain and the Republic of Korea were parties to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation and, owing to the strong suspicion that the act of terrorism had been committed by North Korean agents, the Government of Bahrain had complied with the request of the Republic of Korea to hand over to it the surviving young woman, "Mayumi Hachiya", together with the remains of "Shinichi Hachiya", and all other evidence. He then recounted chronologically, detailing events between 12 and 29 November 1987, how two special agents of the Intelligence Department of the Central Committee of the North Korean Workers' Party had travelled from Pyongyang, via Moscow, Budapest, Vienna and Belgrade, to Baghdad, where they had boarded Korean Air Lines Flight 858 and from which they had disembarked at the Abu Dhabi airport after

²S/19489.

³S/PV.2791, pp. 2 and 3.

⁴Ibid., p. 6.

⁵For details, see chap. III of the present *Supplement*.

leaving a time bomb, disguised as a Panasonic radio, and liquid explosive in a liquor bottle in the compartment over their seats. He said that the two special agents, whose real names were Kim Sung-il, the team leader who committed suicide at Bahrain airport, and Kim Sung-hui, the young woman who had subsequently willingly confessed and helped in the reconstruction of the events, had been assisted at various points in their travel by North Korean "guidance officers"; and that they had been disguised as a Japanese father and daughter, after their acquisition in Austria of two forged Japanese passports with falsified exit stamps. He said that his Government had demanded on 15 January 1988 that North Korea apologize and punish those responsible, as well as renounce terrorism as an instrument of State policy, but that the North Korean response had been an allegation that South Korea itself had carried out the bombing of the airliner. He then stated that more than 60 Member States of the United Nations and a number of international organizations, including the International Federation of Airline Pilots Associations, had so far condemned the North Korean act of terrorism; and that many countries had imposed sanctions against North Korea, including severance of diplomatic ties. He concluded by stressing that his Government, despite North Korea's policy of rejection, had persistently pursued a policy of direct talks between the South and the North on the basis of the principle of national self-determination.⁶

At the same meeting, the representative of Japan said that his Government had requested the convening of the Security Council meeting particularly for the following reasons: (a) Japan had also been a victim of the incident, in that the North Korean agents had posed as Japanese nationals which, if their true identities had not been revealed, would have harmed Japan's relations with the Republic of Korea; and that the incident must be condemned as an attempt to escalate tension in East Asia and to jeopardize the peace and security of the region; and (b) the Government of Japan had gathered evidence substantiating the findings of the investigation by the Republic of Korea and such terrorist acts were a grave violation of international law threatening international peace and security. He recalled General Assembly resolutions 40/61 of 9 December 1985 and 42/159 of 7 December 1987, condemning all forms of terrorism as criminal, as well as the measures that had been taken by the International Civil Aviation Organization (ICAO) for the prevention of terrorist acts against civil aviation, and said that a State that organized, assisted or acquiesced in terrorist acts was not only violating its obligation under international law, but also undermining the framework of international cooperation for the prevention of terrorism. He stated that the Security Council, whose primary responsibility was the maintenance of international peace and security, must take the initiative to ensure that acts of international terrorism were prevented. He further recalled the 1987 General Assembly Declaration on enhancing the effectiveness of the principle of the non-use of force⁷ which, he said, together with General Assembly

resolution 42/159, underlined the recognition by the international community that terrorism jeopardized relations between States and posed a threat to international peace and security.⁸

At the same meeting, the representative of the Democratic People's Republic of Korea said that the United Nations, particularly the Security Council, should have on its agenda the issue of the relaxation of tension and ensuring peace and security on the Korean peninsula; but that, regrettably, the Council was currently discussing the so-called KAL incident, a matter which lacked credibility and which was far from the purposes of the Security Council. He stated that the Democratic People's Republic of Korea consistently pursued a policy which placed the highest value on the sovereignty and dignity of man; and that his Government was not only opposed to all kinds of terrorist acts, but that it also had no reason or purpose in destroying a South Korean civilian airliner. He then declared that his Government had nothing to do with the incident of KAL Flight 858 and categorically rejected the findings of the investigation by the South Korean authorities, contained in the document¹ before the Council, as a fabrication. He asserted that the KAL incident was "no more than a drama written and enacted by the South Korean authorities themselves" aimed at securing a victory in the presidential elections by giving the people a psychological shock over an alleged crime by the North. He further asserted that it was against that background that "Plan Memo-1" and its modified version "Plan Memo-2", had been devised, complete with operations guidelines and action tactics, to blow up the KAL passenger plane on the route "Baghdad-Abu Dhabi-Bangkok-Seoul", and to blame it on North Korean agents. He further contended that Japan had been involved in the drama of the KAL incident under the manipulation of the United States; and that the Japanese authorities were driving a wedge between the socialist countries and plotting to perpetuate the division of Korea, including a clamour about cross-recognition and simultaneous admission of the Koreas to membership in the United Nations.⁹

At the 2992nd meeting, on 17 February 1988, the representative of Yugoslavia said that international terrorism was a serious threat to cooperation and normal relations among States. He stated that the document¹ submitted to the Council by the Republic of Korea contained the assertions and conclusions of only one side and that the Council's debate should not lead to premature conclusions and condemnation before all the relevant facts had been established. He further stressed that the Council's discussion should not result in the exacerbation of the existing contradictions on the Korean peninsula, contrary to the interests of the Korean people and the efforts aimed at peaceful settlement of disputes in the region, to which the Security Council intended to contribute.¹⁰

At the same meeting, the representative of Nepal said that his Government had supported the request for a meeting of the Security Council to consider the Korean Air Lines incident primarily in defence of the principle that every State had the right to bring to the attention of the Security

⁶S/PV.2791, pp. 8-22.

⁷General Assembly resolution 42/22 of 18 November 1987, annex, entitled "Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations".

⁸S/PV.2791, pp. 23-26.

⁹Ibid., pp. 32-55.

¹⁰S/PV.2892, pp. 17 and 18.

Council or the General Assembly any situation that it felt was likely to endanger the maintenance of international peace and security, in accordance with the stipulation contained in Article 34 of the Charter of the United Nations. He further said that another important consideration in favour of inscribing the item on the Council's agenda had been that a meeting of the Security Council would give the international community an opportunity to be fully and authoritatively informed about the incident. He stated that his delegation had also supported the initiative of the non-aligned members of the Council to confine the debate to the parties directly concerned, without restricting the right of any Member State to participate; and that his delegation

was gratified that the Council would not be required to take any specific action at the end of the debate.¹¹

At the same meeting, the President of the Council observed that, while no participant in the discussion had defended the incident involving KAL Flight 858, all those that had taken part in the Council's debate had rejected attacks on civil aviation and deplored such attacks. He then stated that the Security Council would remain seized of the matter, and declared the meeting adjourned.¹²

¹¹*Ibid.*, pp. 49-51.

¹²*Ibid.*, p. 91.

33. LETTER DATED 11 MARCH 1988 FROM THE PERMANENT REPRESENTATIVE OF ARGENTINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL AND COMMUNICATIONS REGARDING THE SITUATION IN THE REGION OF THE FALKLAND ISLANDS (ISLAS MALVINAS)

INITIAL PROCEEDINGS

Following a series of communications¹ addressed to the Secretary-General concerning the announcement by the United Kingdom of Great Britain and Northern Ireland of its intention to undertake military exercises in the Falkland Islands (Islas Malvinas) between 7 and 31 March 1988, the representative of Argentina, on 11 March 1988, addressed a letter² to the President of the Security Council requesting a meeting of the Council to discuss the situation created by that decision of the United Kingdom.

The Council considered³ the matter at its 2800th and 2801st meetings, held on the morning and afternoon of 17 March 1988. At the outset of the 2800th meeting, at their request, the Council invited to participate in the discussion, under rule 37 of the provisional rules of procedure, the representatives of Colombia, Costa Rica, Guyana, Mexico, Uruguay and Venezuela; in the course of that meeting, the Council further invited the representatives of Bolivia and Ecuador; and at the outset of the 2801st meeting, the Council invited the representatives of Guatemala and India. At the outset of the 2800th meeting, the Council invited under rule 39, at his request, the Acting Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Special Committee of 24).

At the 2800th meeting, the Minister for External Relations and Culture of Argentina stated that Argentina was not alone in its concern at the decision by the United King-

dom to conduct military manoeuvres on the Malvinas Islands: the Organization of American States, the Permanent Mechanism for Consultation and Concerted Political Action, composed of eight Latin American countries, and the Movement of Non-Aligned Countries had all expressed their concern. The British Government had decided to hold military exercises despite its own support for General Assembly resolution 41/11 of 27 October 1986, which declared the South Atlantic a zone of peace and cooperation. This was a clear expression of the United Kingdom's determination not to negotiate and not to settle its dispute with Argentina over the islands peacefully.

The United Kingdom had voted against General Assembly resolutions⁴ calling for a negotiated solution and had at the same time built up a demonstration of force in the islands. It was only open to negotiations that explicitly left aside the pivotal question of sovereignty. The British might argue that the two countries should begin with reciprocal confidence-building measures, but how could Argentina construe the establishment of reciprocal confidence by a country which, at the least explicable moment, had decided to carry out military manoeuvres in the disputed area? By contrast, Argentina, since the restoration of democracy in 1983, had made evident its determination to seek a negotiated solution; all Argentine initiatives, actions and behaviour since 1983 had been peaceful in nature.

The British attitude was in itself a threat to international peace and security because it disregarded negotiations as a basis for the settlement of disputes. The behaviour of the permanent members⁵ of the Council had a direct impact on the credibility of the collective security system; if a permanent member ignored the Charter what could be ex-

¹S/19500 from the representative of Argentina, dated 12 February 1988; S/19541 from the representative of the United Kingdom; S/19559 from the representative of Colombia on behalf of the countries members of the Group of the Permanent Mechanism for Consultation and Concerted Political Action (Argentina, Brazil, Colombia, Mexico, Peru, Uruguay and Venezuela), dated 29 February 1988; S/19564 from Argentina, dated 2 March 1988; and S/19579 from Argentina, dated 4 March 1988.

²S/19604.

³The Council included the item in its agenda under the heading "Letter dated 11 March 1988 from the Permanent Representative of Argentina addressed to the President of the Security Council (S/19604)".

⁴General Assembly resolutions 37/9 of 4 November 1982, 38/12 of 16 November 1983, 39/6 of 1 November 1984, 40/21 of 27 November 1985, 41/40 of 25 November 1986 and 42/19 of 17 November 1987.

⁵Several delegations participating in the debate referred to the special responsibilities conferred upon a permanent member of the Council in conjunction with its unique privileges and advantages, including Costa Rica (S/PV.2800, pp. 57-58), Venezuela (*ibid.*, p. 47) and Panama (S/PV.2801, pp. 27-31).

pected of other countries? The decision by the United Kingdom thus played into the hands of those who sought to discredit the United Nations.⁶

The representative of the United Kingdom recalled that in 1982, while the British and Argentine Governments were engaged in discussions about the Falklands, the islands had been suddenly invaded by over 10,000 Argentine troops. Subsequently, Argentina had ignored Council resolution 502 (1982) which called for the immediate withdrawal of all Argentine forces. The British Government, in consequence, had been obliged to exercise its right to self-defence under Article 51 of the Charter and to expel the invaders at a distressing cost to life. The United Kingdom would be in dereliction of its duty under Article 73⁷ of the Charter, he claimed, if it did not take the necessary steps to safeguard the security of the people of the islands and ensure that such a catastrophe could not happen again.

Argentina had made it clear that negotiations could only have one outcome: the annexation of the islands by Argentina. They did not want negotiations, but talks about a handover date. The British Government acknowledged and reciprocated Argentina's assurances of its commitment to resolve outstanding differences by peaceful means, and it respected and appreciated President Alfonsín's statements that he did not intend to resort to force. However, as long as Argentina maintained its claim to the Falklands, regardless of the wishes of the islanders, the United Kingdom must retain the capacity to deal with the unexpected.

Instead of choosing to install a large enough permanent garrison to ward off attack, the United Kingdom had opted to maintain the smallest possible garrison, with the means to reinforce it rapidly. The United Kingdom had made it clear that occasional reinforcement exercises would be necessary. The current exercise, which involved a small number of aircraft and fewer than 1,000 men, could in no way be construed as a threat to anyone. Moreover, British reinforcement capability had made it possible to halve the number of troops on the island, which was surely a contribution to the lowering of tensions rather than the opposite.⁸

The representative of Colombia stated that the issue of the Malvinas affected all the countries of Latin America, which unreservedly supported Argentina's claim to sovereignty over the islands. It was an obvious problem of decolonization which could have been resolved within the framework of the Charter but had, instead, become a hotbed of tension and conflict with repercussions throughout the region. It was not the size or intensity of the British manoeuvres that disturbed Colombia; it was the fact that the democratic Government of Argentina, which had made clear its intention to protect the interests of the islanders, could offer peaceful, bilateral dialogue with an open agenda and no preconditions, and be met with the deployment of force. Such vaunting of power was antithetical to

a climate of negotiations and peace. Colombia supported a comprehensive negotiated solution.⁹

The representative of the Union of Soviet Socialist Republics expressed his delegation's sympathy with Argentina's request for a meeting of the Council. The Soviet Union supported a peaceful settlement of the dispute. Moving British forces and arms into the Falklands (Malvinas) in order to test the feasibility of carrying out a large-scale military operation there, which was the purpose that had been stated in London, would not promote a political settlement.¹⁰

The representative of Peru stated, among other things, that the British manoeuvres must be viewed in the light of the decision by the United Kingdom of 29 October 1986 to declare a 200-mile zone around the Malvinas Islands within which it had set up a so-called interim fishing and administrative conservation zone. In the view of Latin Americans, sending foreign troops to the region to hold military exercises, regardless of their origin or deployment, was an unjustified intervention and infringement on the unity, security and sovereignty of Latin America.¹¹

The Acting Chairman of the Special Committee of 24 stated that the Malvinas Islands were a Non-Self-Governing Territory within the meaning of Chapter XI¹² of the Charter of the United Nations. He recalled that in 1965 the General Assembly had recognized the existence of a dispute with respect to sovereignty over the islands. Since then, the Assembly had repeatedly urged negotiations towards a peaceful settlement, bearing in mind the provisions of the Charter, the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples and the interests of the population of the islands. The Assembly had also called upon the Secretary-General to conduct a mission of good offices to help the two Governments to resume negotiations, although conditions had not yet permitted the Secretary-General to carry out his mandate. The Acting Chairman of the Committee stated that an increased military presence in the region would worsen tensions instead of helping to create the necessary environment for negotiations towards a peaceful settlement.¹³

At the 2801st meeting, the representative of Italy emphasized the close relations maintained by his Government with both Argentina and the United Kingdom, and called for a negotiated settlement of the dispute.¹⁴

The representative of the United States of America expressed his Government's support for General Assembly resolution 42/19 requesting negotiations with a view to

⁹Ibid., pp. 21-23. Similar sentiments were expressed at the 2800th meeting by the representatives of Uruguay (pp. 26-27), Brazil (pp. 31-32), Peru (pp. 36-40), Mexico (pp. 48-53), Spain (pp. 54-56), Costa Rica (pp. 57-58), Venezuela (pp. 43-48) and Ecuador (pp. 61-62); and at the 2801st meeting by the representatives of Nicaragua (S/PV.2801, pp. 22-26), Panama (pp. 27-31), Bolivia (pp. 37-38) and Guatemala (pp. 38-43).

¹⁰S/PV.2800, pp. 32-36.

¹¹Ibid., pp. 38-39.

¹²Articles 73 and 74; see note 7 above.

¹³S/PV.2800, pp. 41-43.

¹⁴S/PV.2801, pp. 3-5. Similar views were expressed at the 2801st meeting by the representatives of Japan (pp. 5-6), Algeria (pp. 6-8), Nepal (pp. 8-11), the Federal Republic of Germany (pp. 11-13), Zambia (pp. 13-17), Senegal (pp. 17-18), France (pp. 21-22), Guyana (pp. 31-36), India (pp. 44-45) and Yugoslavia (pp. 46-47).

⁶S/PV.2800, pp. 6-15.

⁷Article 73 sets out the obligations of Member States administering Non-Self-Governing Territories towards the Territories' inhabitants.

⁸S/PV.2800, pp. 14-20.

finding a peaceful resolution. The United States had not taken a position of the question of sovereignty. Both parties to the dispute were its friends, and both parties had made efforts to resolve the dispute, although tensions obviously persisted. The United States believed that a more stable basis of mutual trust needed to be established, and that the initiation of direct talks could contribute to that objective.¹⁵

The representative of China stated that Argentina's claim to the Malvinas Islands should be respected by the international community, and he pointed out that the non-aligned movement and the Organization of American States had adopted resolutions on a number of occasions that supported Argentina's position regarding its sovereignty over the islands. China was concerned at the situation in the South Atlantic caused by the British military exercises in the Malvinas and hoped that the two parties would find a

fair and reasonable solution through peaceful negotiations.¹⁶

The representative of Nicaragua stated, among other things, that because the Malvinas were a colonial enclave its inhabitants were not entitled to self-determination.¹⁷ In a similar vein, the representative of Guatemala pointed out, *inter alia*, that both the General Assembly and the International Court of Justice had recognized that the principle of territorial integrity had primacy over the principle of self-determination in cases where colonial occupation had affected the territorial sovereignty of independent countries.¹⁸

Further statements by the representatives of the United States, Argentina and the United Kingdom followed,¹⁹ after which the President declared that the Council had concluded the present stage of its discussion on the item before it.

¹⁵*Ibid.*, pp. 18-20.

¹⁶*Ibid.*, p. 21.

¹⁷*Ibid.*, pp. 22-26.

¹⁸*Ibid.*, pp. 42-43.

¹⁹*Ibid.*, p. 48 (United States), pp. 48-53 and 59-61 (Argentina) and pp. 54-58 and 61-62 (United Kingdom).

34. LETTER DATED 17 MARCH 1988 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF NICARAGUA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

INITIAL PROCEEDINGS

By a letter¹ dated 17 March 1988 addressed to the President of the Security Council, the representative of Nicaragua requested a meeting of the Security Council to consider the serious situation created by threats and aggression against his country and by the decision of the United States Government to send American troops to Honduran territory.

At the 2802nd meeting, on 18 March 1988, the Council included the letter in the agenda. Following the adoption of the agenda, the Council invited, at the same meeting, the representatives of Colombia, Costa Rica, Honduras, Nicaragua and Peru, and at the 2803rd meeting, the representatives of Viet Nam and Zimbabwe, to participate in the discussion, without the right to vote, in accordance with the provisions of the Charter and rule 37 of the provisional rules of procedure of the Council. The item was discussed at the 2802nd and 2803rd meetings, on 18 and 22 March 1988.

At the 2802nd meeting, the representative of Nicaragua described the latest crisis resulting from the escalation of threats to his country and by the decision of the United States Government to send 3,200 troops to Honduran territory, which was in line with the United States policy in Central America, including financial aid to the Contra forces. He also gave an account of a Sandinista People's Army military operation that had started on 6 March, in the area 5 kilometres from the border with Honduras, intended to drive mercenary forces from Nicaraguan territory in an action of legitimate self-defence of its sovereignty and territorial integrity. The representative said that the President

of Nicaragua had contacted the President of Honduras and proposed a summit meeting; another meeting had been proposed between the heads of military forces of both countries and yet another, at the initiative of the President of Guatemala, of the Central American Foreign Ministers. The Government of Nicaragua had also formally requested the Secretary-General of the United Nations and the Secretary-General of the Organization of American States (OAS) to send a mixed technical mission to investigate *in situ* the recent border incidents on Nicaraguan territory, so that specific recommendations for the disarmament and withdrawal of the mercenary troops could be made.

Despite all the initiatives, a provocative bombing of Nicaraguan border territory by two United States aircraft had occurred. All this, the orator commented, was aimed at scotching the previously adopted agreements,² at sabotaging the forthcoming ceasefire negotiations, at creating the necessary climate for obtaining fresh funds of a 30-to-33-million-dollar aid package for the Contras in the United States Congress; at laying the ground for direct military intervention against Nicaragua; and at strengthening the United States of America's presence in Central America. The speaker concluded his address by appealing to the Government of Honduras to live up to the Esquipulas II Agreements, and urged the United States Government to comply with the ruling of the International Court of Justice of 27 June 1986.

The representative of Honduras repudiated the charges and claimed that the territory of his country had been attacked by Nicaragua using artillery and its air force. Nev-

¹S/19638.

²Esquipulas II Agreements, adopted at the San José Summit on 16 January 1988 (A/42/521).

ertheless, the Government of Honduras had refrained from complaining to the Security Council because of its commitment to the search for a solution through diplomatic bilateral and regional channels. He rejected the Nicaraguan proposal to dispatch a joint United Nations—Organization of American States commission to the border area to investigate the situation, arguing that it would “allow Nicaragua to continue to use international forums to cover up its lack of compliance with its obligation as a State”. He informed the Council of the contacts between the President of Honduras and the President of Nicaragua and the President of Costa Rica on the matter, and pointed out that his country, although determined to act with restraint, would adopt appropriate measures in exercise of its right of self-defence under Article 51 of the Charter of the United Nations. The speaker also informed the Council of the request of the President of Honduras to the President of the United States to provide effective assistance to his country in the face of aggression, in response to which 3,500 United States troops were stationed at a Honduran airbase in the central part of the country as an act of a preventive strategy. He also reported a Honduran air attack, within Honduran territory, against a Sandinista military post, which had been providing logistical support for the aggressive activities of Nicaraguan troops. He asserted that the Nicaraguan Government had provoked the tension in order to free itself from complying with the Esquipulas II Agreements,³ that it rejected mediation by Cardinal Bravo, that, on the one hand, it was calling for negotiations and, on the other, tried to destroy its negotiating partners. He suggested that internal negotiations in Nicaragua would remove the need for military attacks. He called upon the Nicaraguan Government to cease its aggression against the sovereignty and territorial integrity of Honduras and to withdraw its troops from his country’s territory.⁴

The representative of the United States of America conveyed his Government’s support for the peace agreements of the Central American Presidents calling for Nicaragua to implement its commitments to democratization, and pointed out that the Government of Nicaragua had battered the peace process by arresting the leaders of the opposition, halting discussions with the resistance, minimizing the mediation role of Cardinal Bravo and by the latest military incursion into Honduras. Nicaragua, according to the speaker, had the largest army in Central America, had deliberately violated the sovereignty of Honduras, bombed Honduran territory for several days, and deployed 1,500 to 2,000 troops on Honduran soil. In response to an explicit request by the Government of Honduras,⁵ the President of the United States had ordered the deployment of an Infantry Brigade Task Force at an airbase far from the area of hostilities, which did not constitute a threat to Nicaragua. The representative suggested that Nicaragua had increased its activities by moving equipment and troops closer to the border and by establishing a forward staging area within 45 miles of the Honduran border as a reaction to a vote in the United States Congress ending aid to the Nicaraguan resistance, which demonstrated the intention of the Sandinistas to solve their civil war by crushing all opposition and destroying the resistance. He urged the Government of

Nicaragua to cease its aggressive approach and stand by its commitments.⁶

The representative of Brazil appealed to the parties directly involved in the conflict—the United States, Honduras and Nicaragua—to halt and reverse the military escalation in the region, to show respect for the principles of international coexistence, non-intervention and condemnation of recourse to violence enshrined in the Charter of the United Nations. He stated that his Government would take a favourable view of the acceptance by the Secretary-General of the request to send a verification mission to the area of conflict.⁷

The representative of Argentina expressed concern over the fact that “foreign troops” had been sent to a country in the region and emphasized the need for full respect for the principles of non-intervention and self-determination. He expressed his country’s support of a negotiated solution to the conflict envisaged in the Contadora Act and the Esquipulas II Agreements.⁸ He called upon the Governments of Honduras and Nicaragua to lessen the tension in the border area, to guarantee respect for territorial integrity and non-use of their territories as “bases for armed actions against other States”.⁹

The representative of Costa Rica conveyed the statement of the Foreign Minister of his country which called on the parties to resort to calm and measured dialogue, observing the principles of the Esquipulas II Agreements. He explained that his country did not consider itself part of the problem of Central America, but that it was profoundly affected by the flow of refugees and the uncertainty which led to setbacks in economic life. He observed that, while the Executive Commission set up by the five Presidents of the Central American Republics had been working on the implementation of existing agreements and, at the national level, efforts had been made to reach a ceasefire agreement, the Government of Nicaragua had been attempting to achieve the total military defeat of its opponents, and had entered the territory of Honduras, which had provoked the inevitable reaction by Honduran authorities—their request for assistance from the United States. He called for a return to the negotiating process and expressed the hope that the scheduled meeting of the Executive Commission would take place.

The representative of Peru expressed his Government’s great concern over the decision by the United States Government to send military forces to the territory of Honduras, and urged the Governments of Honduras and Nicaragua to take the path of direct dialogue to reduce tension and guarantee respect for the territorial integrity of each other.¹⁰

The representative of Nicaragua repudiated the allegations of aggression against Honduras, as his country had no claims on its territory. He referred to the testimony given to the International Verification and Control Commission founded within the framework of the Esquipulas II Agreements that hundreds of Honduran families had been removed from their homes owing to the fact that “foreign forces were occupying large sectors of territory in the

³A/42/521.

⁴S/PV.2802, pp. 16-25.

⁵See S/19643.

⁶S/PV.2802, pp. 26-30.

⁷Ibid., pp. 30-31.

⁸A/42/521.

⁹S/PV.2802, pp. 32-33.

¹⁰Ibid., pp. 38-40.

southern part of the country". He called it "the occupation imposed on the Government of Honduras by the United States pressure" that should be denounced in the Security Council. He noted that the falsity of the accusations levelled by the representatives of Honduras and the United States was proved by their refusal to receive a technical mission of experts from the United Nations and OAS to investigate the incidents. The speaker repeated his call for the Government of Honduras to resolve the problem through bilateral and regional channels and by agreeing to a technical mission by the United Nations which would visit both Honduras and Nicaragua.

At the 2803rd meeting, the representative of Zimbabwe reminded the Council that the crisis in Latin America had exercised the efforts of the international community for a considerable time. The conflict was addressed in General Assembly resolutions and the Security Council debates. The Movement of Non-Aligned Countries had issued statements and dispatched missions to the region. Trying to identify the underlying causes of the problem, the non-aligned countries found that attributing them to the ideological confrontation between the opposed Power blocs was too simplistic and paternalistic. They considered the changes in Central America to be of a socio-economic nature. The solution could be found in recognizing the vibrant pulse of the people's quest for freedom to choose their political, economic and social systems without outside interference. The representative, on behalf of the Movement of Non-Aligned Countries, favoured authentic indigenous initiatives for solving regional problems and called for the support of the Contadora process. The obstacles placed in its way had led to the loss of thousands of lives, the squandering of billions of dollars of much-needed resources and the continuation of human suffering.

The representative went on to say that the Esquipulas II Agreements that called for amnesty and dialogue, an immediate ceasefire, a process of democratization and elections was an assertion of the will of the people of Central America to take control of their destiny. The five States of the region had committed themselves to prevent the use of their territories by destabilizing irregular forces and had requested the suspension of aid to them. The effect of the Accords had been profound. All Governments of the region had tried to comply with their provisions. Nicaragua had moved further than the rest: exiles had been allowed to return, the borders with Honduras and Costa Rica had been reopened, a ceasefire had been promulgated and the readiness to negotiate with the Contras the mechanics of the ceasefire had been expressed. The author of the Agreements, the President of Costa Rica, continued to appeal to outsiders to stop aid to the insurgents and to give the peace plan a chance. The United States Congress had refused to renew the aid to the Contras for that year. In those circumstances, the information had come that the United States was dispatching over 3,000 troops to Honduras because of cross-border raids in the region.

The speaker questioned the explanation by the President of the United States that the troops were not there to fight. He considered that "sabre rattling" could not serve the cause of peace in Central America. The manoeuvres impeded the Guatemala Accords, as well as introduced a dangerous new element to an already complex situation.

He reiterated his support for the peace plan worked out between the Central American Governments and appealed

to the United States to recall its troops. He also called upon the fraternal countries of Nicaragua and Honduras not to undermine the peace process.¹¹

The representative of Colombia read out the communiqué issued on 18 March 1988 by the members of the Contadora Group and the Support Group. The communiqué expressed profound concern at the escalation of foreign military presence in Honduras; reiterated the need to comply with the principles of non-intervention and peaceful settlement of disputes; appealed to the Governments of Nicaragua and Honduras to reduce tension on their border and to guarantee non-use of their territories for aggression against another State; reiterated that dialogue and direct negotiations were the only lawful means of solving the region's problems; urged the parties to exercise restraint; and urged the Secretary-General of the United Nations to arrange for the immediate dispatch of an observer mission to contribute to the restoration of peace.

The speaker was pleased that the Secretary-General had already proceeded to send the observer mission and that the talks had started between the representatives of the Government of Nicaragua and the irregular forces.¹²

The representative of Algeria made a statement on behalf of the delegations of Argentina, Nepal, Senegal, Yugoslavia and Zambia. He said that the latest dangerous developments had taken place while a process of great promise for lasting restoration of peace in the region was under way. The military escalation marked a disruption of a venture which promoted dialogue and negotiation as the exclusive means for restoring trust and regional cooperation. That escalation had also damaged the results of the efforts of the Contadora and Support Groups and the Esquipulas II Agreements, a process where the absence of any foreign interference was presupposed. He commended the statement of the representative of Colombia suggesting ways of de-escalating tension. He welcomed the reassuring steps indicating a return to moderation and restraint.

He considered that, at a time when the great Powers realized the need for settlement of regional conflicts, it was important for them to promote such settlements in full awareness of the elements of which the conflicts were composed, but without artificially introduced dimensions, as well as with due respect for all the rights of the peoples and sincere encouragement for regional initiatives and for the efforts of the United Nations. He trusted that the mission of inquiry sent by the Secretary-General would be capable of establishing the facts and help to de-escalate the tension.¹³

The representative of Honduras said that he had listened carefully to the delegates of the countries members of the Contadora Group and the Support Group, as well as to the other representatives. He stated that it was the right and the duty of every State to provide for its national defence, and that exercising that right in case of aggression could not be regarded as failing to abide by its international obligations. In his opinion, a State using force and violating neighbouring borders to carry out military operations deserved the condemnation of the international community. The world

¹¹S/PV.2803, pp. 6-13.

¹²*Ibid.*, pp. 13-16.

¹³*Ibid.*, pp. 16-20.

seemed to be confused, paradoxically expressing concern over the results, while omitting reference to the cause.

The representative considered that his country had been the victim of aggression by an enemy with forces seven times greater than its own and which had recently received nearly 3,000 tons of arms, munitions and equipment. The Government of Honduras, in exercising its right to self-defence, had called upon the United States for immediate assistance to ensure the country's security in the face of an ongoing act of aggression. He thought that the only concern about foreign military presence in the territory of his country should be for the troops of the Sandinista People's Army that had invaded Honduras.

The speaker further emphasized certain aspects of the statement made earlier by the Contadora and Support Groups, in particular, the appeal for respect of territorial integrity, presumably, of Honduras; the respect for the principle of non-use of force, meaning the withdrawal of Nicaraguan troops from Honduran territory and the areas bordering it; reiteration of the principles of peaceful settlement of disputes, appealing to Nicaragua to place itself within the framework of the machinery set up by the Central American Presidents for overcoming the regional crisis; and the statements that dialogue and direct negotiations were the sole, legitimate means to resolve the problems of the region.

The representative maintained that peace in Nicaragua could not be achieved through the physical elimination of armed political opposition. An end to internal conflicts, such as the one in Nicaragua, was a necessary condition for reaching regional peace. The important elements in that direction should be cessation of hostilities, an effective ceasefire, and the return of refugees and, as an inevitable result, the democratization process.

The speaker enumerated the actions of his Government, such as direct contact with the Government of Nicaragua; resort to regional diplomatic channels; avoiding direct confrontation with the troops invading Honduras; limiting the military response and international assistance to acts of deterrence which, according to him, could not jeopardize the peace process or aggravate the tense situation in the region.

With regard to the sending of an observer mission, his Government did not believe it necessary, since a mechanism set up by the Central American Presidents, the Executive Committee, already existed. There was no reason to renounce the mandate given by the five Presidents to their Foreign Ministers. He noted that a meeting of the Executive Committee was being planned where the Central Americans themselves would analyse the situation. The situation in the border region between Honduras and Nicaragua, as well as the report of the respective Commission for National Reconciliation, a Nicaraguan proposal regarding verification follow-up, a proposal by Honduras for the creation of an international security mechanism along the Honduras-Nicaragua-El Salvador border and a report on the status of refugees and the homeless were to be considered at the meeting. He concluded by expressing the hope that the Government of Nicaragua would reiterate its commitment to the Esquipulas II Agreements and endeavour to achieve international reconciliation.¹⁴

The representative of Nicaragua started with expressing the deep thanks of her Government to the Secretary-General for the prompt response to the request to send a technical mission to investigate border incidents on Nicaraguan territory between the Reagan mercenary forces and soldiers of the Sandinista People's Army. Following the investigation, the mission was supposed to make recommendations on elimination of the causes of such incidents. She described the latest events as an artificial crisis created by the United States Government to justify sending troops to Honduras and thus save its mercenary forces from a complete military defeat, set the stage for direct military action against Nicaragua and obtain funds to continue its war against his country. The troops that were initially declared to be confined to military exercises 120 miles from the Nicaraguan border were gradually moved as close as 15 miles in disregard of the prohibition on the United States troops permanently stationed in Honduras to go nearer than 20 miles from the Nicaraguan border. The provocative and intimidating nature of threats, violations of airspace and bombing of Nicaraguan territory pointed to plans to find a pretext for a direct invasion and a large-scale military action. She considered that a commitment that the United States troops would go into combat upon the request of the Government of Honduras was a very serious matter, since the decisions on such requests were taken by the United States.

The representative recalled that, after signing the Esquipulas II Agreement, the President of Nicaragua, upon the request of the President of Honduras, postponed the public hearings in Nicaragua's case before the International Court of Justice. Nevertheless, the Government of Honduras failed to take action to dismantle the communication centre, the radio stations and logistic bases maintained by the Reagan Administration's mercenary forces. Moreover, it continued to make its territory available for the launching of military operations against Nicaragua. It has also rejected any type of on-site inspections, either by the International Verification and Control Commission or by a United Nations body.

The representative announced that, in the face of the repeated attacks, the Honduran army's active participation in the bombing and acts of aggression prompted by the Government of the United States, as well as the readiness of the United States to "honour" any request of the Government of Honduras, the Government of Nicaragua had instructed their agent at the International Court of Justice to resubmit the case against the Republic of Honduras and to request that the Court define interim protective measures in the case, which concerned border and cross-border military actions. She interpreted that decision of his Government as determination to seek peaceful solutions to the situation threatening international peace, in compliance with the Charter of the United Nations and the Bogotá Pact.

She appealed to the Government of Honduras to accept the Secretary-General's mission in order to defuse the tense situation. According to the speaker, the Reagan Administration wished to prevent the settlement of the artificial situation created between Nicaragua and Honduras with the assistance of an impartial commission of experts; and wanted to provoke Nicaragua into using military force and thus provide the pretext it sought to unleash further intervention. She assured the Council that her Government was firm in appealing for restraint and was of the view that

¹⁴Ibid., pp. 18-25.

dialogue was the source of the solution to problems. She advocated the Esquipulas Agreements and was currently engaged in dialogue with the opposition political parties and in direct negotiations with the Contra leadership, aimed at achieving a ceasefire, and announced his Government's unilateral suspension for 30 days of all offensive military operations by the Sandinista People's Army upon agreement on a ceasefire, with the view to the reintegration of the irregular forces into the country's political life.

She considered that the pressure placed by the President of the United States on the Congress to approve a package of funds to continue his terrorist policies ran counter to the peace efforts of his Government and were part of the belligerent interventionist escalation. She concluded by reaffirming his Government's flexibility and readiness for dialogue and expressed the hope that the Government of the United States would respect the determination and efforts of the Central American leaders to establish lasting peace.¹⁵

The representative of the United States said that facts should not be lost sight of when commenting on the Sandinista incursion into the national territory of Honduras, in particular, the Sandinista aggression against its neighbour and that the aggression was premeditated. He gave an account of the Nicaraguan actions, including the indication of the forthcoming offensive in the speech of the President of Nicaragua, a massive build-up of *matériel*, assembling troops, transporting of large quantities of fuel, repositioning aircraft and creating a command and control centre in the region, and finally the crossing into the territory of Honduras of an estimated 1,500 to 2,000 Sandinista combat troops. He considered that the overriding strategic goal of the offensive was destruction of the Nicaraguan resistance as an effective fighting force. The factors that forced the Sandinistas to retreat back into Nicaragua without achieving their objective were the forceful reaction of Hon-

duras by launching an air counter-attack against Sandinista positions; prompt deployment by the United States of more than 3,000 troops in response to a request from the Honduran Government; and the Sandinista underestimation of the resistance.

The representative commented on the Declaration of the members of the Contadora and the Support Groups. He asked whether the authors had referred solely to the presence as a result of invitation of the United States troops in Honduras, or if they had intended to condemn Nicaraguan actions. He noted that not once had the document identified and condemned the Sandinista regime as an aggressor who bears responsibility for violating the territorial integrity of Honduras.

Finally, the speaker gave his opinion on the Nicaraguan request for an observer mission. He had his doubts as to what the United Nations fact-finding mission could accomplish, since the Central American Governments had taken the peace process into their hands. If there was a role for an international organization, that would be more appropriately for OAS. It was his understanding that the Secretary-General of OAS had decided not to send an observer team.

In conclusion, he summed up the basic points: the United States fully supported the principles of the Guatemala Accords; stability and peace would return to the region when the Nicaraguan Government lived up to the commitments it had made in Guatemala; implemented a genuine dialogue and initiated a reconciliation process with civic opposition and the Nicaraguan resistance; and no longer asserted its self-appointed right to subvert the neighbouring democracies.¹⁶

The President of the Council said that there were no more speakers on the list, and that the next meeting would be fixed in consultations with the members of the Council.

¹⁵Ibid., pp. 26-33.

¹⁶Ibid., pp. 33-38.

35. THE SITUATION RELATING TO AFGHANISTAN

Decision of 31 October 1988 (2828th meeting): resolution 622 (1988)

At its 2828th meeting, on 31 October 1988, in accordance with the understanding reached in the Council's prior consultations, the Security Council included the following item in its agenda without objection: "The situation relating to Afghanistan".¹

At the same meeting, the President drew the attention of the members of the Council to the text of a draft resolution² which had been prepared in the course of the Council's consultations.

The President also drew to the attention of the members of the Council the letters dated 14 April and 22 April 1988³ from the Secretary-General addressed to the President of

the Security Council and a letter dated 25 April 1988⁴ from the President of the Security Council addressed to the Secretary-General.

At the same meeting, the draft resolution before the Council was put to the vote and was adopted unanimously as resolution 622 (1988).⁵ The text of the resolution reads as follows:

The Security Council,

Recalling the letters dated 14 April and 22 April 1988 from the Secretary-General to the President of the Security Council concerning the agreements on the settlement of the situation relating to Afghanistan, signed at Geneva on 14 April 1988.

Recalling also the letter dated 25 April 1988 from the President of the Security Council to the Secretary-General,

¹S/PV.2828.

²S/20250.

³S/19834 and S/19835, respectively.

⁴S/19836.

⁵S/PV.2828, p. 3.

1. *Confirms* its agreement to the measures envisaged in the Secretary-General's letters of 14 and 22 April 1988, in particular the arrangement for the temporary dispatch to Afghanistan and Pakistan of military officers from existing United Nations operations to assist in the mission of good offices;

2. *Requests* the Secretary-General to keep the Security Council informed of further developments, in accordance with the Geneva agreements.

36. LETTER DATED 19 APRIL 1988 FROM THE PERMANENT REPRESENTATIVE OF TUNISIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

INITIAL PROCEEDINGS

By a letter¹ dated 19 April 1988, the representative of Tunisia informed the President of the Council that on Saturday, 16 April, an armed commando had entered a residence in the suburbs of Tunis and shot down a Tunisian citizen, as well as two guards, and assassinated Mr. Khalil al-Wazir "Abu Jihad", a member of the Executive Committee of the Palestine Liberation Organization (PLO). At the same time, an Israeli aircraft flying near the Tunisian coast had jammed the telecommunications network in the area where the attack was carried out.

Tunisia requested an urgent meeting of the Council to consider the situation created by the attack, and invited the Council to condemn Israeli terrorism forcefully and to take the appropriate steps to avert and prevent the repetition of such acts.

The Council considered the matter at its 2807th to 2810th meetings, from 21 to 25 April 1988. At the 2807th meeting, the President invited, at their request, under rule 37 of the Council's provisional rules of procedure, the representatives of Egypt, Gabon, Jordan, Kuwait, Lebanon, Morocco, Mozambique, Pakistan, Saudi Arabia, Somalia, the Syrian Arab Republic and Tunisia. The Council also invited, at the 2808th meeting, the representatives of Bangladesh, Cuba, Mauritania, Qatar, Turkey, the Ukrainian Soviet Socialist Republic, the United Arab Emirates and Yemen; at the 2809th meeting, the representatives of Bahrain, Greece, the Lao People's Democratic Republic and Zimbabwe; and at the 2810th meeting, the representatives of the Congo and Djibouti. At the request of Algeria,² the Council further invited, at the 2807th meeting, Mr. Clovis Maksoud, Permanent Observer of the League of Arab States.

The President drew the Council's attention to a letter³ dated 21 April 1988 from the representative of Algeria requesting that the Council invite Dr. Nasser Al-Kidwa, Alternate Permanent Observer of the PLO, in accordance with past practice. The President pointed out that the proposal had not been made pursuant to rule 37 or rule 39 of the provisional rules of procedure but, if approved, the invitation to participate in the debate would confer on the PLO the same rights as those conferred on Member States invited under rule 37.

Regarding the proposed invitation to the PLO, the representative of the United States of America reiterated his Government's consistent position that the only legal basis on which the Council could grant a hearing to persons speaking on behalf of non-governmental entities was rule 39.

The United States requested that the terms of the proposed invitation be put to the vote.⁴

The Council voted upon and adopted the proposal, which received 10 votes to 1, with four abstentions.⁵

The first speaker at the 2807th meeting was the Minister for Foreign Affairs of Tunisia. He related that, on 16 April 1988, a group of Israelis equipped with 9-millimetre Uzi sub-machine guns had broken into the Tunisian residence of Mr. Khalil al-Wazir "Abu Jihad", a member of the Executive Committee of the PLO, had killed a Tunisian gardener and two Palestinian guards, and had shot Mr. Al-Wazir to death in front of his wife and children.

At the same time that the assassination had been taking place, an aircraft bearing Israeli insignia had been flying not far from the Tunisian coast. The aircraft had appeared to be a civilian airliner but was actually a military aircraft which provided logistical support to the group of terrorists by jamming the telecommunications network in the area of the attack.

He offered the following as conclusive evidence of the premeditated nature of the operation: (a) the advance infiltration of three individuals into Tunisian territory in order to provide logistical support to the terrorist group; (b) the rental of vehicles to transport the terrorists, who carried false identity papers; (c) the presence at the time of the operation of an aircraft flying near the scene of the crime; (d) the jamming of telecommunications from the beginning to the end of the operation; and (e) the vehicles which were left on the beach, and the footprints heading towards the sea, showing that the commandos had entered and left Tunisian territory by sea.

He claimed that statements made by Israeli leaders established the Israeli Government's responsibility for the operation. Ariel Sharon, commenting on the assassination, had said that he had been insisting for years on the need to liquidate what he called the "leaders of terrorist organizations". An Israeli military leader had said on Israeli armed forces radio that Abu Jihad was one of the four main targets of the Israeli intelligence services and had to be cut down. Following the attack, Mr. Shamir, head of the Israeli Government, had congratulated the terrorists, while Mr. Ezer Weizman, Israeli Government Minister and member of the Council of Ministers, had criticized the assassination in the strongest terms.

He cited numerous media stories which indicated that the assassination had been planned and implemented by Israel, including several as yet unconfirmed reports that the decision had been taken by the Israeli Government itself. He noted that international media, as well as experts on terrorism, had remarked that the operation had been

¹S/19798.

²S/19815.

³S/19814.

⁴S/PV.2807, pp. 3-4.

⁵Ibid., p. 4.

identical to an earlier operation carried out by Israel against another Palestinian leader.

Under the circumstances, he stated, it would require blindness and great favouritism to acquit Israel. Tunisia condemned terrorism in all its forms, regardless of who committed it. In the light of its international responsibilities and moral authority, the Council was duty-bound to condemn the political assassination and State terrorism practised by Israel, as well as Israel's violation of the sovereignty and territorial integrity of Tunisia.⁶

The representative of the PLO stressed the responsibility of the Israeli Government at the highest levels for the attack on Tunisia. In that connection, he argued that the United States had a special responsibility because of its relationship with Israel and its technical capabilities, which enabled it to know in advance of such operations and to influence them. He claimed that the biased position of the United States deterred the implementation of international law and made it possible for Israel to continue to commit such acts.

What had happened in Tunisia was an act of State-sponsored terrorism, he stated, and required a firm stand by the Council. The PLO could not understand or accept the double standard of some countries that opposed international terrorism but took a different position when it came to terrorist acts carried out by their allies. Failure to give due attention to such terrorist acts would lead to more serious actions in the world, including the creation of a state of chaos in international relations.

The PLO was convinced that the Israeli act of terrorism would have serious consequences in the Middle East, including a negative impact on efforts to achieve peace in the region. The PLO could not imagine that any party that wanted to maintain the minimum credibility necessary for its endeavours for peace could fail to participate directly in efforts to mitigate the consequences of what had happened and to punish those responsible.⁷

The representative of the Syrian Arab Republic, speaking in his capacity as Chairman of the Arab Group, declared that the statement of the Minister for Foreign Affairs of Tunisia left no room for doubt that the assassination had been planned and undertaken by the Israeli intelligence service after approval by the Israeli Council of Ministers. He recalled that the Council, by its resolution 573 (1985), had condemned a previous Israeli act of aggression against Tunisia and had called upon Israel to refrain from perpetrating such acts or from threatening to do so. The latest Israeli action, committed in defiance of the Council, proved that Israel persisted with impunity in its outlaw behaviour and terrorist acts.

He stated that the assassination of Abu Jihad was more than an act of State terrorism; it was a flagrant, premeditated violation of Tunisia's sovereignty and territorial integrity. The Council, whose role in the maintenance of international peace and security had been paralysed owing to repeated abuse of the right of veto, must shoulder its responsibilities. It must condemn the Israeli act of aggression against and violation of Tunisia's sovereignty and territorial integrity and the assassination of Abu Jihad.⁸

The representative of Jordan, addressing the Council on behalf of the Organization of the Islamic Conference, also stressed the responsibility of the Government of Israel for the assassination. He accused the Israeli leadership of having a concept of Israeli security whereby Israel alone determined what threatened it and then acted as it saw fit, irrespective of international law and practice. It occupied Arab lands and acted under arbitrary laws against the owners of those lands; it ejected them and attacked States that offered them hospitality, and it carried out military operations of sabotage and reprisal, all under the cover of self-defence.

He stated that the actions committed by Israel contravened the principles of international law, the norms of State conduct, and the principles upon which the United Nations was founded: especially the principle of the non-use or threat of use of force against the territorial integrity or political independence of other States, as well as the principle of the sovereign equality of States and the principle of the right of peoples to self-determination.

He called upon the Council to adopt a resolution reaffirming its resolution 573 (1985) and compelling Israel to respect its international obligations in keeping with the principles of the Charter, and in particular Article 2 (4). He also called upon the Secretary-General to keep the matter under review and to report to the Council on any new information and on progress made in the implementation of the resolution.⁹

At the 2807th meeting, the representative of France affirmed his country's condemnation of all acts of violence and its support for dialogue and mutual recognition, which would pave the way towards negotiations. The assassination of one of the main Palestinian leaders was a brutal blow to the goal of establishing peace on the basis of the principles of law and justice, as well as an intolerable attack against Tunisian sovereignty. The Council must express in the strongest possible terms the international community's condemnation of the attack and assure Tunisia of the United Nations sympathy and active solidarity.¹⁰

The representative of the United Kingdom of Great Britain and Northern Ireland declared that the murder of Khalil al-Wazir had been a senseless act of terrorism. He indicated that it was not known with certainty who was responsible, nor whether a Government had directed the murderers.

He stated that the British delegation condemned terrorism in all its forms, but found support or sponsorship of murder by Governments doubly repugnant. Murder of a political adversary indicated a refusal to listen to his arguments and to meet them in kind, as well as a rejection of the only processes that could lead to a resolution of the problems of Palestine. He further stated that Tunisia, which had a history of participation in United Nations peacekeeping and of contributions to the Council and had been generous in its hospitality to victims of other conflicts, deserved better than repeated assaults upon its security.¹¹

The representative of Senegal pointed out, among other things, that it would be difficult to halt the cycle of vio-

⁶Ibid., pp. 6-16.

⁷Ibid., pp. 17-26.

⁸Ibid., pp. 27-33.

⁹Ibid., pp. 36-46.

¹⁰S/PV.2807, pp. 46-47.

¹¹Ibid., pp. 47-50.

lence in the Middle East in the absence of a solution to the Israeli-Arab conflict, and stated that the cause of peace was not served by the assassination of political leaders, nor by deportations, collective punishments or muzzling the press. His country believed in the possibility of a political solution to the Middle East conflict within the framework of the international peace conference on the Middle East, as laid down in many General Assembly resolutions.¹²

At the 2808th meeting, on 22 April 1988, the representative of Italy noted that world media had unanimously pointed to Israel's involvement in the killing of Khalil al-Wazir, while Israel had neither confirmed nor denied its involvement. On principle, Italy was averse to attributing responsibility when the facts were not unequivocally ascertained. Were the origin of this occurrence to be con-

firmed, it would be extremely grave, for the slaughter appeared not to be the deed of a terrorist group, but of a State. Moreover, the attack had infringed on the rights of a friendly nation that was known for its moderation.

He pointed out that this episode disrupted efforts being made by the United States Secretary of State, as well as by the Soviet Foreign Minister in his visit to the area. The effect had been to weaken the peace process, raising the question of whether this had actually been the goal. Yet there was no alternative to a negotiated solution to the Middle East conflict on the basis of resolution 242 (1967), and ways and means must be found to hold an international conference under the auspices of the Security Council at which all interested parties would be represented, including the PLO.¹³

¹²*ibid.*, pp. 53-55.

¹³S/PV.2808, pp. 3-6.

37. STATEMENT BY THE PRESIDENT OF THE SECURITY COUNCIL (IN CONNECTION WITH THE INCIDENT OF 20 JUNE 1988)

Decision of 24 June 1988: Statement of the President

By a letter dated 22 June 1988 addressed to the Secretary-General,¹ the Permanent Representative of Botswana to the United Nations transmitted a press release issued by his Government regarding attacks by South Africa on the territory of Botswana. It was followed on 23 June 1988 by a letter² summarizing the charges made against two members of the South African Commando Unit.

After consultations, the following statement³ was issued by the President of the Security Council on 24 June 1988 on behalf of its members:

Members of the Security Council have learnt with a profound sense of shock and indignation of South Africa's latest attacks on the territory of Botswana in flagrant violation of the sovereignty, independence and territorial integrity of that country carried out by the commandos of that regime on the night of 20 June 1988 which resulted in the injury of three unarmed Botswana policemen who were going about their normal duties near the capital city of Gaborone.

Members of the Security Council further express their grave concern at South Africa's total disregard of the resolutions of the Security Council, in particular Security Council resolution 568 (1985) by which the Security Council, *inter alia*, strongly condemned South Africa's attack on Botswana as an act of aggression against that country and a gross violation of its territorial integrity and national sovereignty.

Members of the Council are also deeply disturbed by the explosion of a bomb in Gaborone West which destroyed a vehicle and damaged a house belonging to a Botswana national on the morning of 21 June 1988. They noted that the Government of Botswana, after a thorough

investigation, had reached the conclusion that the two incidents were related.

They strongly condemn these aggressive acts, provocation and harassment perpetrated by South Africa against the defenceless and peace-loving nation of Botswana in violation of international law.

They reiterate their call to the South African Government to refrain from any further such aggressive acts and destabilization against Botswana and other front-line and neighbouring States as such acts can only aggravate tensions in southern Africa.

They further reiterate the fact that peaceful change in southern Africa can only be brought about by the total eradication of apartheid which is the root cause of tension and conflict in both South Africa and the region as a whole.

By a letter dated 24 June 1988⁴ addressed to the Secretary-General, the Chargé d'affaires a.i. of the Permanent Mission of South Africa to the United Nations forwarded the text of a message (annex I) dated 22 June 1988 from the South African Government addressed to the Government of Botswana and the text of a press release (annex II) dated 21 June 1988 issued by the South African Defence Force in Pretoria. The letter also contained a list of the military equipment that had been supposedly channelled through Botswana in the past six months, for use by terrorists inside South Africa.

By a letter dated 28 June 1988⁵ addressed to the Secretary-General, the Chargé d'affaires a.i. of the Permanent Mission of South Africa to the United Nations argued that the situation had not been reflected correctly and gave his account of the facts.

¹A/43/418-S/19952.

²A/43/422-S/19958.

³S/19959.

⁴S/19960.

⁵S/19968.

38. LETTER DATED 5 JULY 1988 FROM THE ACTING PERMANENT REPRESENTATIVE OF THE ISLAMIC REPUBLIC OF IRAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

INITIAL PROCEEDINGS

On 4 July 1988, the representative of the Islamic Republic of Iran transmitted a letter¹ from the Iranian Minister for Foreign Affairs informing the Secretary-General that, on 3 July 1988, the United States had shot down an Iranian civilian airliner over international waters, killing all 290 people on board. The following day, the Iranian representative addressed a letter² to the President of the Security Council requesting a meeting of the Council to consider the matter.

Decision of 20 July 1988 (2821st meeting): resolution 616 (1988)

The Council considered the matter at its 2818th to 2821st meetings, from 14 to 20 July 1988. At its 2818th meeting, the Council invited, at their request and in accordance with rule 37 of the provisional rules of procedure, the representatives of India, the Islamic Republic of Iran, the Libyan Arab Jamahiriya, Pakistan and the Syrian Arab Republic. The Council subsequently invited, at the 2819th meeting, the representatives of Cuba, Gabon and the United Arab Emirates; and at the 2820th meeting, the representatives of Nicaragua and Romania.

The first speaker at the 2818th meeting was the Minister for Foreign Affairs of the Islamic Republic of Iran,³ who noted that some might wonder why the Islamic Republic of Iran chose to take part in the Council's deliberations when it had always criticized and opposed the Council in the past. He explained that, despite the series of irresponsible, partial and unjust positions taken by the Council, his Government had been moved by the effect of the recent tragedy on public opinion to bring the current matter to the Council, for the sake of humanity and to safeguard international law.

He recounted that, on 3 July 1988, an Iranian civil airliner on a scheduled flight from Bandar-Abbas to Dubai had been shot down by two surface-to-air missiles from a United States naval ship. The plane, when shot down, had been at the centre of an internationally established and published airway, over Iranian territorial water, and in an area outside the declared war zone. The Iranian Minister read a transcript of communications between the pilot and the ground which, he stated, showed full respect for the appropriate civilian code during all phases of the flight; it also provided the exact altitude and coordinates of the aircraft, as well as its ascent.

United States political and military leaders had offered four reasons which, added to an earlier involvement of the same United States ship and its helicopters with Iranian patrol boats, were supposed to justify shooting down the plane in self-defence: (a) the aircraft had been descending towards the American warship; (b) it had been off course;

(c) it had not been transmitting appropriate signals; and (d) it had not responded to warnings.

The Foreign Minister of the Islamic Republic of Iran claimed that each of those arguments could be refuted: (a) according to *The Washington Post* of 5 July 1988, another ship in the region had reported that the Iranian aircraft had been ascending before it was hit; (b) *The Washington Post* of 6 July 1988 reported that American leaders had admitted that their story on the plane's deviation from its corridor was a fabrication; (c) *The New York Times* of 6 July 1988 reported that Pentagon officials had admitted that it was possible that the military signal allegedly picked up from the aircraft had come from another plane; and (d) all available evidence, including the transcripts read earlier, showed that the pilot had not received any warning, and moreover, there was no reason that the airliner should have been monitoring the emergency civilian frequency on which the warning supposedly had been transmitted.

American officials had also claimed that the shooting down of the airliner had occurred in the course of hostilities initiated by Iranian patrol boats. In fact, he stated, it was the American forces which had initiated hostilities against Iranian patrol boats operating within Iranian territorial waters.

He argued that attempts by the United States to justify its action as self-defence flew in the face of international law, particularly Article 51 of the Charter, which provided that only a State which is subjected to an armed attack may resort to force to defend itself. Pre-emptive measures could not be justified as acts of self-defence, particularly in the case of a civilian airliner which did not even have the potential to launch an attack. The Council must reject that argument, not only because of the evidence, but also out of respect for Article 51 and out of concern for the freedom of civil aviation, since to do otherwise would open the door for others to resort to the same justification in similar incidents.

Contrary to Article 51, the rules of engagement prescribed by the United States to its forces in the Gulf called for taking so-called defensive measures against "hostile" targets before being attacked. Given the broad authorization granted to United States officers in the Gulf and the volatile situation caused by their presence there, a tragedy such as that which had occurred was inevitable, as American political and military leaders had known. Similar incidents could occur much more often in future, especially if one believed the United States arguments; for if the most sophisticated United States warship had mistaken a civil airliner for a fighter jet, less-sophisticated warships could be expected to make even more extreme mistakes.

The Foreign Minister further stated that the United States presence in the Gulf was contrary to its declared neutrality. Universally accepted principles of customary international law recognized a belligerent State's right to search and visit ships belonging to a neutral State, and obliged a neutral State not to act in a manner considered to be siding with one of the belligerent parties. Despite the declared objective of the United States presence in the Gulf, the United States policy actually aimed at allowing

¹S/19979.

²S/19981.

³The Minister for Foreign Affairs of the Islamic Republic of Iran spoke in Persian; an English text was provided by the Iranian delegation.

one side to the conflict to carry out attacks against merchant shipping while preventing the other party from taking legitimate action to defend its vital interests.

He stated that the United States naval presence also violated respect for the sovereignty, political independence and territorial integrity, and sovereign equality of States, under Articles 1 and 2. More than once, in contravention of the United Nations Convention on the Law of the Sea, United States ships had entered Iranian territorial waters and had warned planes to remain 10 miles distant from United States warships near or even in Iranian territorial seas. Furthermore, United States planes had often violated Iranian airspace to warn the Islamic Republic of Iran's planes to change course.

The Foreign Minister of the Islamic Republic of Iran further claimed that the United States action against the civilian airliner violated the principle of the non-use of force in international relations embodied in Article 2 (4). It was, moreover, an example of aggression as stipulated in Article 3 (b) of the Definition of Aggression adopted by the Assembly in 1974,⁴ under which the use of armed force by a State against the territorial integrity of another State is an act of aggression. Paragraph 4 of the same resolution provided that the Council should take account of the Definition in accordance with the Charter.

The United States action also violated the 1944 Chicago Convention, which guarantees the security of international civil aviation, the safety and regularity of flights and the safety of passengers and crew. Article 44 of the Convention, among other things, emphasized the importance of enhancing flight safety as well as facilitating international aviation. Annex II of the Convention underlined the imperative of safeguarding the safety of international civil aviation and the absolute prohibition of recourse to force against it. An additional amendment, article 3 (bis), in the form of a separate protocol, stipulated that States must refrain from the use of weapons against civil aircraft in flight, and, in case of interception, the lives of persons on board and the safety of the aircraft must not be endangered.

The reaction of the international community to such incidents had established a strong precedent, according to which the United States action was a criminal act and a violation of the rules and principles of international law.

The Iranian Foreign Minister declared that the Council should compel the United States and other foreign forces to leave the Persian Gulf, and that anything less would be an evasion of its responsibilities. He recalled a proposal for regional security submitted by the Islamic Republic of Iran in May 1986, based on the principle that security in the Gulf region depended on mutual understanding between the countries of the region and should be achieved by those countries without foreign interference. He further recalled that the Islamic Republic of Iran had responded positively to proposals for the prevention of acts of hostility in the Gulf made by the Secretary-General and others. Such efforts should be continued independently of the Secretary-General's efforts to achieve the implementation of his plan.

The Minister for Foreign Affairs of the Islamic Republic of Iran suggested that the current deliberations might show whether the Council could fulfil its responsibility under the Charter free from and regardless of the influence of a super-Power. He expressed doubt as to whether the Council was prepared to deal objectively with the matter, and noted that the Council had never investigated United States actions. He declared that the Council must pronounce itself on this occasion in the clearest, most unequivocal terms and warned that if the Council and other international bodies failed to respond adequately, the price would be an ever-increasing threat to civil air traffic everywhere.⁵

The following speaker was the Vice-President of the United States, who claimed that the critical issue confronting the Council was the continuing refusal of the Government of the Islamic Republic of Iran to comply with resolution 598 (1987), to negotiate an end to the war with Iraq and to cease its acts of aggression against neutral shipping in the Gulf. His Government respected the Islamic Republic of Iran's right to air its grievances, but it could not have it both ways, simultaneously complaining to the Council and defying it.

He accused the Islamic Republic of Iran of sowing mines and attacking non-belligerent merchant ships in the Gulf, in violation of international law and of the Charter, and in contradiction to the Islamic Republic of Iran's claim of support for freedom of navigation. Noting that the Gulf region was of vital importance to the United States and to the economy of the world, he stated that American and European forces were present with the support of the States of the area in order to help ensure the unimpeded flow of oil and to keep neutral commerce moving. That was their legal right. The United States was determined to keep the Persian Gulf open and would not alter its course.

Regarding the destruction of the the Iranian airliner, he allowed that many of the circumstances surrounding the matter remained unclear and noted that his country's military investigation was under way. The United States would cooperate with any investigation conducted by the International Civil Aviation Organization (ICAO), and hoped that the Islamic Republic of Iran would do the same, because it wanted all the facts brought to light as quickly as possible.

He declared that the United States had never wilfully acted to endanger innocent civilians, nor would it ever do so. The Iranian allegation that the attack on the airliner had been premeditated was offensive and absurd. The United States ship had clearly acted in self-defence: information available to the captain had indicated that a military aircraft was approaching his ship with hostile intentions and, after seven unanswered warnings, he had acted in accordance with his primary duty to protect his ship and the lives of his crew.

The accident had occurred against a backdrop of repeated unprovoked and unlawful Iranian attacks against United States merchant shipping and armed forces, in the midst of a naval attack initiated by Iranian vessels against a neutral vessel, and subsequently against the United States warship when it had come to the aid of the neutral vessel. It had been irresponsible of the Iranian authorities to allow a civilian aircraft to proceed on a path over a war-

⁴General Assembly resolution 3314 (XXIX) of 14 December 1974, annex.

⁵S/PV.2818, pp. 6-48.

ship engaged in active battle. The Islamic Republic of Iran could prevent such tragedies in the future by keeping airliners away from combat, by ceasing its attacks against innocent ships and, best of all, by accepting peace.

The United States shared in the grief of the families of the victims and had decided to provide a voluntary, *ex gratia* compensation to the families of those who had died. This offer was made strictly as a humanitarian gesture, not as a matter of legal obligation, and measures would be taken to ensure that the money went to the families of the victims, not to the Iranian Government.

While remaining neutral in the war, the United States would continue to defend its interests and to support its friends in the Gulf. Until the implementation of resolution 598 (1987) allowed the United States to return to the modest presence that it had maintained, with the support of the Gulf States, for more than 40 years, it would do whatever was required to maintain freedom of navigation and to protect its forces.⁶

At the 2819th meeting, on 15 July 1988, the representative of the United Kingdom of Great Britain and Northern Ireland stated, among other things, that the Council would not have had to consider the current matter if resolution 598 (1987) had been complied with; but instead, the fighting continued and, contrary to international law, merchant shipping was frequently attacked. The United Kingdom, like other members of the Council, exercised its right to protect its shipping from attack. While the role of British forces was strictly non-confrontational, the United Kingdom considered it entirely appropriate for such forces to exercise the right to self-protection confirmed by Article 51 of the Charter.⁷

The representative of Nepal stated that his Government's sense of outrage over the incident had been somewhat muted by the growing perception that the aircraft had been shot down as a result of mistaken identity, rather than as a premeditated act of punishment or provocation. It took note of the prompt United States acknowledgement of responsibility and expression of regret, and the decision to offer compensation to the families of the victims on an *ex gratia* basis, but it would have preferred to see an unqualified apology and the granting of full compensation to the Government of the Islamic Republic of Iran and to the members of the bereaved families.

In order for the Council to take an appropriate decision to prevent a recurrence of this kind of incident and to ensure respect for the international norms protecting civil aviation, it must have all the facts before it; therefore, Nepal fully supported the ICAO Council's decision to conduct an inquiry following the request of the Islamic Republic of Iran, and noted with satisfaction that the United States had agreed to cooperate with such an inquiry.

The delegation of Nepal was convinced that the full implementation of resolution 598 (1987) was the only viable avenue to the restoration of peace and normality in the Gulf, and urged all concerned to cooperate with the Secretary-General in his efforts in that direction.⁸

The representative of the Union of Soviet Socialist Republics questioned how the destruction of a passenger

airliner thousands of kilometres from the borders of the Power that shot it down could be considered self-defence, and noted that competent Western sources had expressed doubts over the technical data cited. He asserted that responsibility for the incident lay wholly with the United States Command and that what had happened was a direct corollary of the United States increased military presence in the Gulf. In order to reduce tension, the United States fleet must withdraw immediately. Security in the waterway could be dealt with by replacing all warships of non-littoral States with naval forces under the United Nations flag.

The delegation of the Soviet Union supported the efforts of the Secretary-General for the implementation of resolution 598 (1987). It considered that the Council must duly respond to the Islamic Republic of Iran's appeal in connection with the crash of the Iranian airliner, that it must properly assess the incident and that it must take measures to bring about the immediate normalization of the situation.⁹

The representative of France remarked that the international community must better understand the circumstances of the tragedy so that it could draw the proper conclusions and see to it that such occurrences were not repeated. A process of inquiry was under way in ICAO, but France remained open to any proposal that might be brought before the Council.

The war was at the root of the many clashes between naval and air forces. Freedom and security of navigation were threatened in the Gulf, and many countries had had to take special measures. He noted that it had been a year since the Council had adopted resolution 598 (1987), and asserted that the United Nations must reaffirm with particular gravity its determination to secure a just and lasting peace settlement.¹⁰

The representative of China declared that the United States Government had unshirkable responsibility for the incident under consideration. China shared the view expressed by the Secretary-General in his statement that the question of responsibility should not be ignored if a repetition of such a tragedy was to be avoided. China favoured an investigation into the incident by the relevant international bodies to establish the facts and take measures to guarantee the safety of international civil aviation.

The Government of China remained opposed to big-Power military involvement in the Gulf region and called for their withdrawal. Such involvement only further complicated the situation and could exacerbate the conflict, as proved by the latest developments. Gulf affairs should be handled by the Gulf countries themselves through consultations. The Government of China appealed to the Islamic Republic of Iran and Iraq to cooperate with the Secretary-General and the Council in order to reach a settlement of their conflict on the basis of resolution 598 (1987).¹¹

The representative of the United Arab Emirates denied any possible justification for making a civil airliner a military target, and concluded that the United States bore full responsibility for the tragedy. Noting that some of the warships in the area had interfered with the airspace used by United Arab Emirates civil airlines and had come close to

⁶*Ibid.*, pp. 49-61.

⁷S/PV.2819, pp. 49-61.

⁸*Ibid.*, pp. 7-11.

⁹*Ibid.*, pp. 16-21.

¹⁰*Ibid.*, pp. 26-28.

¹¹*Ibid.*, pp. 28-31.

causing several air incidents, he declared that countries whose navies were interfering with international aviation would be responsible for any future consequences of such interference, particularly since some airliners did not have the equipment necessary to receive warning messages from warships.

He stated that, although the airliner tragedy was unjustified, it could not be denied that the Persian Gulf had been in recent years subjected to tension and insecurity, particularly because of mining of the waterway and attacks on neutral shipping. He concluded that both the tension in the Gulf and the presence of foreign military and naval forces there were connected with the continuation of the Iran-Iraq war and stated that, without a peaceful end to the war, his delegation could not conceive of any possible lessening of tensions in the Gulf.¹²

At the outset of the 2820th meeting, the President drew the Council's attention to a letter¹³ from the representative of the Islamic Republic of Iran dated 18 July 1988 which stated, *inter alia*, that, because of the importance the Islamic Republic of Iran attached to saving human lives and establishing justice, peace and security, it had decided to accept Security Council resolution 598 (1987).

At the same meeting, the representative of the Libyan Arab Jamahiriya welcomed the acceptance by the Islamic Republic of Iran of resolution 598 (1987) and expressed hopes for the success of the Secretary-General's efforts towards establishing peace and security among the countries of the region. He stated, among other things, that foreign naval fleets in the Arabian Gulf and Mediterranean directly threatened the security, independence and sovereignty of the countries of the region, jeopardized civil aviation and navigation, and were the main reason for the escalation of tension and destabilization of peace in the area.

The Libyan Arab Jamahiriya demanded the withdrawal of all foreign fleets from the Arabian Gulf and Mediterranean and called upon the Council to assume its full responsibility for the maintenance of international peace and security in the area. The Council should not stand idle before provocative acts that would lead to the escalation of tension and expansion of war, but should take all measures that would lead to the immediate withdrawal of foreign troops from the area.¹⁴

At the 2821st meeting, the Council had before it a draft resolution¹⁵ that had been prepared in consultations.

Prior to the vote on the draft resolution, the representative of the Islamic Republic of Iran stated that the statements in the Council had shown that a better explanation was required for the destruction of a civilian airliner and its 290 passengers than the American Administration had provided. Under the circumstances, a responsible Government ought to (a) apologize to the families of the victims and to the peoples and Governments concerned; (b) accept full responsibility for its action and offer reparation on the basis of its legal and moral liability; and (c) reassess and

revise policies which had led to the incident. The United States Government had done none of these.

The Islamic Republic of Iran believed that the United States aimed to fan the fire of conflict in the Gulf. The United States had purposely ignored the fact that the Islamic Republic of Iran had not started the war in the Gulf and stood to gain the most from the restoration of peace.

He noted that the draft resolution before the Council failed to condemn the culprit and was peculiarly lacking in emphasis on the Islamic Republic of Iran's right to redress and full reparation under international law, which was essential to a position of principle by the Council. The Islamic Republic of Iran had no illusions about the decision-making process in the Council, and thus its expectations with regard to the degree of justice to be reflected in the Council's decision were limited. Nonetheless, it had chosen to resort to the Council, guided by the principle of upholding the norms of civilized behaviour, which precluded the shooting down of civilian airliners.

The Islamic Republic of Iran was ready to comply with the draft resolution notwithstanding its problems. It welcomed the Council's decision to stress the obligation of all parties to observe the rules of international law concerning the safety of civil aviation, particularly those of the annexes to the Chicago Convention, and looked forward to cooperating with the ICAO fact-finding investigation. The Islamic Republic of Iran hoped that the other parties concerned, especially the United States, would comply with the draft resolution so as to restore safety to civil aviation and freedom of navigation to commercial shipping in the Gulf. Now that the Islamic Republic of Iran had removed the last excuse for impeding the efforts of the Secretary-General to bring peace and security to the Gulf and the entire region, it was high time that all States concerned adopted policies conducive to achieving a permanent, just and honourable solution to the war. To that end, the Islamic Republic of Iran accepted the proposal of the Secretary-General, was ready to receive his technical team, and was prepared to extend its fullest cooperation to the Secretary-General's efforts.¹⁶

The representative of the United Kingdom remarked briefly that earlier draft texts had referred to freedom of navigation in the Gulf, and he reaffirmed the importance his Government attached to freedom of navigation in international waters.¹⁷

The Council proceeded to vote upon the draft resolution, which was adopted unanimously as resolution 616 (1988).

The resolution reads as follows:

The Security Council,

Having considered the letter dated 5 July 1988 from the Acting Permanent Representative of the Islamic Republic of Iran addressed to the President of the Security Council,

Having heard the statement of the representative of the Islamic Republic of Iran, Minister for Foreign Affairs Ali Akbar Velayati, and the statement of the representative of the United States of America, Vice-President George Bush,

Deeply distressed that a civil aircraft of Iran Air—scheduled international flight 655—was destroyed in flight over the Strait of Hormuz by a missile fired from the United States warship *USS Vincennes*,

¹²*Ibid.*, pp. 56-58.

¹³S/20020.

¹⁴S/PV.2820, pp. 16-20. Similar views, in various forms, were expressed at the 2820th meeting by the representatives of the Syrian Arab Republic (pp. 18-22), India (pp. 23-25), Cuba (pp. 26-28), Romania (pp. 28-31) and Nicaragua (pp. 32-37).

¹⁵S/20038, adopted without change as resolution 616 (1988).

¹⁶S/PV.2821, pp. 2-10.

¹⁷*Ibid.*, pp. 9-10.

Stressing the need for a full explanation of the facts of the incident based upon impartial investigation,

Gravely disturbed at the increasing exacerbation of tension in the Gulf region,

1. *Expresses its deep distress* at the downing of an Iranian civil aircraft by a missile fired from a United States warship and profound regret over the tragic loss of innocent lives;

2. *Expresses its sincere condolences* to the families of the victims of the tragic incident and to the peoples and Governments of their countries of origin;

3. *Welcomes* the decision of the International Civil Aviation Organization, in response to the request of the Islamic Republic of Iran, "to institute an immediate fact-finding investigation to determine all relevant facts and technical aspects of the chain of events relating to the flight and destruction of the aircraft" and welcomes the announcements by the United States of America and by the Islamic Republic of Iran of their decisions to cooperate with the International Civil Aviation Organization investigation;

4. *Urges* all parties to the Convention on International Civil Aviation, signed at Chicago in 1944, to observe to the fullest extent, in all circumstances, the international rules and practices concerning the safety of civil aviation, in particular those of the annexes to that Convention, in order to prevent the recurrence of incidents of the same nature;

5. *Stresses* the need for a full and rapid implementation of its resolution 598 (1987) of 20 July 1987, as the only basis for a comprehensive, just, honourable and durable settlement of the conflict between the Islamic Republic of Iran and Iraq, and reaffirms its support to the efforts of the Secretary-General to implement that resolution, committing itself to work with him in the development of his implementation plan.

Following the vote, the representative of the United States observed that the Islamic Republic of Iran's formal acceptance of resolution 598 (1987), coupled with Iraq's recent reaffirmation of its long-standing agreement to accept that resolution, laid the basis for an urgent and concerted effort towards its implementation. The United States welcomed the Secretary-General's announcement of his intention to send a team to the area for urgent talks with the parties.

The resolution just adopted did not in any way change the context or scope of current international law on free navigation or on the rights of belligerents or neutrals. The United States and five allied countries had expanded the Western naval presence in the Gulf, in accordance with international law, in order to ensure the right of neutral shipping to free navigation. He declared that the legitimacy of the Western naval presence was not subject to question, and the United States would maintain its Gulf policy.

The United States had expressed its regret over the loss of life and had conveyed its condolences to relatives of the victims. It had offered to pay *ex gratia* compensation to the families of the victims as a humanitarian gesture, but it did not apologize for the action of its warship, which had been taken in justifiable self-defence in the context of unprovoked attacks from Iranian forces.

The United States endorsed the actions taken by the Council of ICAO to investigate the incident, and looked forward to cooperating in that investigation and in the efforts that the President of the ICAO Council and the ICAO Secretary-General would be undertaking to improve civil aviation safety and to study possible improvements in ICAO Standards and Recommended Practices. In that context, the United States had supported the resolution just adopted, in the belief that it put the events of 3 July in proper perspective, and in the hope that it would remind the international community that it could not permit the conflict in the Gulf to continue.¹⁸

The representative of the Soviet Union stated, *inter alia*, that the majority of delegations had accurately assessed what had occurred in the Gulf and favoured measures to normalize the situation and ensure security in the region, as was reflected, to some extent, in the resolution just adopted.¹⁹

¹⁸*Ibid.*, pp. 11-15.

¹⁹*Ibid.*, p. 16.

39. THE SITUATION CONCERNING WESTERN SAHARA

Decision of 20 September 1988 (2826th meeting): resolution 621 (1988)

At the 2826th meeting, on 20 September 1988, the item was included in the agenda. The President indicated that the Security Council was meeting in accordance with the understanding reached in the Council's prior consultations.

The Secretary-General of the United Nations made a statement in which he informed the Council that the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro had, on 30 August 1988, in Geneva, given their agreement to proposals for a peaceful settlement by the Chairman of the Organization of African Unity (OAU) and himself within the framework of the mission of good offices. Those proposals were aimed at the promotion of a definitive solution of the question of Western Sahara in accordance with General Assembly resolution 1514 (XV) under the mandate conferred upon the Secretary-General by General Assembly resolution 40/50. The proposals called for providing a framework for the conclusion of a ceasefire and to establish conditions

for the organization of a credible referendum that would make it possible for the people of Western Sahara to exercise their inalienable right to self-determination. The referendum would be monitored by the United Nations in cooperation with OAU under the guidance of a Special Representative of the Secretary-General. The speaker outlined the plan for the period of preparation of and conduct of the referendum, as well as for the transition period. He requested Security Council authorization to appoint a Special Representative for Western Sahara and proposed that he should return to the Council at a subsequent stage for adoption of further necessary measures.¹

At the same meeting, the President put to the vote a draft resolution; it was adopted unanimously as resolution 621 (1988).

The resolution reads as follows:

The Security Council,

¹S/PV.2826, pp. 6-8.

Having heard a report by the Secretary-General of the United Nations on his mission of good offices, pursued jointly with the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity, in conformity with General Assembly resolution 40/50 of 2 December 1985, with a view to settling the question of Western Sahara,

Taking note of the agreement in principle given by the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro on 30 August 1988 to the joint proposals of the Secretary-General and the current Chairman of the Organization of African Unity,

40. LETTER DATED 17 DECEMBER 1988 FROM THE PERMANENT REPRESENTATIVE OF ANGOLA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

LETTER DATED 17 DECEMBER 1988 FROM THE PERMANENT REPRESENTATIVE OF CUBA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

INITIAL PROCEEDINGS

By identical letters¹ dated 17 December 1988 addressed to the Secretary-General, the representatives of Angola and Cuba, respectively, informed the Secretary-General that, taking into account the fact that South Africa had formally undertaken to accept the implementation of Security Council resolution 435 (1978) with effect from 1 April 1989, it was the intention of their two Governments to sign, on 22 December 1988, an agreement providing for the redeployment northwards and the withdrawal of Cuban troops from the territory of Angola, in accordance with a timetable agreed between the two countries, and for verification by the United Nations of the implementation of the relevant provisions of the agreement. Accordingly, the representatives of Angola and Cuba, respectively, requested the Secretary-General to take the necessary steps to recommend to the Security Council that a group of United Nations military observers be fielded to carry out this mandate, in accordance with the agreements which representatives of the two countries had already reached with the Secretariat.

On 17 December 1988, the Secretary-General submitted a report² to the Security Council in order to help the Council to consider how it might respond to the request in the identical letters from Angola and Cuba about how such an observer mission might be carried out, if the Security Council decided to accept the request of the two Governments. The Secretary-General recommended that, if the Council decided to accede to the request of Angola and Cuba, an observer group should have the mandate of verifying the redeployment northwards and the phased and total withdrawal of Cuban troops from the territory of Angola, in accordance with the timetable agreed between Angola and Cuba. The Secretary-General further stated that the duration of the mission's mandate would be approximately 31 months; and that the observer group, which would be known as the United Nations Angola Verification Mission (UNAVEM), would be under the command

Anxious to support these efforts with a view to the holding of a referendum for self-determination of the people of Western Sahara, organized and supervised by the United Nations in cooperation with the Organization of African Unity,

1. *Decides* to authorize the Secretary-General to appoint a special representative for Western Sahara;

2. *Requests* the Secretary-General to transmit to it as soon as possible a report on the holding of a referendum for self-determination of the people of Western Sahara and on ways and means to ensure the organization and supervision of such a referendum by the United Nations in cooperation with the Organization of African Unity.

of the United Nations, vested in the Secretary-General, under the authority of the Security Council.

Decision of 20 December 1988 (2834th meeting): resolution 626 (1988)

At its 2834th meeting, on 20 December 1988, the Security Council included in its agenda the item entitled "Letter dated 17 December 1988 from the Permanent Representative of Angola to the United Nations addressed to the Secretary-General";

"Letter dated 17 December 1988 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General".³

The Council considered the item at the same meeting.

The President drew the attention of the members of the Council to the text of a draft resolution⁴ that had been prepared in the course of the Council's consultations.

At the same meeting, the draft resolution was voted upon and adopted unanimously as resolution 626 (1988).⁵ The resolution reads as follows:

The Security Council,

Noting the decision of Angola and Cuba to conclude a bilateral agreement on 22 December 1988 for the redeployment to the north and the staged and total withdrawal of Cuban troops from Angola, according to the agreed timetable,

Considering the request submitted to the Secretary-General by Angola and Cuba in letters dated 17 December 1988,

Having considered the report of the Secretary-General dated 17 December 1988,

1. *Approves* the report of the Secretary-General and the recommendations therein;

2. *Decides* to establish under its authority a United Nations Angola Verification Mission and requests the Secretary-General to take the necessary steps to this effect in accordance with his aforementioned report;

3. *Also decides* that the Mission shall be established for a period of thirty-one months;

4. *Further decides* that the arrangements for the establishment of the Mission shall enter into force as soon as the tripartite agreement

¹S/20336 (letter dated 17 December 1988 from the Permanent Representative of Angola to the United Nations addressed to the Secretary-General) and S/20337 (letter dated 17 December 1988 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General).

²S/20338.

³For adoption of the agenda, see S/PV.2834, p. 2.

⁴S/20339, subsequently adopted as resolution 626 (1988).

⁵For the vote, see S/PV.2834, pp. 2 and 3.

between Angola, Cuba and South Africa, on the one hand, and the bilateral agreement between Angola and Cuba, on the other, are signed;

5. *Requests* the Secretary-General to report to the Security Council immediately after the signature of the agreements referred to in paragraph 4 and to keep the Council fully informed of further developments.

Decision of 23 December 1988: exchange of letters between the Secretary-General and the President of the Security Council

On 22 December 1988, the Secretary-General submitted a report⁶ in pursuance of Security Council resolution 626 (1988), stating that the agreements⁷ referred to in paragraph 4 of that resolution had been signed by the parties

⁶S/20347.

⁷S/20345 (letter dated 22 December 1988 from Cuba addressed to the President of the Security Council, transmitting the bilateral agreement, signed on the same date, between the Governments of Angola and Cuba).

concerned at United Nations Headquarters on the same date, and that, accordingly, the arrangements for the establishment of the United Nations Angola Verification Mission (UNAVEM) had entered into force.

By a letter⁸ dated 23 December 1988 addressed to the President of the Security Council, the Secretary-General sought the consent of the Council to his proposal for the composition of UNAVEM and to his intention to appoint Brigadier-General Péricles Ferreira Gomes as Chief Military Observer of UNAVEM.

By a letter⁹ dated 23 December 1988 addressed to the Secretary-General, the President of the Security Council informed the Secretary-General of the Council's agreement with his proposals concerning the composition of UNAVEM and the appointment of Brigadier-General Péricles Ferreira Gomes as Chief Military Observer of UNAVEM.

⁸S/20351.

⁹S/20352.

Chapter IX

DECISIONS IN THE EXERCISE OF OTHER FUNCTIONS AND POWERS

NOTE

Decisions of the Security Council relative to recommendations to the General Assembly regarding the admission of new Members have been dealt with in chapter VII, and the decisions on questions considered under the Council's responsibility for the maintenance of international peace and security in chapter VIII. During the period under review, the Council took no decisions in the exercise of other functions and powers under the Charter.¹

NOTE

¹With the exception of decisions concerning the relations of the Council with other organs of the United Nations, arising from Articles 12, 93, para. 2, and 97 of the Charter. For these decisions, see chap. VI of the present *Supplement*.

Chapter X

CONSIDERATION OF THE PROVISIONS OF CHAPTER VI OF THE CHARTER

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INTRODUCTORY NOTE

The present chapter contains material selected on the criterion of the occurrence of discussion in the Security Council regarding Articles 33 to 38 of Chapter VI of the Charter. Thus, chapter X does not cover all the activities of the Council in the pacific settlement of disputes, since the debates preceding the major decisions of the Council in this field have dealt almost exclusively with the actual issues before the Council and the relative merits of measures proposed without discussion of their relation to the provisions of the Charter.

As in the previous volumes of the *Repertoire*, 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 case histories on each question in this chapter are narrow in focus and thus must 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, enquiry, 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 full range of the actions taken by the Council in connection with the provisions of Article 33, during the period under review, is reflected in 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*. Those actions and measures, to the extent that they indicate recourse to the Article by the Council itself, as well as the discharge by the parties of their own obligation under that Article, underline the significance of Article 33 in the pacific settlement of disputes.

During the period under review, there was one instance in which the communication submitting a dispute to the Council contained no references to prior efforts at peaceful settlement. However, immediately before that submission, there was a communication setting forth the considerations of the Government concerned with regard to the process of negotiations which was being promoted by the Contadora Group of States.¹

In another instance, a communication submitted a situation with respect to which the Council was requested to convene immediately and to "take appropriate and urgent action to stop the repeated threat of use of force, as well as the imminent resort to armed attack..."² The opening statement during the initial phase of the Council's consideration of the situation that was submitted by that communication explicitly explained that the request for the meeting of the Council underscored the belief that all disputes between States should be settled by the peaceful means which had been envisaged in Chapter VI of the Charter—namely negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other means of their own choice—and not by resort to the threat or use of force. It was further stressed that the situation called for immediate action by the Security Council under Articles 33 and 34 of the Charter.³

A third communication submitting a dispute to the Council contained references to the effect that the dispute, which threatened international peace and security, had been the subject of the Judgment of the International Court of Justice of 27 June 1986.⁴ Finally, during the period under review, a fourth communication was submitted to the Council, explicitly under Article 94 of the Charter, pertaining to non-compliance with the Judgment of the International Court of Justice dated 27 June 1986 concerning military and paramilitary activities in and against Nicaragua.⁵

¹See, respectively, the letters dated 5 and 6 December 1985 from Nicaragua (S/17674 and S/17671, *OR*, 40th yr., *Suppl. for Oct.-Dec. 1985*).

²See the letter dated 12 April 1986 from Malta (S/17982, *OR*, 41st yr., *Suppl. for April-June 1986*).

³For the text of the relevant statement, see S/PV.2672: Malta.

⁴See the letter dated 22 July 1986 from Nicaragua (S/18230, *OR*, 41st yr., *Suppl. for July-Sept. 1986*). For the Judgment of the International Court of Justice, see letter dated 11 July 1986 from Nicaragua (S/18221, annex, *ibid.*).

⁵See the letter dated 17 October 1986 from Nicaragua (S/18415, *OR*, 41st yr., *Suppl. for Oct.-Dec. 1986*).

Several other communications that reached the Council with regard to disputes and situations that either were to be examined by the Council for the first time or whose consideration was to be resumed, also contained references to various earlier efforts to settle the conflicts peacefully: such communications were received in connection with the complaints by Chad;⁶ in connection with the situation in Cyprus;⁷ in connection with the complaint by Angola against South Africa;⁸ in connection with the situation between Iran and Iraq;⁹ in connection with the situation in Namibia;¹⁰ in connection with the question concerning the situation in the region of the Falkland Islands (Islas Malvinas);¹¹ in connection with the complaints by

⁶See the letters dated 25 and 28 January 1985 from Chad; and the letter dated 28 January 1985 from the Libyan Arab Jamahiriya (S/16906, S/16911 and S/16912, respectively, *OR*, 40th yr., *Suppl. for Jan.-March 1985*); letter dated 2 January 1987 from the Libyan Arab Jamahiriya and letter dated 19 February 1987 from Chad, respectively (S/18554 and S/18712, *OR*, 42nd yr., *Suppl. for Jan.-March 1987*).

⁷See the letter dated 3 May 1985 from Cyprus (S/17150, *OR*, 40th yr., *Suppl. for April-June 1985*); letter dated 17 May 1985 from Turkey (S/17198, *ibid.*); letters dated 17 and 21 January 1986, respectively, from Cyprus and the Union of Soviet Socialist Republics (S/17743 and S/17752 and Corr.1, *OR*, 41st yr., *Suppl. for Jan.-March 1986*); letter dated 22 June 1988 from Cyprus (S/19953, *OR*, 43rd yr., *Suppl. for April-June 1988*); report of the Secretary-General dated 30 November 1988 (S/20310 and Add.1, *ibid.*, *Suppl. for Oct.-Nov. 1988*); and statement by the President of the Council (S/20330, *Resolutions and Decisions of the Security Council*, 43rd yr., 1988).

⁸See the letter dated 20 November 1985 from Angola (S/17645, annex, *OR*, 40th yr., *Suppl. for Oct.-Dec. 1985*).

⁹See the letters dated 25 February 1986 from the Islamic Republic of Iran (S/17864, *OR*, 41st yr., *Suppl. for Jan.-March 1986*); letter dated 5 March 1986 from Iraq (S/17897, *ibid.*); letter dated 28 July 1986 from Iraq (S/18243, *ibid.*, *Suppl. for July-Sept. 1986*); letter dated 24 August 1986 from Iraq (*ibid.*); letters dated 17 and 20 July and 7 August 1988 from the Islamic Republic of Iran (S/20020, S/20041 and S/20094, *OR* 43rd yr., *Suppl. for July-Sept. 1988*); letters dated 18 July and 2 August 1988 from Iraq (S/20023 and S/20082, *ibid.*); letter dated 10 August 1988 from Greece (on behalf of the European Community) (S/20107, *ibid.*); letter dated 24 August 1988 from Paraguay (S/20148, *ibid.*); letter dated 25 August 1988 from the USSR (S/20153, *ibid.*); and letter dated 17 October 1988 from the five permanent members of the Security Council (S/20224, *ibid.*, *Suppl. for Oct.-Dec. 1988*).

¹⁰See the reports of the Secretary-General of 6 September 1985 (S/17442, *OR*, 40th yr., *Suppl. for July-Sept. 1985*) and of 31 March 1987 (S/18767, *OR*, 42nd yr., *Suppl. for Jan.-March 1987*); letter dated 12 June 1986 from the Secretary-General to the Minister for Foreign Affairs of South Africa (S/18150, *OR*, 41st yr., *Suppl. for April-June 1986*); letter dated 24 June 1986 from the Philippines (S/18179, *ibid.*); letter dated 23 July 1986 from India (S/18235, *ibid.*, *Suppl. for July-Sept. 1986*); letter dated 28 July 1986 from South Africa (S/18241, *ibid.*); and letter dated 5 June 1987 from the President of the United Nations Council for Namibia (S/18901, *OR*, 42nd yr., *Suppl. for April-June 1987*).

¹¹See the letter dated 12 February 1988 from Argentina (S/19500, *OR*, 43rd yr., *Suppl. for Jan.-March 1988*); letter dated 25 February 1988 from the United Kingdom of Great Britain and Northern Ireland (S/19541, *ibid.*); letter dated 29 February 1988 from Colombia (S/19559, *ibid.*); letters dated 2 and 4 March 1988 from Argentina (S/19564 and S/19579, *ibid.*); and letter dated 16 March 1988 from Zimbabwe (S/19649, *ibid.*).

Nicaragua;¹² in connection with the situation in the Middle East including the occupied Arab territories;¹³ and in connection with the situation relating to Afghanistan.¹⁴

References to prior efforts at peaceful settlement were made during opening statements in the initial phase of the Council's consideration of the letter dated 28 January 1985 from the representative of Chad,¹⁵ the letter dated 6 May 1985 from the representative of Nicaragua,¹⁶ the situation in Namibia,¹⁷ the Middle East problem including the Palestinian question,¹⁸ the letter dated 6 December 1985 from the representative of Nicaragua,¹⁹ the letter dated 22 July 1986 from the representative of Nicaragua,²⁰ the letter dated 17 October 1986 from the representative of Nicaragua,²¹ the letter dated 13 November 1986 from the representative of Chad,²² the situation in Cyprus,²³ the situation between Iran and Iraq,²⁴ the letter dated 11 March 1988 from the representative of Argentina regarding the question concerning the situation in the region of the Falkland Islands (Islas Malvinas),²⁵ the letter dated 17 March 1988 from

¹²See the letters dated 15 June and 5 December 1985 from Nicaragua (S/17277, *OR*, 40th yr., *Suppl. for April-June 1985* and S/17674, *ibid.*, *Suppl. for Oct.-Dec. 1985*); letters both dated 21 March 1988 from Nicaragua (S/19660 and S/19666, *OR*, 43rd yr., *Suppl. for Jan.-March 1988*); and letter dated 21 March 1988 from the member countries of the Contadora Group and the Support Group (S/19663, *ibid.*).

¹³See the letter dated 5 April 1988 from Mongolia (S/19742, *OR*, 43rd yr., *Suppl. for April-June 1988*); letter dated 5 April 1988 from the Nordic States (Denmark, Finland, Iceland, Norway and Sweden) (S/19754, *ibid.*); letter dated 13 April 1988 from the Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (S/19769, *ibid.*); and letter dated 14 April 1988 from Japan (S/19779, *ibid.*).

¹⁴See the letters dated 15 and 30 November 1988 from Afghanistan (S/20270 and S/20305, *OR*, 43rd yr., *Suppl. for Oct.-Dec. 1988*); and letters dated 22 November and 31 December 1988 from Greece (on behalf of the European Community) (S/20286 and S/20365, *ibid.*).

¹⁵S/PV.2567: Chad and Libyan Arab Jamahiriya.

¹⁶S/PV.2577: Nicaragua; S/PV.2578: Peru, United States and Mexico.

¹⁷S/PV.2583: India, Peru, United Republic of Tanzania, Egypt, South Africa, Nigeria and South-West Africa People's Organization (SWAPO); S/PV.2624: India, Mauritius, South Africa; S/PV.2755: Madagascar, Mr. Gurirab (SWAPO). See also further report of the Secretary-General dated 27 October 1987 (S/19234, *OR*, 42nd yr., *Suppl. for Oct.-Dec. 1987*).

¹⁸S/PV.2618: India, United States (President), PLO and Egypt.

¹⁹S/PV.2633: Nicaragua, United States; S/PV.2634: India, Peru and Mexico.

²⁰S/PV.2700: Nicaragua, El Salvador; S/PV.2701: United States, India and Democratic Yemen.

²¹S/PV.2715: Nicaragua; S/PV.2716: United States, India, Peru, Iraq, Mexico and Argentina.

²²S/PV.2721: Chad, Congo, Zaire, France, United States and Libyan Arab Jamahiriya.

²³See the statement by the President of the Council on behalf of its members (S/PV.2607). See also S/17486, *OR*, 40th yr., *Suppl. for July-Sept. 1985*).

²⁴S/PV.2663: Mr. Chedli Klibli (Secretary-General of the League of Arab States), Iraq and Yemen; S/PV.2664: Jordan, Saudi Arabia, Kuwait, Tunisia and Oman; S/PV.2709: the Secretary-General of the United Nations; Mr. Chedli Klibli (Secretary-General of the League of Arab States), Iraq and Egypt; S/PV.2710: Senegal, Zambia and Oman. See also report of the Secretary-General (S/18480, *OR*, 41st yr., *Suppl. for Oct.-Dec. 1986*); and presidential statement (S/PV.2730).

²⁵S/PV.2800: Argentina, United Kingdom, Colombia, Uruguay, Brazil and Mexico.

the representative of Nicaragua²⁶ and the situation relating to Afghanistan.²⁷

In exercise of its responsibility to bring about the peaceful settlement of a dispute or situation, the Council may adopt decisions which refer, explicitly or implicitly, to Article 33. The one case history entered in this part of the present chapter covers proceedings in the Council that have some bearing on such exercise by the Council to bring about pacific settlement of a dispute or situation.

During the period under review, none of the resolutions or decisions adopted by the Council contained explicit references to Article 33, but a number of them contained provisions emphasizing to the parties the urgency of finding a peaceful settlement to their conflict,²⁸ calling upon the parties to resume the dialogue they had been holding with a view to reaching accords favourable for normalizing their relations and regional détente,²⁹ or to submit immediately all aspects of their conflict to mediation or to any other means of peaceful settlement of disputes,³⁰ stressing to the parties concerned the urgent need to reach a just, durable and peaceful settlement of their conflict,³¹ or expressing concern that certain practices by a party to a situation had adverse consequences for the search for a peaceful resolution.³² In connection with the situation in the Middle East, the Council called upon the parties on a number of occasions to implement immediately resolution 338 (1973), in which the Council had decided that, concurrently with the ceasefire, negotiations should start under appropriate auspices aimed at establishing a just and durable peace.³³

On one occasion, in connection with the situation in Cyprus, the Council heard an oral report from the Secretary-General following which the Council called upon all the parties to make a special effort in cooperation with the Secretary-General to reach an early agreement.³⁴ On a number of occasions, also in connection with the situation in Cyprus, the Council requested the Secretary-General to continue his mission of good offices.³⁵ Ultimately, the Council supported the effort that had been launched on 24 August 1988 by the Secretary-General in the context of the mission of good offices in Cyprus, welcomed the readiness

²⁶S/PV.2802: Nicaragua, Honduras, United States, Brazil, Argentina, Costa Rica and Peru.

²⁷See the letters dated 14 and 22 April from the Secretary-General to the President of the Security Council and the letter dated 25 April 1988 from the President of the Security Council to the Secretary-General, respectively (S/19834, S/19835 and S/19836, *OR*, 43rd yr., *Suppl. for April-June 1988*).

²⁸Presidential statement issued on 5 March 1985 in connection with the situation between Iran and Iraq (S/17004).

²⁹Resolution 562 (1985), in connection with the letter dated 6 May 1985 from the representative of Nicaragua.

³⁰Resolutions 582 (1986), 588 (1986), 598 (1987) and presidential statement (S/18538) read out at the 2730th mtg., held on 22 December 1986, in connection with the situation between Iran and Iraq.

³¹Resolution 605 (1987), in connection with the situation in the occupied Arab territories.

³²Resolutions 560 (1985), 610 (1988) and 615 (1988), in connection with the question of South Africa.

³³Resolutions 563 (1985), 576 (1985), 584 (1986), 590 (1986), 596 (1987), 603 (1987), 613 (1988) and 624 (1988).

³⁴See presidential statement (S/17483) read out at the 2607th mtg., on 20 September 1985.

³⁵Resolutions 565 (1985), 578 (1985), 585 (1986), 593 (1986), 597 (1987), 604 (1987), 614 (1988) and 625 (1988).

of the two parties to seek a negotiated settlement of all aspects of the Cyprus problem by 1 June 1989 and called upon all the parties for full cooperation with the Secretary-General in ensuring the success of the process then under way.³⁶

In connection with the situation relating to Afghanistan, the Secretary-General, by a letter dated 14 April 1988 addressed to the President of the Security Council,³⁷ informed the members of the Council that the Governments of Afghanistan and Pakistan had concluded, on the same date, a set of agreements which together constituted a settlement bringing to a successful conclusion several years of difficult negotiations. The Secretary-General further stated that, while the Union of Soviet Socialist Republics and the United States of America had been designated as guarantors to the effect of which they had made a formal declaration, all the instruments constituting the settlement of the situation relating to Afghanistan would enter into force on 15 May 1988.

On the occasion of the tenth anniversary of the adoption of resolution 435 (1978), containing the plan for the independence of Namibia through free and fair elections under the supervision and control of the United Nations, the Security Council noted developments in efforts by a number of parties to find a peaceful solution to the conflict in south-western Africa that were reflected in the joint statement³⁸ of 8 August 1988 by the Governments of Angola, Cuba, South Africa and the United States. The Council urged the parties to display the necessary political will to translate the commitments they had made into reality in order to bring about a peaceful settlement of the Namibian question and peace and stability in the region.³⁹

There were implicit references to Article 33 contained in 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:

(a) During the Council's consideration of the complaint by Angola against South Africa at the 2614th meeting, on 4 October 1985, the representative of South Africa submitted a draft resolution⁴⁰ by which the Council would have requested the various factions within Angola to settle their differences through a process of peaceful negotiation and in a spirit of national reconciliation. The draft resolution was not put to the vote;

(b) When the Council resumed its consideration of the situation in the Middle East at the 2641st meeting, on 13 January 1986, the representative of Jordan submitted and subsequently revised a draft resolution⁴¹ by which the Council, *inter alia*, would have demanded that Israel desist

from its practices and measures against the civilian population in southern Lebanon, which were impeding the restoration of normal conditions in the area and threatening the reconciliation efforts towards restoring peace and security in the whole country. The revised draft resolution was voted upon and not adopted owing to the negative vote of a permanent member of the Council;⁴²

(c) During the Council's consideration of the letter dated 12 April 1986 from the representative of Malta regarding the "... threat of use of force, as well as the imminent resort to armed attack in the central Mediterranean", at the 2763rd meeting, on 14 April 1986, the representative of Malta submitted a draft resolution.⁴³ Under operative paragraph 4 of the draft resolution, the Council would have entrusted the Secretary-General to take immediate appropriate action with the parties concerned to ensure that only the peaceful means which had been envisaged by the Charter of the United Nations were utilized to reconcile any differences between them. The draft resolution was not put to a vote;

(d) At the 2674th to 2680th, 2682nd and 2683rd meetings, between 15 and 24 April 1986, the Council considered the letters, each respectively dated 15 April 1986, from the representatives of the Libyan Arab Jamahiriya, Burkina Faso, the Syrian Arab Republic and Oman, regarding the attack on Tripoli and Benghazi by the United States forces.⁴⁴ In the course of those considerations, at the 2680th meeting, on 18 April 1986, a draft resolution,⁴⁵ subsequently revised, was submitted by the representatives of the Congo, Ghana, Madagascar, Trinidad and Tobago and the United Arab Emirates. Under operative paragraph 4 of the revised draft resolution, the Council would have called upon all parties to refrain from resorting to force, to exercise restraint in the critical situation and to resolve the differences by peaceful means in keeping with the Charter. The revised draft resolution was voted upon and not adopted owing to the negative vote of a permanent member of the Council;⁴⁶

(e) In the course of the Council's consideration of the situation in southern Africa at the 2685th meeting, on 23 May 1986, the representatives of the Congo, Ghana, Madagascar, Trinidad and Tobago and the United Arab Emirates submitted a draft resolution,⁴⁷ subsequently revised, by which the Council would have imposed, under Chapter VII of the Charter of the United Nations, selective economic and other sanctions, bearing in mind, *inter alia*, that South Africa had ignored numerous calls by the international community to effect peaceful change in South Africa. The draft resolution, as orally revised, was voted upon and not adopted owing to the negative vote of a permanent member of the Council;⁴⁸

(f) During the Council's consideration of the letter dated 22 July 1986 from the representative of Nicaragua

³⁶Presidential statement (S/20330) read out at the 2833rd mtg., held on 15 December 1988.

³⁷S/19834, OR, 43rd yr., Suppl. for April-June 1988. See also letters dated 22 and 25 April 1988 exchanged, respectively, between the Secretary-General and the President of the Security Council (S/19835 and S/19836, *ibid.*); and resolution 622 (1988) of 31 October 1988.

³⁸S/20109, annex OR, 43rd yr., Suppl. for July-Sept. 1988.

³⁹Presidential statement (S/20208) read out at the 2827th mtg., held on 29 September 1988.

⁴⁰S/17522, OR, 40th yr., Suppl. for Oct.-Dec. 1985. For the procedural requirements which must be met in order for such proposals or draft resolutions to be put to a vote, see chapter I, under rule 38 of the provisional rules of procedure of the Security Council.

⁴¹S/17730/Rev.2, OR, 41st yr., Suppl. for Jan.-March 1986.

⁴²For the vote, see S/PV.2642.

⁴³S/17984, OR, 41st yr., Suppl. for April-June 1986.

⁴⁴See also letter dated 14 April 1986 from the representative of the United States (S/17990, *ibid.*).

⁴⁵S/18016/Rev.1, *ibid.*

⁴⁶For the vote on the revised draft resolution (9 votes in favour to 5 against, with 1 abstention), see S/PV.2682.

⁴⁷S/18087/Rev.1, OR, 41st yr., Suppl. for April-June 1986 (see, in particular, thirteenth preambular paragraph).

⁴⁸For the vote on the revised resolution (12 votes in favour to 2 against, with 1 abstention), see S/PV.2686.

regarding the dispute between the United States of America and Nicaragua, which had been the subject of the Judgment of the International Court of Justice of 27 June 1986,⁴⁹ a five-Power draft resolution⁵⁰ was submitted at the 2703rd meeting, on 31 July 1986. Under the draft resolution, the Council would have expressed awareness that, according to the Charter of the United Nations, the International Court of Justice was the principal judicial organ of the United Nations and that each Member undertook to comply with the decision of the Court in any case to which it was a party; recalled all the relevant principles of the Charter, particularly the obligation of States to settle their disputes exclusively by peaceful means; reaffirmed the role of the International Court of Justice as the principal judicial organ of the United Nations and a means for the peaceful resolution of disputes in the interest of international peace and security; and made an urgent and solemn call for full compliance with the Judgment of the International Court of Justice of 27 June 1986 in the case of *Military and Paramilitary Activities in and against Nicaragua*. The draft resolution was voted upon and not adopted owing to a negative vote by a permanent member of the Council;⁵¹

(g) In connection with the letter dated 17 October 1986 from the representative of Nicaragua regarding a request for a meeting of the Security Council, in accordance with the provisions of Article 94 of the Charter, to consider the non-compliance with the Judgment of the International Court of Justice dated 27 June 1986 concerning military and paramilitary activities in and against Nicaragua, a five-Power draft resolution⁵² was submitted to the Council at its 2718th meeting, on 28 October 1986. Under the preambular part of the draft resolution, the Council would have expressed awareness that, under the Charter of the United Nations, the International Court of Justice was the principal judicial organ of the United Nations and that each Member undertook to comply with the decision of the Court in any case to which it was a party; and considered that Article 36, paragraph 6, of the Statute of the Court provided that "in the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court". Under operative paragraph 1 of the draft resolution, the Council would have urgently called for full and immediate compliance with the Judgment of the International Court of Justice of 27 June 1986 in the case of *Military and Paramilitary Activities in and against Nicaragua* in conformity with the relevant provisions of the Charter of the United Nations. The draft resolution was voted upon and not adopted owing to the negative vote of a permanent member of the Council;⁵³

(h) When the Council resumed its consideration of the situation in the occupied Arab territories, in connection with the report of the Secretary-General dated 21 January 1988⁵⁴ in accordance with resolution 605 (1987), the representatives of Algeria, Argentina, Nepal, Senegal, Yugoslavia and Zambia submitted a draft resolution⁵⁵ at the 2790th meeting on 1 February 1988. Under operative paragraphs 7 and 8 of the draft resolution, the Council would have affirmed the urgent need to achieve, under the auspices of the United Nations, a comprehensive, just and lasting settlement of the Arab/Israeli conflict; and requested the Secretary-General to continue his endeavours to promote such a settlement. The draft resolution was voted upon and not adopted owing to the negative vote of a permanent member of the Council.⁵⁶

There were a few occasions whereby Article 33 was explicitly referred to during the deliberations of the Council. In one instance, in the course of the Council's deliberations in connection with the letter dated 6 May 1985 from the representative of Nicaragua, Chapter VI of the Charter was invoked with sufficiently clear indication that the reference was to Article 33. It was emphasized that, in the search for genuine solutions to problems, the constant norm in Member States ought to be scrupulous respect for the principles of law and the practice of diplomatic negotiation. Further, economic coercion was incompatible with the objectives of the process initiated by Contadora and that, despite the aggressive designs still standing in the way of the Contadora peacemaking efforts in Central America, all States were called upon once again to respond effectively to the diplomatic action that they had undertaken and the countries concerned were invited to resume the dialogue that had been interrupted.⁵⁷

Article 33 was further invoked to emphasize, on the one hand, the obligations of the parties under the Charter provision to seek a peaceful solution. On the other hand, the Charter provision was invoked also to emphasize the duty of the Council to urge the parties to abide by the Charter and by the procedures for a peaceful settlement as set out by the Council itself under Article 36 of the Charter.⁵⁸ In connection with the letter dated 12 April 1986 from the representative of Malta, Chapter VI of the Charter was invoked to underline that the request for a meeting of the Council had been made with the conviction that all disputes between States should be settled by the peaceful means of the Charter, namely, negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice. In the same context, it was emphasized that "the grave and dangerous situation" which had arisen in the central Mediterranean called for immediate action by the Security Council under Articles 33 and 34 of the Charter.⁵⁹

⁴⁹Letter dated 11 July 1986 from Nicaragua transmitting the text of the Judgment of the International Court of Justice dated 27 June 1986 in the case *Military and Paramilitary Activities in and against Nicaragua* (S/18221, OR, 41st yr., Suppl. for July-Sept. 1986); for the letter dated 22 July 1986 from Nicaragua, see S/18230, *ibid.*

⁵⁰S/18250 (draft resolution submitted by the Congo, Ghana, Madagascar, Trinidad and Tobago and the United Arab Emirates), *ibid.*

⁵¹For the vote on the draft resolution (11 votes in favour to 1 against, with 3 abstentions), see S/PV.2704.

⁵²S/18428 (draft resolution submitted by the Congo, Ghana, Madagascar, Trinidad and Tobago and the United Arab Emirates), OR, 41st yr., Suppl. for Oct.-Dec. 1986.

⁵³For the vote on the draft resolution (11 votes in favour to 1 against, with 3 abstentions), see S/PV.2718.

⁵⁴S/19443, OR, 43rd yr., Suppl. for Jan.-March 1988.

⁵⁵S/19466, *ibid.*

⁵⁶For the vote on the draft resolution (14 votes in favour to 1 against, with no abstentions), see S/PV.2790.

⁵⁷For the text of the relevant statement, see S/PV.2578: Mexico, pp. 41 and 42.

⁵⁸For the texts of the relevant statements, see S/PV.2665: Morocco, pp. 12 and 13; and S/PV.2713: Morocco, pp. 21-23.

⁵⁹For the texts of the relevant statement, see S/PV.2672: Malta, pp. 3 and 4.

During the Council's deliberations in connection with the letters each respectively dated 15 April 1986 from the representatives of the Libyan Arab Jamahiriya, Burkina Faso, the Syrian Arab Republic and Oman, concerning the attack on Benghazi and Tripoli by United States forces, Article 33 was invoked to demonstrate and signify that the action had been taken at a time when the Security Council was discussing the possibility of preventing the use of force and resolving the problem through peaceful settlement in accordance with the provisions of Articles 33 and 34 of the Charter. Moreover, Article 33 was also invoked to underline that resort to the use of force had taken place without exhausting the provisions, arrangements and guidelines for the peaceful settlement of disputes set forth in Article 33 as well as in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States.⁶⁰ It was further emphasized that the world faced a bleak future if use of force should be substituted for settlement of international disputes by peaceful negotiation. Without insisting upon any specific provision, the Council should seek guidance and objectivity in the provisions of Articles 33, 34, 35 and 36 of the Charter, which, together with the above-mentioned General Assembly Declaration and the Assembly resolution on measures against terrorism,⁶¹ provided sufficient legal framework and principles for dealing with inter-State disputes. It was further emphasized that the mediation and conciliation offices of the Secretary-General, to which immediate resort could be made, were also available.⁶²

In the course of the Council's deliberations regarding the letter dated 27 June 1986 from the representative of Nicaragua concerning the situation in Central America, Article 33 was invoked twice to underscore two aspects of the significance of the Charter provision. The first referred to the settlement of disputes by resort to regional agencies or arrangements, since they better understood the circumstances and causes of a given conflict. In that context, it was stressed that the Contadora Group as a regional group of Central America had shouldered a special responsibility and that, by communicating with the parties including the United States and in cooperation with the Support Group, it had succeeded in formulating the Panama message of 7 June 1986, which reiterated ten principles and nine forms of action that must be realized if peace, democracy and security were to be secured in Central America. The second aspect of the significance of Article 33 was that it also called for the settlement of disputes by peaceful means and set forth the means and machinery to that end in such a way that unilateral action outside the framework of those means and machinery—most importantly, the Security Council—constituted a breach of the Charter.⁶³

During the Council's consideration of the letter dated 22 July 1986 from the representative of Nicaragua, concerning the dispute between the United States of America and Nicaragua, which had been the subject of the Judgment of

the International Court of Justice of 27 June 1986,⁶⁴ Article 33, paragraph 1, of the Charter was quoted in its entirety as the primary principle for the pacific settlement of disputes contained in Chapter VI of the Charter. It was then emphasized that, based on that principle and on the relevant articles of the Statute of the International Court of Justice, Nicaragua had submitted to the Court its complaint against the United States of America for the violation of the relevant rules of international law. It was further stated that the International Court of Justice, which was the organ with the mandate to settle the disputes that had been submitted to it according to the rules of law, had acted upon the complaint, following which the role of the Security Council should be to work towards gaining the acceptance of the Court's judgment by the party concerned in order to spare the Central American region any further escalation of tension and to ensure the establishment of conditions of peace and stability in that region.⁶⁵

The Council's deliberation in connection with the letter dated 17 October 1986 from the representative of Nicaragua, regarding the non-compliance with the Judgment of the International Court of Justice dated 27 June 1986, was characterized as one involving the following four fundamental principles of overriding importance: (a) The Court's decision clearly stated that customary international law, including the provisions of the Charter of the United Nations, prohibited intervention in the affairs of other States; (b) the second principle related to the right of all States to decide freely their own political, economic and social systems, including their international relations, free from outside interference, subversion, coercion or threats; (c) in accordance with the Charter, the International Court of Justice was the principal judicial organ of the United Nations and under Article 94, each Member had undertaken to comply with the Court's decision in any case to which it was a party; and (d) the obligation of the parties to any dispute, the continuation of which was likely to endanger the maintenance of international peace and security was to seek a solution by peaceful means. Paragraphs 290 and 291 of the Court's judgment⁶⁶ emphasized that the fourth principle was enshrined in Article 33 of the Charter, which indicated a number of peaceful means which were available to the parties. The Court's decision, it was stressed, also referred to the need to cooperate with the Contadora efforts in seeking a definitive and lasting peace in Central America, in accordance with the principle of customary international law that prescribed the peaceful settlement of international disputes.⁶⁷

There have been other instances of what might be considered implicit references to Article 33 in the proceedings of the Council. Article 33 was implicitly touched upon during the Council's deliberations in connection with the letter dated 28 January 1985 from the representative of Chad,⁶⁸ the situation in the Middle

⁶⁰General Assembly resolution 2625 (XXV), annex.

⁶¹General Assembly resolution 40/61 of 9 December 1985.

⁶²For the texts of the relevant statements, see S/PV.2678: Czechoslovakia, pp. 12-14; and S/PV.2680: Ghana, pp. 33-38.

⁶³For the text of the relevant statement, see S/PV.2697: United Arab Emirates, p. 37.

⁶⁴For the text of the Judgment of the International Court of Justice dated 27 June 1986 in the case *Military and Paramilitary Activities in and against Nicaragua (Nicaragua vs. United States of America)*, see S/18221, annex, *OR, 41st yr., Suppl. for July-Sept. 1986*.

⁶⁵For the text of the relevant statement, see S/PV.2701: Democratic Yemen, pp. 24-26.

⁶⁶See note 64 above.

⁶⁷For the text of the relevant statement, see S/PV.2716: Iraq, pp. 26-28.

⁶⁸For the text of the relevant statement, see S/PV.2567: Libyan Arab Jamahiriya, p. 26.

East,⁶⁹ the letter dated 6 May 1985 from the representative of Nicaragua,⁷⁰ the situation in Cyprus,⁷¹ the complaint by Angola against South Africa,⁷² the question of South Africa,⁷³ the situation in the occupied Arab territories,⁷⁴ the situation in southern Africa,⁷⁵ the situation between Iran and Iraq,⁷⁶ the letters dated 25 March 1986 from the representatives of Malta and the USSR, respectively and letter dated 26 March 1986 from the representative of Iraq,⁷⁷ the letter dated 27 June 1986 from the representative of Nicaragua,⁷⁸ the letter dated 13 November 1986 from the representative of Chad,⁷⁹ the letter dated 11 March 1988 from the representative of Argentina regarding the question concerning the situation in the region of the Falk-

land Islands (Islas Malvinas)⁸⁰ and the letter dated 17 March 1988 from the representative of Nicaragua.⁸¹

CASE I

The situation between Iran and Iraq

(In connection with three draft resolutions each drawn up during consultations among the members of the Council, voted upon and adopted, respectively, on 24 February and 8 October 1986 and 20 July 1987)

The Council resumed its deliberations in connection with the situation between Iran and Iraq at the request of the Committee of Seven of the Council of the League of Arab States⁸² to consider the "disturbing developments" regarding the conflict between the two parties and to take practical measures to put an end to the war and to solve the conflict by peaceful means, in accordance with the Charter of the United Nations and international law. During the discussions, the members of the Council and other participants were unanimous in their expression of concern at the escalation of the conflict and in emphasizing the need for both parties to cooperate with the Secretary-General in his efforts to end the war and to resolve the problems by peaceful means through a process of comprehensive negotiations in accordance with the Charter. Several speakers welcomed the readiness on the part of Iraq to settle the conflict through negotiated means in conformity with the Council decisions and the principles of the Charter. On the other hand, it was asserted that the other party, the Islamic Republic of Iran, was primarily responsible for the continuation of the conflict by rejecting all the mediating efforts of the international community and that the Council must urge the Islamic Republic of Iran to abide by the procedures for a peaceful settlement in accordance with the obligations it had entered under the Charter, including Articles 33 and 36.⁸³

At the 2666th meeting, on 24 February 1986, a draft resolution which had been prepared in the course of prior consultations among the members of the Council was voted upon and adopted unanimously as resolution 582 (1986).⁸⁴ The resolution reads, in part, as follows:

The Security Council,

Recalling the provisions of the Charter and in particular the obligation of all Member States to settle their international disputes by

⁶⁹For the texts of the relevant statements, see S/PV.2568: Lebanon, pp. 7 and 8; Israel, p. 32; S/PV.2570: India, p. 27; United Kingdom, p. 41; Denmark, p. 43; United States, pp. 49 and 50; S/PV.2573: Senegal, p. 38; S/PV.2575: United Kingdom, pp. 13-19; S/PV.2605: Mr. Maksoud (Arab League), p. 11; Denmark, pp. 84 and 85; S/PV.2646: Ghana, p. 27; USSR, p. 17; S/PV.2647: India, pp. 34-36; Sudan, p. 52; S/PV.2650: Australia, p. 31; S/PV.2699: United Kingdom, p. 8; S/PV.2777: Israel, p. 6; S/PV.2785: Jordan, p. 21; Federal Republic of Germany, pp. 22-30; S/PV.2787: Kuwait, p. 31; Algeria, p. 36; Argentina, p. 48; China, p. 52; Israel, p. 71; Sudan, p. 81; Malaysia, p. 86; S/PV.2790: Indonesia, p. 12; India, p. 17; United States, p. 41; S/PV.2804: Algeria, p. 12; Jordan, p. 47; Senegal, p. 48; Zambia, p. 56; India, p. 67; United States, p. 91; Israel, pp. 64 and 65; S/PV.2806: Mr. Ansae (Organization of the Islamic Conference), p. 18; China, p. 37; USSR, p. 43; France, p. 8; Italy, p. 53; and United States, p. 56.

⁷⁰For the texts of the relevant statements, see S/PV.2577: Nicaragua, pp. 27-36; S/PV.2578: United States, p. 32; Mexico, pp. 37-41; China, p. 44; Australia, p. 63; and Algeria, p. 86.

⁷¹Throughout the period under review the need for a negotiated settlement was stressed and the Secretary-General was requested to continue his mission of good offices in connection with the adoption of resolutions 565 (1985), 578 (1985), 585 (1986), 593 (1986), 597 (1987), 604 (1987), 614 (1988) and 625 (1988). On two occasions, the President of the Council made statements on behalf of the members of the Council noting the Secretary-General's assessment that a settlement in accordance with the principles of the Charter was in sight and welcoming the readiness of the parties to seek a negotiated settlement; see, respectively S/PV.2607 (20 September 1985) and S/PV.2833 (15 December 1988).

⁷²For the texts of the relevant statements, see S/PV.2596: Australia, p. 47; S/PV.2597: South Africa, pp. 22 and 23; France, pp. 7 and 8; and S/PV.2612: South Africa, p. 13.

⁷³For the texts of relevant statements, see S/PV.2600: United Kingdom, pp. 12 and 13; S/PV.2796: France, p. 7; and S/PV.2797: United Kingdom, p. 6.

⁷⁴For the texts of the relevant statements, see S/PV.2646: Ghana, p. 27; S/PV.2647: India, p. 36; Sudan, p. 52; S/PV.2649: Afghanistan, p. 12; Yugoslavia, p. 14; S/PV.2804: Algeria, pp. 11 and 12; Saudi Arabia, p. 28; Jordan, p. 47; Zambia, pp. 56 and 57; Israel, p. 63; India, p. 67; S/PV.2805: Nepal, pp. 26 and 27; Tunisia, pp. 48-50; S/PV.2806: Italy, p. 53; Federal Republic of Germany, p. 41; United States, p. 56; and Bangladesh, pp. 34 and 35.

⁷⁵For the texts of relevant statements, see S/PV.2652: South Africa, pp. 49-51; S/PV.2657: Australia, p. 19; S/PV.2662: United States, pp. 38-40; S/PV.2684: Zambia, pp. 17 and 18; South Africa, pp. 23-25; and S/PV.2686: United Kingdom; and France, p. 7.

⁷⁶For the texts of the relevant statements, see S/PV.2666: United Arab Emirates, p. 12; Thailand, pp. 16-19; United Kingdom, pp. 19 and 20; and China, pp. 29-30.

⁷⁷For the texts of the relevant statements, see S/PV.2669: Kuwait, p. 12; and S/PV.2670: China, p. 26.

⁷⁸For the texts of the relevant statements, see S/PV.2696: China, p. 12; El Salvador, p. 21; Czechoslovakia, p. 51; Nicaragua, p. 72; and S/PV.2697: Madagascar, p. 18; and France, p. 26.

⁷⁹For the text of the relevant statements, see S/PV.2721: Libyan Arab Jamahiriya, pp. 28-36; USSR, p. 41; Chad, p. 8; Congo, pp. 11-13; and Zaire, p. 18.

⁸⁰For the texts of the relevant statements, see S/PV.2800: Argentina, pp. 7-11; United Kingdom, pp. 18-20; Colombia, pp. 21 and 22; and S/PV.2801: Zambia, pp. 13-17; Senegal, pp. 17 and 18; China, p. 21; Yugoslavia, pp. 46-47; and Argentina, p. 52.

⁸¹For the texts of the relevant statements, see S/PV.2802: Nicaragua, pp. 12-14; and S/PV.2803: Zimbabwe, pp. 6-13.

⁸²Letter dated 12 February 1986 from the representative of Iraq (S/17821. OR. 41st yr., Suppl. for Jan.-March 1986).

⁸³For the texts of the relevant statements, see S/PV.2663: Mr. Chedli-Klibli (Secretary-General of the League of Arab States), pp. 7-17; Iraq, pp. 18-21 and 36; Yemen, pp. 38-42; S/PV.2664: Jordan, pp. 7-14; Saudi Arabia, pp. 20-23; Kuwait, pp. 26-31; Tunisia, pp. 35-38; Oman, p. 43; S/PV.2665: Morocco, pp. 11-13; Bahrain, pp. 16-22; Egypt, pp. 26-28; Mr. Terzi (PLO), pp. 33-36; S/PV.2666: United Arab Emirates, pp. 10-12; Thailand, pp. 16-18; United Kingdom, pp. 20-22; USSR, pp. 23-26; United States, pp. 27 and 28; China, pp. 28 and 29; Australia, p. 32; Madagascar, pp. 35-37; and France, p. 38.

⁸⁴For the vote on the draft resolution (S/17859), see S/PV.2666, pp. 39-40.

peaceful means in such a manner that international peace and security and justice are not endangered,

Taking note of the efforts of mediation pursued by the Secretary-General,

...

1. *Deplores* the initial acts which gave rise to the conflict between the Islamic Republic of Iran and Iraq and deplores the continuation of the conflict;

...

5. *Calls upon* both parties to submit immediately all aspects of the conflict to mediation or to any other means of peaceful settlement of disputes;

6. *Requests* the Secretary-General to continue his ongoing efforts, to assist the parties to give effect to this resolution and to keep the Council informed;

...

By a letter⁸⁵ dated 25 February 1986, the representative of the Islamic Republic of Iran transmitted to the Secretary-General his Government's response to the adoption of resolution 582 (1986). It was asserted that the Security Council had finally come to realize the fact that in order to tackle the whole matter of the war, in accordance with the provisions of the Charter, the Council should consider the initial aggression by Iraq; but that the absence of a clear-cut position on the part of the Council showed that it did not yet possess the necessary political will for such a measure. Further, despite the imbalances, resolution 582 (1986) was a positive step towards the condemnation of Iraq as the aggressor and a just conclusion to the war. While it referred to the need for peaceful settlement of disputes, the resolution nevertheless failed to mention Iraq's violation of the principle by resorting to aggression against the Islamic Republic of Iran and that omission was a discrepancy which constituted the major defect of the resolution.

The Council resumed its deliberations at the request of seven Member States⁸⁶ claiming that there was an imminent threat of military attack by the Islamic Republic of Iran against Iraq, which confirmed the determination of the Government of the Islamic Republic to continue the war despite resolution 582 (1986), by which the Council had called for the termination of the conflict and its settlement by peaceful means in accordance with the provisions of the Charter. They thus requested the Council to consider the grave situation and to adopt measures to ensure the implementation of resolution 582 (1986). During the Council's deliberations, it was repeatedly stressed that the escalation in attacks on commercial vessels from third countries and the declared intention of the Islamic Republic of Iran to launch another major offensive to bring the conflict to a military conclusion, despite the provisions of paragraph 5 of resolution 582 (1986) calling on both parties to submit all aspects of the conflict to mediation, had given renewed urgency to the situation. Emphasizing that the continuing war between Iran and Iraq was becoming a serious threat to international peace and security, the Security Council was called upon to discharge its responsibility under the Charter and to ensure the implementation of the provisions of Article 2, paragraph 3, and those contained in Chapter VI, particularly Articles 33, 36 and 37, which not only de-

manded that States resolve their disputes by peaceful means, but also provided various means for the peaceful settlement of disputes.⁸⁷

At the 2713th meeting, on 8 October 1986, a draft resolution, which had been prepared in prior consultations among the members of the Council was voted upon and adopted unanimously as resolution 588 (1986).⁸⁸ The fifth, sixth and seventh preambular paragraphs and paragraphs 1 and 2 of the resolution read as follows:

The Security Council,

...

Recalling the provisions of the Charter of the United Nations and in particular the obligation of all Member States to settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered,

Recalling further that, under the Charter, Member States have conferred on the Security Council primary responsibility for the maintenance of international peace and security and to this end have agreed to accept the role of the Security Council in the settlement of disputes,

Commending the efforts of the Secretary-General in the search for a peaceful settlement of the conflict,

1. *Calls upon* the Islamic Republic of Iran and Iraq to implement fully and without delay resolution 582 (1986) adopted unanimously on 24 February 1986;

2. *Requests* the Secretary-General to intensify his efforts with the parties to give effect to the above-mentioned resolution and to report to the Council no later than 30 November 1986;

...

At the 2730th meeting, on 22 December 1986, the Council considered the report of the Secretary-General⁸⁹ and, at the same meeting, the President made a statement⁹⁰ on behalf of the members of the Council reiterating their call for the implementation of resolutions 582 (1986) and 588 (1986) and for the resolution of the prolonged conflict by peaceful means. The members of the Council emphasized once again the obligation of Member States to settle their disputes by peaceful means and, in that context, to cooperate with the Security Council. They further urged the Secretary-General to continue with his efforts and called upon the parties to cooperate with him.

At the 2750th meeting,⁹¹ on 20 July 1987, the Council had before it a draft resolution that had been prepared in the course of prior consultations among its members. Speaking before and after the vote, the members of the Council noted that the draft text was based on resolution 582 (1986); that, as a culmination of intensive consultations among the five permanent members at the initiative

⁸⁷For the texts of the relevant statements, see S/PV.2709: the Secretary-General of the United Nations, pp. 7 and 8; Mr. Chedli-Klibli (Secretary-General of the League of Arab States), pp. 11 and 12; Iraq, pp. 17-23; Egypt, pp. 27-29; S/PV.2710: Senegal, pp. 7-12; Zambia, p. 14; Oman, pp. 21-26; PLO, pp. 31 and 32; Argentina, p. 36; Jordan, pp. 41-43; S/PV.2711: Saudi Arabia, pp. 8-12; Kuwait, pp. 17-22; German Democratic Republic, pp. 25 and 26; Cuba, pp. 28 and 29; Mexico, p. 33; S/PV.2712: USSR, pp. 12-13; Australia, pp. 16 and 17; China, p. 18; Tunisia, pp. 33-36; S/PV.2713: Venezuela, pp. 6 and 7; Yemen, pp. 13-17; Morocco, pp. 20-23; Uruguay, pp. 32 and 33; France, pp. 38 and 39; United Kingdom, pp. 42 and 43; and United States, pp. 44-46.

⁸⁸For the vote on the draft resolution (S/18383), see S/PV.2713, p. 47.

⁸⁹S/18480, OR, 41st yr., Suppl. for Oct.-Dec. 1986.

⁹⁰S/18538, OR, 41st yr., Resolutions and Decisions of the Security Council, 1986; see also S/PV.2730.

⁹¹Seven members of the Council, including four permanent members, were represented at the level of Foreign Minister and one member at the level of Vice Minister for Foreign Affairs.

⁸⁵S/17864, annex, OR, 41st yr., Suppl. for Jan.-March 1986.

⁸⁶Letter dated 30 September 1986 from the representatives of Iraq, Jordan, Kuwait, Morocco, Saudi Arabia, Tunisia and Yemen (S/18372, OR, 41st yr., Suppl. for Oct.-Dec. 1986).

of the Secretary-General, it expressly fell under the terms of Chapter VII of the Charter calling for mandatory action in a balanced and even-handed manner; and that it was aimed at strengthening the roles of the Council and the Secretary-General by providing an unprecedented framework for mediation and a peaceful settlement of the conflict through negotiation in accordance with the principles of the Charter and international law.⁹²

At the same meeting, the draft resolution was voted upon and unanimously adopted as resolution 598 (1987).⁹³ The eighth and tenth preambular paragraphs and paragraphs 1 and 4 of the resolution read as follows:

The Security Council,

...

Recalling the provisions of the Charter of the United Nations, and in particular the obligation of all Member States to settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered,

...

Acting under Articles 39 and 40 of the Charter,

1. *Demands* that, as a first step towards a negotiated settlement, the Islamic Republic of Iran and Iraq observe an immediate ceasefire, discontinue all military actions on land, at sea and in the air, and withdraw all forces to the internationally recognized boundaries without delay;

...

4. *Calls upon* Iran and Iraq to cooperate with the Secretary-General in implementing this resolution and in mediation efforts to achieve a comprehensive, just and honourable settlement, acceptable to both sides, of all outstanding issues in accordance with the principles contained in the Charter of the United Nations;

...

At the 2779th meeting, on 24 December 1987, the President made a statement,⁹⁴ on behalf of the members of the Council, noting the assessment of the Secretary-General

concerning the implementation of resolution 598 (1987) and expressing their grave concern over the slow pace and lack of real progress.

At the 2823rd meeting, on 8 August 1988, the Secretary-General stated⁹⁵ that, as a result of the intensive diplomatic activity in exercise of the mandate he had been given by the Council, he had been assured by the Islamic Republic of Iran and Iraq that they would observe a ceasefire in the context of the full implementation of resolution 598 (1987) starting at 0300 (GMT) on 20 August 1988 and that the two parties had also agreed to the deployment of United Nations observers as of the time and date of the ceasefire.

At the same meeting, the President of the Council made a statement,⁹⁶ on behalf of the members of the Council, endorsing the announcement that the ceasefire demanded by resolution 598 (1987) was scheduled to come into effect on 20 August 1988 and that direct talks under the Secretary-General's auspices between the two parties were scheduled to begin on 25 August 1988; and also reaffirming the Council's full support for the continuing efforts of the Secretary-General towards the implementation of 598 (1987) as an integral whole.

On 28 September 1988 the Foreign Ministers of the five permanent members of the Security Council held a meeting with the Secretary-General, following which they issued a joint statement.⁹⁷ The Ministers declared that they placed particular emphasis on efforts to resolve regional conflicts in accordance with the principles of the Charter and noted with satisfaction the improvement in international relations at the global level and the general trend towards dialogue and the peaceful settlement of disputes. They further welcomed the ceasefire and the start of direct talks between the Islamic Republic of Iran and Iraq under the auspices of the Secretary-General in order to secure full implementation of Security Council resolution 598 (1987).

⁹²For the texts of the relevant statements, see S/PV.2750: China, pp. 7-9; United Arab Emirates, p. 12; United Kingdom, pp. 15-17; United States, pp. 19-23; Federal Republic of Germany, pp. 28-29; Italy, pp. 31-34; Ghana, pp. 40 and 41; Argentina, p. 47; Congo, pp. 51 and 52; Venezuela, p. 57; the President (France), pp. 60 and 61; the Secretary-General, pp. 62-64; and USSR, pp. 67-76.

⁹³For the vote on the draft resolution (S/18983), see S/PV.2750, pp. 61 and 62.

⁹⁴S/19382, OR, 42nd yr., *Resolutions and Decisions of the Security Council, 1987*; see also S/PV.2779.

⁹⁵S/20095, OR, 43rd yr., *Resolutions and Decisions of the Security Council, 1988*; see also S/PV.2823.

⁹⁶S/20096, *ibid.*

⁹⁷S/20224, annex (letter dated 11 October 1988 from the representatives of the five permanent members of the Council: China, France, USSR, United Kingdom of Great Britain and Northern Ireland and United States of America), OR, 43rd yr., *Suppl. for Oct.-Dec. 1988*.

Part II

CONSIDERATION OF THE PROVISIONS OF ARTICLE 34 OF THE CHARTER

NOTE

During the period under review there were three instances of explicit references to Article 34 in the proposals and the debates of the Security Council.

Resolutions adopted by the Council in connection with five agenda items and one draft resolution which was not adopted implicitly invoked the provisions of Article 34.⁹⁸

⁹⁸There were several incidental implicit references to Article 34 which are not reflected in this chapter.

The five case histories included in this part relate to the function of investigation by the Council as envisaged in Article 34. First, in connection with the situation between Iran and Iraq, the Council encouraged the Secretary-General to carry out promptly investigations in response to allegations concerning the possible use of chemical and bacteriological or toxic weapons. Secondly, in connection with the situation in the Middle East, the Council expressed appreciation to the Secretary-General for his immediate dispatch of a mission to carry out an examination of the measures enabling the United Nations Interim Force

in Lebanon (UNIFIL) to carry out its mandate under resolution 425 (1978). Thirdly, in connection with the complaint by Angola against South Africa, the Council decided to appoint and send immediately to Angola a commission of investigation to evaluate the damage resulting from the invasion by South African forces and requested the Commission to report urgently on its evaluation of the damage from South African aggression, including the latest bombings. Fourthly, in connection with the letter dated 17 June 1985 from Botswana, the Council requested the Secretary-General to send a mission to visit Botswana to assess the damage caused by South Africa's aggression and expressed appreciation to the Secretary-General for having arranged to send a mission to Botswana and endorsed the report of the mission. And fifthly, in connection with the complaint by Lesotho against South Africa, the Council requested the Secretary-General to establish an appropriate presence composed of one or two civilians in Maseru, and to keep him informed of developments affecting the territorial integrity of Lesotho.

In connection with the United Nations for a better world and the responsibility of the Security Council in maintaining international peace and security, the representative of Thailand stated that one of the steps the Council could take to enhance its ability to maintain international peace and security was provided in Article 34, which authorized the Security Council to investigate any dispute or any situation which could lead to international friction or give rise to a dispute.⁹⁹ The representative of India, in connection with the same item, stated that India placed considerable emphasis on the Council's role in preventive diplomacy and that measures such as informal attempts on a regular basis to control crisis situations and the dispatch of fact-finding missions and private meetings with parties concerned were worth considering.¹⁰⁰ The representative of the United States of America maintained, in connection with the same item, that the Security Council required greater and more systematic involvement at early stages of developing conflicts, wider capacities for fact-finding, observation and good offices to make Security Council work for peaceful solutions as effective as possible.¹⁰¹

In connection with the complaint by Lesotho against South Africa, the representative of Senegal, speaking on behalf of the Organization of African Unity (OAU), called for a mission of enquiry to be sent to Lesotho to assess the damage resulting from the act of aggression and to evaluate the cost in human casualties.¹⁰² In connection with the same item, the representative of Peru stated that in its discharge of political responsibilities the Council needed to investigate the origin of weapons that made it possible for South Africa to continue its internal and external aggression.¹⁰³

In connection with the letter¹⁰⁴ dated 12 April 1986 from Malta regarding the threat of use of force, as well as the imminent resort to armed attack in the central Mediterranean, the representative of Malta called for immediate action by the Security Council under Articles 33 and 34 of the Charter of the United Nations.¹⁰⁵ However, the draft resolution,¹⁰⁶ which

was not put to the vote, did not contain provisions which might be considered as falling under Article 34.

In connection with the letters¹⁰⁷ each dated 15 April 1986, respectively, from representatives of the Libyan Arab Jamahiriya, Burkina Faso, the Syrian Arab Republic and Oman, the representative of Australia pointed out that the Security Council had wide powers under Chapter VI of the Charter, particularly Articles 33, paragraph 2, Article 34 and Article 36, paragraph 1, to assume its responsibilities and avoid further tensions in the central Mediterranean.¹⁰⁸

On a number of occasions in 1985, the Secretary-General dispatched inspection teams to investigate allegations by one or both parties regarding military "attacks" on civilian populations. All investigation missions were followed by reports¹⁰⁹ by the Secretary-General transmitted to the Council and, in some cases, the President on behalf of the members of the Security Council issued statements¹¹⁰ urging both parties to exercise restraint and continue to honour their undertaking of June 1984 not to attack civilian targets. In February 1985, in connection with the situation between Iran and Iraq, the Secretary-General dispatched inspection teams to investigate allegations by one or both parties regarding the situation of prisoners of war. All investigations were followed by reports of the Secretary-General transmitted to the Council, and in some cases the President, on behalf of the members of the Security Council, issued statements urging both parties to abide by the Geneva Convention with regard to the treatment of prisoners of war.¹¹¹ In April 1985, the Secretary-General was requested by the President of the Security Council to examine the feasibility of establishing arrangements to conduct a prompt investigation of any further allegations of the use of chemical weapons.¹¹² However, in spite of allegations made by the Islamic Republic of Iran and subsequently rejected by Iraq, a new investigation at that stage was not considered to be warranted.¹¹³ In February 1986, while reiterating its allegations of Iraq's use of chemical weapons, the Government of the Islamic Republic of Iran requested the dispatch of an investigation mission to the area.¹¹⁴ While members expressed their support for the Secretary-General's approach, they urged that he dispatch an investigation mission at the earliest opportunity. Immediately upon the adoption by the Council of resolution 582 (1986), the Secretary-General gave instructions for the missions to assemble in Vienna and to proceed without further delay to the Islamic Republic of Iran. The specialists submitted a joint report to the Secretary-General on 7 March 1986. On 12 March, the Secretary-General submitted his report¹¹⁵

¹⁰⁷S/17991, S/17992, S/17993 and S/17994, *ibid.*

¹⁰⁸S/PV.2676, p. 21.

¹⁰⁹S/16897, S/16920, *OR, 40th yr., Suppl. for Jan.-March 1985.*

¹¹⁰Presidential statement dated 5 March 1985 (S/17004, *ibid.*).

¹¹¹S/16962, *ibid.*

¹¹²For the first time, the Islamic Republic of Iran, in a letter dated 3 November 1983 to the Secretary-General (S/16128), alleged that chemical weapons were being used by Iraq. The Secretary-General, in light of the spirit of humanitarian concern, requested four eminent specialists to undertake a fact-finding visit to the Islamic Republic of Iran between 13 March and 19 March 1984. The Secretary-General, in a note, transmitted the report of the specialists (S/16433).

¹¹³S/17911, *OR, 41st yr., Supplement for Jan.-March 1986.*

¹¹⁴S/17822, S/17829, S/17833, S/17835, S/17836 and S/17843, *ibid.*

¹¹⁵S/17911 and Add.1, *ibid.*

⁹⁹S/PV.2608, p. 41.

¹⁰⁰*Ibid.*, p. 67.

¹⁰¹*Ibid.*, p. 117.

¹⁰²S/PV.2639, p. 4.

¹⁰³*Ibid.*, p. 27.

¹⁰⁴S/17982, *OR, 41st yr., Suppl. for April-June 1986.*

¹⁰⁵S/PV.2672, p. 4.

¹⁰⁶S/17984, *OR, 41st yr., Suppl. for April-June 1986.*

to the Security Council. By a note dated 8 May 1987,¹¹⁶ the Secretary-General transmitted the report of another mission dispatched under his authority to investigate allegations of the use of chemical weapons in the conflict between Iran and Iraq. The President, on behalf of the members of the Security Council, issued a statement¹¹⁷ expressing dismay at the repeated use of chemical weapons against Iranian forces by Iraqi forces, in open violation of the Geneva Protocol of 1925. On 25 April 1988, the Secretary-General further submitted to the Council another report¹¹⁸ of the mission dispatched under his authority to investigate allegations of the use of chemical weapons in the conflict between Iran and Iraq. On 9 May 1988, the Security Council considered the report and unanimously adopted resolution 612 (1988)¹¹⁹ (see case 1) by which it condemned vigorously the continued use of chemical weapons in the conflict between Iran and Iraq as contrary to the obligations under the Geneva Protocol.

During the Council's deliberations in connection with the situation in the Middle East, a draft resolution submitted by Lebanon would have implicitly invoked the provisions of Article 34. Under the draft resolution,¹²⁰ the Council would have requested the Secretary-General to establish a fact-finding mission and to report to the Council on the Israeli practices and measures in southern Lebanon, the western Bekaa and the Rashaya district. At the 2573rd meeting, held on 12 March 1985, the draft resolution was voted upon and not adopted, owing to the negative vote of a permanent member of the Council.¹²¹

In connection with the situation in southern Africa, the representative of the Libyan Arab Jamahiriya recalled the report of the Commission of Investigation established by Security Council resolution 571 (1985) which contained an assessment of the material and human damages caused by South African forces against Angola.¹²² In connection with the same item, the representative of Australia also recalled his delegation's participation in the Security Council's Commission of Inquiry into Angola, which had given them first-hand experience of South Africa's actions towards its neighbours.¹²³

In connection with the complaint of Angola against South Africa, the representative of South Africa asked why the Council could not decide to send a fact-finding mission to Angola to establish the facts for itself.¹²⁴ The representative of the United States, in connection with the same item, referred to South Africa's proposal and stated that it would perhaps have been worthwhile to consider dispatching a fact-finding commission to investigate thoroughly the Angolan charge.¹²⁵

During the Council's consideration of the letter dated 9 December 1986 from Nicaragua,¹²⁶ the representative of

Nicaragua stated that he had suggested to the Secretary-General that even though the Government of Honduras had rejected the Nicaraguan proposal that a United Nations fact-finding committee be sent to the border area between Honduras and Nicaragua, perhaps a commission could be sent to the bombed areas to corroborate the facts presented by Nicaragua.¹²⁷ On the other hand, the representative of Honduras stated that at the time his country was unable to accept the on-site presence of a United Nations commission.¹²⁸

In connection with the situation in the occupied Arab territories, several delegations proposed that the Security Council send a fact-finding mission to investigate the situation in the occupied Arab territories.¹²⁹ In one instance, in connection with the same agenda item, in resolution 605 (1987), paragraph 6, the Council requested the Secretary-General to examine the situation then prevailing in the occupied Arab territories by all means available to him and to report to the Council within a specified period, including recommendations on ways and means for ensuring the safety and protection of the civilians under occupation.¹³⁰

In connection with the letters both dated 10 February 1988 from the observer of the Republic of Korea¹³¹ and from the representative of Japan,¹³² concerning the blowing up of a Korean Air liner over the Andaman Sea off the coast of Burma, on 29 November 1987, a number of the participants in the Council's discussion stated that an opportunity given to the International Civil Aviation Organization (ICAO) or another independent organization to establish the exact cause of the incident would serve the Security Council better.¹³³

During the Council's consideration of the letter dated 17 March 1988 from Nicaragua, the representative of Nicaragua stated that his Government had formally requested the Secretary-General and the Organization of American States (OAS) to send as speedily as possible a mixed technical mission to investigate the border incidents that had occurred in the Bocay sector on Nicaraguan territory.¹³⁴ However, the representative of Honduras stated that his Government did not consider that the establishment of such a commission was necessary.¹³⁵ The representative of Brazil maintained that his Government would take a favourable view of the request to send a verification mission to the area of conflict.¹³⁶

During the Council's consideration of the letter¹³⁷ dated 5 July 1988 from the representative of the Islamic Republic of Iran, a number of delegations stated that they were open to any proposals for investigation and also noted the

¹¹⁶S/18852 and Corr. 1, *OR*, 42nd yr., *Suppl. for April-June 1987*.

¹¹⁷S/18863, *ibid.*

¹¹⁸S/19823 and Corr. 1, *OR*, 43rd yr., *Suppl. for April-June 1988*.

¹¹⁹For the vote on the draft resolution (S/19869), see S/PV.2812.

¹²⁰S/17000.

¹²¹For the vote on the draft resolution, see S/PV.2573, p. 83. For the detailed procedural history, see chap. VIII, part II, sect. 2, of the present *Supplement*.

¹²²S/PV.2657, p. 17.

¹²³S/PV.2657, p. 21.

¹²⁴S/PV.2691, p. 26.

¹²⁵See S/PV.2693, United States, p. 48. For the detailed procedural history with regard to draft resolution S/18163, see chap. VIII, part II, sect. 2, of the present *Supplement*; see also chap. I, under rule 38.

¹²⁶S/18513, *OR*, 41st yr., *Suppl. for Oct.-Dec. 1986*.

¹²⁷S/PV.2728, pp. 31-32.

¹²⁸*ibid.*, p. 32.

¹²⁹S/PV.2774, pp. 12, 68; S/PV.2775, pp. 27, 53 and 71.

¹³⁰The Secretary-General dispatched a mission in order to examine on the spot the situation in the occupied territories and to explore ways and means that he could consider recommending to the Security Council to ensure the safety and protection of the Palestinian population of the territories and submitted a report (S/19443) dated 21 January 1988. See also chap. V of the present *Supplement*.

¹³¹S/19488, *OR*, 43rd yr., *Suppl. for Jan.-March 1988*.

¹³²S/19489, *ibid.*

¹³³S/PV.2791: Federal Republic of Germany, p. 63; S/PV.2792: France, p. 11; United Kingdom, p. 13; Bahrain, pp. 40-46; Zambia, pp. 53 and 54.

¹³⁴S/PV.2802: Nicaragua, p. 11.

¹³⁵*ibid.*, p. 18.

¹³⁶*ibid.*, p. 31.

¹³⁷S/19991, *OR*, 43rd yr., *Suppl. for July-Sept. 1988*.

process of investigation that was already under way by ICAO.¹³⁸

Security Council resolution 616 (1988), adopted in connection with the letter dated 5 July 1988 from the representative of the Islamic Republic of Iran, constituted an instance whereby the Security Council welcomed the decision of the International Civil Aviation Organization, in response to the request of the Islamic Republic, "to institute an immediate fact-finding investigation to determine all relevant facts and technical aspects of the chain of events relating to the flight and destruction of the aircraft" and further welcomed the announcements by the United States of America and by the Islamic Republic of Iran of the decisions to cooperate with the ICAO investigation.¹³⁹

CASE 2

The situation between Iran and Iraq

(In connection with draft resolutions prepared in the course of the Council's consultations and adopted, respectively, on 20 July 1987, 9 May and 26 August 1988)

At its 2750th meeting, on 20 July 1987, 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 598 (1987).¹⁴⁰

Paragraphs 2, 6 and 8 of the resolution read as follows:

The Security Council,

2. *Requests* the Secretary-General to dispatch a team of United Nations observers to verify, confirm and supervise the ceasefire and withdrawal and further requests the Secretary-General to make the necessary arrangements in consultation with the parties and to submit a report thereon to the Security Council;

6. *Requests* the Secretary-General to explore, in consultation with Iran and Iraq, the question of entrusting an impartial body with inquiring into responsibility for the conflict and to report to the Council as soon as possible;

8. *Further requests* the Secretary-General to examine, in consultation with Iran and Iraq and with other States of the region, measures to enhance the security and stability of the region;

At its 2812th meeting, on 9 May 1988, the Council considered the report¹⁴¹ of the mission dispatched by the Secretary-General to investigate allegations of the use of chemical weapons in the conflict between Iran and Iraq and adopted resolution 612 (1988). The resolution read in part as follows:

The Security Council,

Having considered the report of 25 April 1988 of the mission dispatched by the Secretary-General to investigate allegations of the use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq,

3. *Expects* both sides to refrain from the future use of chemical weapons in accordance with their obligations under the Geneva Protocol;

¹³⁸See S/PV.2819.

¹³⁹See paragraph 3 of resolution 616 (1988), *OR, 43rd yr., Resolutions and Decisions of the Security Council, 1988*.

¹⁴⁰For the vote on the draft resolution (S/18983), see S/PV.2750, p. 61. For the detailed procedural history, see chap. VIII, part II, sect. 3, of the present *Supplement*.

¹⁴¹S/19823, *OR, 43rd yr., Supplement for April, May and June 1988*.

4. *Calls upon* all States to continue to apply or to establish strict control of the export to the parties to the conflict of chemical products serving for the production of chemical weapons;

At the 2825th meeting, on 26 August 1988, a draft resolution submitted by the Federal Republic of Germany, Italy, Japan and the United Kingdom of Great Britain and Northern Ireland was voted upon and adopted unanimously as resolution 620 (1988).¹⁴²

The resolution reads in part as follows:

The Security Council,

Recalling its resolution 612 (1988) of 9 May 1988,

Having considered the reports of 20 and 25 July and of 2 and 19 August 1988¹⁴³ of the missions dispatched by the Secretary-General to investigate allegations of the use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq,

Deeply dismayed by the missions' conclusions that there had been continued use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq and that such use against Iranians has become more intense and frequent,

1. *Condemns resolutely* the use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq, in violation of obligations under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and in defiance of its resolution 612 (1988);

2. *Encourages* the Secretary-General to carry out promptly investigations in response to allegations brought to his attention by any Member State concerning the possible use of chemical and bacteriological (biological) or toxic weapons that may constitute a violation of the 1925 Geneva Protocol or other relevant rules of customary international law, in order to ascertain the facts of the matter, and to report the results;

3. *Calls upon* all States to continue to apply, to establish or to strengthen strict control of the export of chemical products serving for the production of chemical weapons, in particular to parties to a conflict, when it is established or when there is substantial reason to believe that they have used chemical weapons in violation of international obligations;

4. *Decides* to consider immediately, taking into account the investigations of the Secretary-General, appropriate and effective measures in accordance with the Charter of the United Nations, should there be any future use of chemical weapons in violation of international law, wherever and by whomever committed.

CASE 3

The situation in the Middle East

(In connection with a statement made on 5 September 1986 by the President of the Council on behalf of its members)

At its 2705th meeting, on 5 September 1986, the Council heard a statement made by the Secretary-General in which he informed the members that, as a result of a series of serious incidents in the area of deployment in southern Lebanon of UNIFIL, he had decided to send to the region a mission of inquiry to consider, together with the Government of Lebanon, measures to be taken to ensure that the Force was able to carry out effectively, in the required secured conditions, the mandate entrusted to it by the Security Council in its resolution 425 (1978).

¹⁴²For the vote on the draft resolution (S/20151), see S/PV.2825.
¹⁴³S/20060 and Add. 1, S/20063 and Add. 1 and S/20134, *OR, 41st yr., Suppl. for July-Sept. 1986*.

Following the Secretary-General's statement, the President made a statement on behalf of the members of the Council (S/18320). The statement reads in part as follows:

The members of the Security Council express their appreciation to the Secretary-General for his immediate dispatch of a mission led by the Under-Secretary-General which is to carry out, in consultation with the Lebanese Government, an in depth examination of the measures to be taken to enable the Force to carry out its mandate, as laid down in Council resolution 425 (1978), effectively in the necessary conditions of security.

The Secretary-General submitted a special report¹⁴⁴ dated 18 September 1986 on the United Nations Interim Force in Lebanon in which he described the conditions under which UNIFIL was operating and the security measures already taken and set out his observations on the future of the Force.

CASE 4

Complaint by Angola against South Africa

(In connection with a draft resolution submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago, voted upon and adopted on 20 September 1985)

During the Council's consideration of the complaint by Angola against South Africa, the representative of Angola stated that the South African forces had launched an attack on Angola on 17 September 1985. At the 2607th meeting, on 20 September 1985, the Security Council unanimously adopted, as orally revised, a draft resolution submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago, as resolution 571 (1985).¹⁴⁵

Paragraph 7 of the resolution reads as follows:

The Security Council,

7. *Decides to appoint and send immediately to Angola a commission of investigation, comprising three members of the Security Council, in order to evaluate the damage resulting from the invasion by South African forces and to report to the Council not later than 15 November 1985;*

At its 2617th meeting, on 7 October 1985, the Security Council unanimously adopted resolution 574 (1985).¹⁴⁶ The resolution reads in part as follows:

The Security Council,

7. *Requests the Security Council Commission of Investigation established in pursuance of resolution 571 (1985), consisting of Australia, Egypt and Peru, to report urgently on its evaluation of the damage resulting from South African aggression, including the latest bombings;*

In a note¹⁴⁷ dated 15 November 1985, the President of the Council stated that the Chairman of the Security Council Commission of Investigation established under resolution 571 (1985) had informed him that the Commission was still in the process of finalizing its report and that it had requested an extension of the date of submission of its

report until 22 November 1985. The President further stated that, after informal consultations on the matter, it had been found that no member of the Council had any objection to the request.

At its 2631st meeting, on 6 December 1985, the Security Council considered the report¹⁴⁸ of the Commission of Investigation. At the same meeting, a draft resolution submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago was voted upon and unanimously adopted as resolution 577 (1985).¹⁴⁹ The resolution reads in part as follows:

The Security Council,

7. *Demands that South Africa pay full and adequate compensation to the People's Republic of Angola for the damage to life and property resulting from the acts of aggression;*

8. *Requests Member States and international organizations urgently to extend material and other forms of assistance to the People's Republic of Angola in order to facilitate the immediate reconstruction of its economic infrastructure;*

9. *Requests the Secretary-General to monitor developments in this situation and report to the Security Council as necessary, but no later than 30 June 1986, on the implementation of the present resolution and, in particular, of paragraphs 7 and 8 thereof;*

CASE 5

Letter dated 17 June 1985 from the Permanent Representative of Botswana to the United Nations addressed to the President of the Security Council

(In connection with a draft resolution submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago, voted upon and adopted on 21 June 1985)

During the Council's consideration of the serious situation arising as a result of South Africa's military attack on the capital of Botswana, Gaborone, at the 2599th meeting, on 21 June 1985, a six-Power draft resolution was adopted unanimously as resolution 568 (1985).¹⁵⁰ The resolution reads in part as follows:

The Security Council,

8. *Requests the Secretary-General to send a mission to visit Botswana for the purpose of:*

(a) *Assessing the damage caused by South Africa's unprovoked and premeditated acts of aggression;*

(b) *Proposing measures to strengthen Botswana's capacity to receive and provide assistance to South African refugees;*

(c) *Determining the consequent level of assistance required by Botswana and to report thereon to the Security Council;*

9. *Requests all States and relevant agencies and organizations of the United Nations system urgently to extend all necessary assistance to Botswana;*

10. *Requests the Secretary-General to monitor developments related to this question and to report to the Security Council as the situation demands;*

¹⁴⁴S/18348, *ibid.*

¹⁴⁵For the vote on the draft resolution (S/17481), see S/PV.2607, pp. 52-55. For the detailed procedural history, see chap. VIII, part II, sect. 8, of the present *Supplement*.

¹⁴⁶For the vote on the draft resolution (S/17531), see S/PV.2617, p. 49. For detailed procedural history, see chap. VIII, part II, sect. 8, of the present *Supplement*.

¹⁴⁷S/17635, *OR*, 40th yr., *Suppl. for Oct.-Dec. 1985*.

¹⁴⁸S/17648, *ibid.*

¹⁴⁹For the vote on the draft resolution (S/17667) see S/PV.2631, pp. 31-32. For detailed procedural history, see chap. VIII, part II, sect. 8, of the present *Supplement*.

¹⁵⁰For the vote on the draft resolution (S/17291), see S/PV.2599.

The Security Council considered the Secretary-General's report¹⁵¹ at its 2609th meeting, on 30 September 1985, held in response to a request contained in a letter dated 26 September 1985 from the representative of Botswana. At the same meeting, a draft resolution submitted by Botswana, Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago was voted upon and adopted as resolution 572 (1985).¹⁵² The resolution reads in part as follows:

The Security Council,

...

2. *Expresses its appreciation* to the Secretary-General for having arranged to send a mission to Botswana to assess the damage caused by South Africa's unprovoked and premeditated acts of aggression and for proposing measures to strengthen Botswana's capacity to receive and provide assistance to South African refugees as well as for determining the level of assistance required by Botswana to cope with the situation resulting from the attack;

3. *Endorses* the report of the mission to Botswana under resolution 568 (1985);

4. *Demands* that South Africa pay full and adequate compensation to Botswana for the loss of life and damage to property resulting from its act of aggression;

5. *Requests* Member States, international organizations and financial institutions to assist Botswana in the fields identified in the report of the mission to Botswana;

6. *Requests* the Secretary-General to give the matter of assistance to Botswana his continued attention and to keep the Security Council informed;

¹⁵¹S/17453, OR, 40th yr., Suppl. for July-Sept. 1985.

¹⁵²For the vote on the draft resolution (S/17503), see S/PV.2609.

CASE 6

Complaint by Lesotho against South Africa

(In connection with a draft resolution submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago, voted upon and adopted on 30 December 1985)

During the consideration of the complaint by Lesotho against South Africa, which had suffered armed aggression by South Africa on 19 December 1985, a draft resolution submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago was voted upon and unanimously adopted as resolution 580 (1985).¹⁵³ Paragraphs 9 and 10 of the resolution read as follows:

The Security Council,

...

9. *Requests* the Secretary-General to establish, in consultation with the Government of Lesotho, an appropriate presence comprising one or two civilians in Maseru, for the purpose of keeping him informed of any development affecting the territorial integrity of Lesotho;

10. *Further requests* the Secretary-General, through appropriate means, to monitor the implementation of the present resolution and the prevailing situation and to report to the Security Council as the situation demands;

¹⁵³For the vote on the draft resolution (S/17701), see S/PV.2639.

Part III

CONSIDERATION OF THE PROVISIONS OF ARTICLE 35 OF THE CHARTER

NOTE

During the period under review, 39 questions involving the maintenance of international peace and security were brought to the attention of the Security Council. In one case, a request for a meeting was submitted by a non-member State. In all other cases, the requests under Article 35 were submitted by Members of the United Nations. The relevant data regarding the submission of these questions are summarized in the tabulation.

Article 35, paragraph 2, was explicitly invoked in one communication from a non-member State;¹⁵⁴ one letter of submission explicitly invoked Article 94 of the Charter.¹⁵⁵ During the debates in the Security Council, Article 35 was explicitly cited four times in the course of the deliberations of the Council.¹⁵⁶

¹⁵⁴See the letter dated 10 February 1988 from the Republic of Korea (S/19488, OR, 43rd yr., Suppl. for Jan.-March 1988).

¹⁵⁵See the letter dated 17 October 1986 from Nicaragua, requesting an emergency meeting of the Security Council to consider the non-compliance with the judgment of the International Court of Justice (S/18415, OR, 41st yr., Suppl. for Oct.-Dec. 1986).

¹⁵⁶S/PV.2617: Angola, p. 55; S/PV.2636: Madagascar, p. 6; S/PV.2677: Madagascar, p. 16; S/PV.2680: Ghana, p. 38.

The Council continued to consider, at the request of the parties or other Members of the United Nations, questions that had been included in its agenda prior to the period under review: the situation in the Middle East, the situation between Iran and Iraq, the question of South Africa, the situation in Namibia, the situation in Cyprus, complaint by Angola against South Africa, complaint by Lesotho against South Africa, the situation in the occupied Arab territories, the situation concerning Western Sahara, letter dated 20 February 1961 from the representative of Liberia addressed to the President of the Security Council, and the Middle East problem including the Palestinian question.

SUBMISSIONS BY MEMBERS OF THE UNITED NATIONS

Members of the United Nations generally submitted questions to the Security Council by means of communications to the President of the Council. In two instances, communications were addressed to the Secretary-General.¹⁵⁷ During the period under review, Article 35 was not

¹⁵⁷See the letter dated 17 December 1988 from Angola and the letter dated 17 December 1988 from Cuba (S/20336 and S/20337, OR, 43rd yr., Suppl. for Oct.-Dec. 1988).

explicitly cited by Member States as the basis of such submissions.

One question was submitted as a dispute.¹⁵⁸ In 22 instances questions were described as situations.¹⁵⁹ In 12 cases the letter of submission contained terms similar to those of Article 39.¹⁶⁰

In connection with the situation between Iran and Iraq, the Council was requested to discuss the report of the mission dispatched by the Secretary-General to inquire into the situation of prisoners of war in the Islamic Republic of Iran and the Republic of Iraq; to discuss the grave situation arising from the Iranian aggression and to take serious practical and speedy measures to put an end to the war and to solve the conflict by peaceful means; and to adopt measures to ensure the implementation of Security Council resolution 582 (1986), concerning the further acute escalation of the conflict.

With regard to the situation in the Middle East, the Council was requested to consider the situation of UNIFIL, in the light of the Secretary-General's report; the situation in and around the refugee camps in Beirut; the continuing acts of aggression and practices of the Israeli occupying forces in southern Lebanon, the Western Bekaa and the Rashaya district; the continued escalation of violence involving the civilian population in and around Beirut, affecting the safety and security of the Palestinians in the refugee camps; the aggression against Lebanon, which had assumed the proportions of an invasion of the southern part of the country; and the aggression against Lebanese territory by Israeli naval, air and land forces on 9 December 1988.

In connection with the question of South Africa, the Council was requested to consider the serious situation in South Africa resulting from the murder of defenceless African demonstrators; the concern at the continuance and worsening of the human suffering which the apartheid system caused in South Africa; the serious situation on the occasion of the commemoration of the tenth anniversary of the Soweto massacres; the question of the death sentences passed by the regime of South Africa, as well as the decision of the Pretoria Supreme Court to reject the appeal; and the question of the death sentence passed by the regime in the light of the intention of South African authorities to implement that decision.

In connection with communications from Chad, the Council was requested to resume consideration of the complaint against the Libyan Arab Jamahiriya made by the Government of Chad on 2 August 1983; to consider the serious situation prevailing in the country; and to consider the serious situation prevailing in the northern part of Chad occupied by the Libyan Arab Jamahiriya.

In connection with the communications¹⁶¹ from Nicaragua, the Council was requested to convene for the purpose

of considering the extremely serious situation which the Central American region was facing at that time; to consider an extremely serious situation created by the escalation of acts of aggression, the repeated threats and new acts of provocation directed against Nicaragua by the United States Government; to convene an emergency meeting, in accordance with the provisions of Article 94 of the Charter, to consider the non-compliance with the judgment of the International Court of Justice; to convene a meeting urgently and immediately, in order to consider the serious situation created by the escalation of threats and aggression against Nicaragua and by the decision by the United States Government to send American troops to Honduran territory; and for the purpose of considering the serious incidents occurring in the Central American region which endangered international peace and security.

In connection with the situation in Namibia, the Council was requested to consider further, following the decision of the Extraordinary Ministerial Meeting of the Coordinating Bureau of Non-Aligned Countries to call for an urgent meeting of the Security Council, the question of Namibia and to give effect to its own resolutions in that regard, in particular resolution 435 (1978).

In connection with the complaint by Angola against South Africa, the Council was requested to deal with the situation, in view of the threat to regional and international peace and security represented by the continuous acts of aggression and violence perpetuated by the armed forces of South Africa, resulting in violation of the territorial integrity and national sovereignty of Angola; to deal with the situation, in view of the armed invasion perpetrated against Angola and the threat it posed to regional and international peace and security; to deal with the situation, in view of the acts of aggression and threats to regional and international peace and security by the armed forces of South Africa, resulting in the violation of the territorial integrity and national sovereignty of Angola; and to convene urgently for the purpose of considering the renewed acts of aggression by South Africa against Angola.

In connection with the letter dated 17 June 1985 from Botswana, the Council was requested to consider the situation that had arisen as a result of South Africa's military attack on the capital of the country, Gaborone.

In connection with the situation in the occupied Arab territories, the Council was requested to consider Israeli practices against the civilian population; to consider the serious threat to international peace and security resulting from Israeli acts of profanation committed against the sanctuary of Haran al-Quds (Jerusalem); to consider the situation in the Israeli-occupied Palestinian and other Arab territories, including Jerusalem; to consider and adopt the report of the Secretary-General pursuant to Security Council resolution 605 (1987); to consider the situation resulting from Israel's aggression and take steps as were required by the situation; and to condemn the deliberate act of aggression in the strongest terms, to require fair and full compensation for all the damage and to take measures to prevent such acts from recurring.

In connection with the Middle East problem including the Palestinian question, the Council was requested, on behalf of the Movement of Non-Aligned Countries and following the decision of the Conference of Foreign Ministers, to convene urgently.

¹⁵⁸See tabulation, section A.

¹⁵⁹*Ibid.*, section B.

¹⁶⁰*Ibid.*, section C.

¹⁶¹Letter dated 6 May 1985 (S/17156, *OR*, 40th yr., *Suppl. for April-June 1985*); letter dated 6 December 1985 (S/17671, *OR*, 40th yr., *Suppl. for Oct.-Dec. 1985*); letter dated 27 June 1986 (S/18178, *OR*, 41st yr., *Suppl. for April-June 1986*); letter dated 22 July 1986 (S/18230, *OR*, 41st yr., *Suppl. for July-Sept. 1986*); letter dated 17 October 1986 (S/18414, *OR*, 41st yr., *Suppl. for Oct.-Dec. 1986*); letter dated 9 December 1986 (S/18513, *ibid.*); letter dated 17 March 1988 (S/19638, *OR*, 43rd yr., *Suppl. for Jan.-March 1988*).

In connection with the letter dated 16 December 1985 from the United States, the Council was requested to consider the important matter of hostage-taking, in view of the serious situation created by those acts.

In connection with the complaint by Lesotho against South Africa, the Council was requested to deal with the grave situation created by an unprovoked armed aggression against Lesotho by South Africa.

In connection with the situation in southern Africa, the Council was requested to convene an urgent meeting to consider the situation and South Africa's aggression against Botswana, Zambia and Zimbabwe.

In connection with the letters dated, respectively, 25 and 26 March 1986 from Malta, the USSR and Iraq, as well as with the letter dated 12 April 1986 from Malta, the Council was requested to convene an urgent meeting to discuss the grave situation which had arisen in the central Mediterranean and to consider what action could be taken to reduce tension and restore peace and stability in the region; to consider the question of the United States aggression against the Libyan Arab Jamahiriya; and to consider and take action to stop repeated threats of use of force, as well as imminent resort to armed attacks in the central Mediterranean.

In connection with the letter dated 4 February 1986 from the Syrian Arab Republic, the Council was requested to consider the Israeli act of air piracy carried out against a private Libyan civilian aircraft flying in international airspace and carrying an official Syrian delegation.

In connection with the letters each respectively dated 15 April 1986 from the Libyan Arab Jamahiriya, Burkina Faso, the Syrian Arab Republic and Oman, the Council was called upon to consider and adopt urgent and effective measures with regard to the attack on Tripoli and Benghazi by United States forces.

By the letter dated 10 February 1988 from Japan, the Security Council was also to consider the destruction on November 1987 of the Korean Airlines passenger aircraft, flight 858, which claimed 115 victims.

In connection with the letter dated 11 March 1988 from Argentina, the Council was requested to consider the situation created in the South Atlantic by the United Kingdom Government's decision to conduct military manoeuvres in the region of the Falkland Islands (Islas Malvinas).

In connection with the letter dated 19 April 1988 from Tunisia, the Council was requested to consider the situation created by the Israeli attack on the territorial integrity and sovereignty of Tunisia; and invited to condemn Israeli terrorism and to take appropriate steps to avert and prevent the repetition of such acts. Further, the attention of the Council was drawn to the nature of those deplorable acts, which portended other attacks unless the Council took serious measures to counter such acts.

In connection with the letter dated 5 July 1988 from the Islamic Republic of Iran, the Council was asked to consider the massacre of 290 innocent civilian passengers of Iran Air flight 655 by the naval forces of the United States.

By identical letters each, respectively, dated 17 December 1988 from Angola and from Cuba, the Secretary-General was informed of the intention to sign an agreement between the two countries and was requested to take necessary steps to recommend to the Council that a United

Nations observer group be set up in order to carry out the verification of the agreement.¹⁶²

SUBMISSIONS BY STATES NOT MEMBERS OF THE UNITED NATIONS

During the period under review, the observer for the Republic of Korea to the United Nations requested that an urgent meeting of the Security Council be called, in accordance with Article 35, paragraph 2, of the Charter, to consider a serious situation arising from the explosion of Korean Air flight 858.¹⁶³

SUBMISSIONS BY THE GENERAL ASSEMBLY OR ITS SUBSIDIARY ORGANS¹⁶⁴

In connection with the question of South Africa, the Council was requested to conclude its consideration of the recommendations of its Committee established by resolution 421(1977), with a view to blocking the existing loopholes in the arms embargo so as to render it more effective, and prohibiting, in particular, all forms of cooperation and collaboration with the racist regime of South Africa in the nuclear field. On another occasion, the Council was requested to consider immediate action under Chapter VII of the Charter with a view to applying comprehensive and mandatory sanctions against South Africa, with a call upon Governments which were opposed to the application of such sanctions to cease their opposition.¹⁶⁵

In connection with the situation in the Middle East, the General Assembly requested the Council to consider the situation in the occupied Palestinian territory, taking into account the recommendations contained in the report of the Secretary-General. Finally, the Council was requested by the General Assembly to consider measures needed to convene the International Peace Conference on the Middle East, including the establishment of a preparatory committee for that purpose.¹⁶⁶

SUBMISSION BY A SUBSIDIARY ORGAN OF THE SECURITY COUNCIL

On one occasion, the Chairman of the Security Council Committee established by resolution 421 (1977) transmitted to the Council the text of a draft resolution recommended by the Committee.¹⁶⁷

PROCEDURAL CONSEQUENCES OF SUBMISSIONS UNDER ARTICLE 35

Communications submitting questions for consideration by the Council were dealt with in accordance with rules 6 and 9 of the provisional rules of procedure; material relating to the application of these rules is contained in chapter

¹⁶²See the letters both dated 17 December 1988 from Angola and Cuba (S/20336 and S/20337, *OR*, 43rd yr., *Suppl. for Oct.-Dec. 1988*).

¹⁶³See the letter dated 10 February 1988 from the Republic of Korea (S/19488, *OR*, 43rd yr., *Suppl. for Jan.-March 1988*). See also section E of the tabulation, below.

¹⁶⁴For recommendations made by the General Assembly in the form of resolutions, see chap. VI, part I, of the present *Supplement*.

¹⁶⁵See tabulation, entry 36.

¹⁶⁶See tabulation, entry 37.

¹⁶⁷Draft resolution S/18474, adopted at the 2723rd meeting, held on 28 November 1986, by consensus as resolution 591 (1986).

II, parts II and III, of the present *Supplement*. In a few cases the Council did not take up the questions or communications for a discussion.¹⁶⁸

On one occasion, in connection with the letters both dated 10 February 1988, respectively, from the observer for the Republic of Korea and from the representative of Japan, one delegation stated that his Government did not consider it useful to include in the agenda of the Security

Council the question submitted to it, and that they wanted their position to be reflected in the records of the Security Council.¹⁶⁹ In other cases, the Council did not consider whether or not to accept the designation of any of the new questions submitted for its consideration for the first time. Nor was any question raised as to the appropriate designation for a question included in the agenda at an earlier date.

¹⁶⁸For the submissions from Member States, see section B of the tabulation.

¹⁶⁹For the text of the relevant statement, S/PV.2791: USSR. For more details, see chap. II, part III, case 1, of the present *Supplement*.

TABULATION OF QUESTIONS SUBMITTED TO THE SECURITY COUNCIL, 1985-1988

Section A. Questions submitted by Members as disputes

<i>Question</i>	<i>Submitted by</i>	<i>States involved</i>	<i>Articles invoked as basis for submission</i>	<i>Action requested of the Security Council</i>	<i>Meetings</i>
1. Letter dated 22 July 1986 (S/18230)	Nicaragua	United States		Requesting the convening of a meeting of the Security Council on 29 July 1986, for the purpose of considering the dispute between the United States and Nicaragua, which was the subject of the judgment of the International Court of Justice	2700th-2704th meetings, 29-31 July 1988

Section B. Questions submitted by Members as situations

<i>Question</i>	<i>Submitted by</i>	<i>States involved</i>	<i>Articles invoked as basis for submission</i>	<i>Action requested of the Security Council</i>	<i>Meetings</i>
2. Letter dated 28 January 1985 (S/16911)	Chad	Libyan Arab Jamahiriya		Requesting that the Security Council convene as a matter of urgency in order to consider the serious situation prevailing in the country	2567th meeting, 30 January 1985
Letter dated 25 January 1985 (S/16906)	Chad	Libyan Arab Jamahiriya		Informing of the illegal occupation by the Libyan Arab Jamahiriya of Chadian territory which constitutes an act of aggression and a constant threat to peace and security in the subregion, and requesting the convening of the Security Council to resume consideration of the complaint against the Libyan Arab Jamahiriya made by the Government of Chad on 2 August 1983 (S/15902)	
3. The situation between Iran and Iraq					
(a) Letter dated 24 February 1985 (S/16980)		Iraq		Requesting that a meeting of the Security Council be convened during the first week of March 1985 to discuss the report of the mission dispatched by the Secretary-General (S/16962) to inquire into the situation of prisoners of war in the Islamic Republic of Iran and Iraq	2569th meeting, 4 March 1985

(b) Letter dated 12 February 1986 (S/17821)	Iraq	Iran, Saudi Arabia, Jordan, Kuwait, Morocco, Tunisia, Yemen, League of Arab States	Transmitting a letter from the States members of the Committee of Seven of the Council of the League of Arab States, requesting an urgent meeting of the Security Council to discuss the grave situation arising from the Iranian aggression and to take serious practical and speedy measures to put an end to the war and to solve the conflict by peaceful means	2663rd-2666th meetings, 1986
(c) Letter dated 30 September 1986 (S/18372)	Iraq, Jordan, Kuwait, Morocco, Saudi Arabia, Tunisia, Yemen	Islamic Republic of Iran	Requesting that an urgent meeting of the Security Council be convened to consider the grave situation between Iran and Iraq and to adopt measures to ensure the implementation of Security Council resolution 582 (1986)	2709th-2713th meetings, 3, 6-8 October 1986
(d) Letter dated 7 March 1988 (S/19589)	USSR	Islamic Republic of Iran, Iraq	Requesting an urgent meeting of the Security Council in connection with the further acute escalation of the conflict between Iran and Iraq	
4. The situation in the Middle East				
(a) Letter dated 4 September 1986 (S/18318)	France	Lebanon	Requesting an urgent meeting of the Security Council to consider the situation of UNIFIL	2705th meeting, 5 September 1986
(b) Special report of the Secretary-General on UNIFIL (S/18348) Letter dated 18 September 1986 (S/18353)	France	Lebanon	Requesting an urgent meeting of the Security Council to consider the situation of UNIFIL in the light of the Secretary-General's report	2706th-2708th meetings, 19, 22, 23 September 1986
(c) Letter dated 3 April 1987 (S/18781)	Egypt, Iraq	Lebanon (Beirut)	Requesting an immediate meeting of the Security Council to consider the situation in and around the refugee camps in Beirut	No meeting
5. The question of South Africa				
(a) Letter dated 28 February 1985 (S/16991)	Egypt	South Africa	Requesting, as Chairman of the Group of African States, the convening of an urgent meeting of the Security Council to consider the serious situation in South Africa resulting from the murder of defenceless African demonstrators	2571st, 2577th meetings, 8, 12 March 1985
(b) Letter dated 24 July 1985 (S/17351)	France	South Africa	Requesting that the Security Council be convened immediately to consider the continuance and worsening of the human suffering caused by the apartheid system in South Africa	2600th-2602nd meetings, 25, 26 July 1985
Letter dated 25 July 1985 (S/17356)	Mali	South Africa	Requesting, as Chairman of the Group of African States, that an urgent meeting of the Security Council be convened to consider the situation in South Africa	

<i>Question</i>	<i>Submitted by</i>	<i>States involved</i>	<i>Articles invoked as basis for submission</i>	<i>Action requested of the Security Council</i>	<i>Meetings</i>
(c) Letter dated 10 June 1986 (S/18146)	Zaire, on behalf of African States of the United Nations	South Africa		Requesting that the Security Council convene as a matter of urgency to consider the serious situation in South Africa on the occasion of the commemoration of the tenth anniversary of the Soweto massacres	2690th meeting, 13 June 1986
(d) Letter dated 24 November 1986 (S/18474)	Chairman of Security Council Committee established under resolution 421 (1977)			Transmitting the text of a draft resolution recommended by the Committee for the implementation of the arms embargo on South Africa	2723rd meeting, 28 November 1986
(e) Letter dated 10 February 1987 (S/18688)	Egypt			Requesting, on behalf of African States, that an urgent meeting of the Security Council be convened to consider the situation in South Africa	2732nd-2738th meetings, 17-20 February 1986
(f) Letter dated 2 March 1988 (S/19567)	Sierra Leone			Requesting, as Chairman of the Group of African States, an urgent meeting of the Security Council to consider the question of South Africa, on Thursday, 3 March 1988	
Letter dated 2 March 1988 (S/19568)	Zambia			Requesting that an urgent meeting of the Security Council be convened to consider the item entitled "The question of South Africa"	
(g) Letter dated 15 March 1988 (S/19624)	Zambia	South Africa		Requesting that an urgent meeting of the Security Council be convened to consider the item entitled "The question of South Africa", regarding the question of the death sentences passed by the regime of South Africa	2799th meeting, 16 March 1988
(h) Letter dated 16 June 1988 (S/19939)	Zambia	South Africa		Requesting that an urgent meeting of the Security Council be convened under the item entitled "The question of South Africa", to consider the question of the death sentences passed by the regime of South Africa, as well as the decision of the Pretoria Supreme Court to reject the appeal	2817th meeting, 17 June 1988
(i) Letter dated 23 November 1988 (S/20289)	Zambia			Requesting that the Security Council convene urgently under the item entitled "The question of South Africa" to consider the question of the death sentences passed by the regime in the light of the intention of the South African authorities to implement it	2830th meeting, 23 November 1988

6.	Letter dated 6 May 1985 (S/17156)	Nicaragua		Requesting an urgent meeting of the Security Council to consider the extremely serious situation which the Central American region is facing	2577th-2580th meetings, 8-10 May 1985
7.	The situation in Namibia				
(a)	Letter dated 23 May 1985 (S/17213)	India		On behalf of the Movement of Non-Aligned Countries, requested that the Security Council convene to consider further the situation in Namibia following the decision of the Extraordinary Ministerial Meeting of the Coordinating Bureau of Non-Aligned Countries on the question of Namibia, held at New Delhi from 19 to 21 April 1985, which called for an urgent meeting of the Security Council to resume consideration of the question of Namibia and to give effect to its own resolutions in that regard, in particular resolution 435 (1978)	2583rd-2590th, 2592nd, 2593rd-2595th meetings, 10-19 June 1985
	Letter dated 23 May 1985 (S/17222)	Mozambique			
	Further report of the Secretary-General concerning the implementation of Security Council resolutions 435 (1978) and 439 (1978)				
(b)	Letter dated 11 November 1985 (S/17618)	India	Namibia	Requesting, pursuant to a decision of the Conference of Ministers for Foreign Affairs of Non-Aligned Countries (S/17610), an urgent meeting of the Security Council to resume its consideration of the situation in Namibia	2624th-2626th, 2628th, 2629th meetings, 13-15 November 1985
	Letter dated 11 November 1985 (S/17619)	Mauritius	Namibia	Requesting, as Chairman of the Group of African States, an urgent meeting of the Security Council on the question of Namibia	
(c)	Letter dated 25 March 1987 (S/18765)	Gabon	Namibia	Requesting, on behalf of the Group of African States, that an urgent meeting of the Security Council be convened to consider the situation in Namibia	2740th-2747th meetings, 6-9 April 1987
	Letter dated 31 March 1987 (S/18769)	Zimbabwe	Namibia	Requesting, on behalf of the Group of African States, that an urgent meeting of the Security Council be convened to consider the question of Namibia	
(d)	Letter dated 23 October 1987 (S/19230)	Madagascar	Namibia	Requesting, on behalf of the Group of African States, that an urgent meeting of the Security Council be convened to consider the situation in Namibia	2755th-2759th meetings, 28-30 October 1987
	Letter dated 27 October 1987 (S/19235)	Zimbabwe	Namibia	Requesting the convening of an urgent meeting of the Security Council to consider the question of Namibia	
(e)	Letter dated 27 September 1988 (S/20203)	Zambia		Requesting that the Security Council be convened to consider the situation in Namibia	2827th meeting, 29 September 1988

<i>Question</i>	<i>Submitted by</i>	<i>States involved</i>	<i>Articles invoked as basis for submission</i>	<i>Action requested of the Security Council</i>	<i>Meetings</i>
8. Complaint by Angola against South Africa					
(a) Letter dated 13 June 1985 (S/17267)	Angola	South Africa		Requesting urgently the convening of a meeting of the Council, in view of the threat to regional and international peace and security represented by the continuous acts of aggression and violence perpetrated by the racist armed forces of South Africa, resulting in violation of the territorial integrity and national sovereignty of Angola	2596th, 2597th meetings, 20 June 1985
(b) Letter dated 19 September 1985 (S/17474)	Angola	South Africa		Requesting urgently, in view of the armed invasion perpetrated by the armed forces of South Africa against Angola and the threat it poses to regional and international peace and security, that a meeting of the Security Council be convened	2606th, 2607th meetings, 20 September 1985
(c) Letter dated 1 October 1985 (S/17510)	Angola	South Africa		Requesting urgently, pursuant to the acts of aggression and threats to regional and international peace and security by the armed forces of South Africa, resulting in the violation of the territorial integrity and national sovereignty of Angola, that a meeting of the Security Council be convened	2612th, 2614th, 2616th, 2617th meetings, 3, 4, 7 October 1985
(d) Letter dated 12 June 1986 (S/18148)	Angola	South Africa		Requesting that a meeting of the Security Council be convened in connection with the South African aggression against Angola, especially in the light of the recent and continuing acts of terrorism and violation of the sovereignty and territorial integrity of Angola by the South African regime	2691st-2693rd meetings, 16-18 June 1986
(e) Letter dated 22 December 1987 (S/19377)	Congo, Ghana, Zambia			Pursuant to paragraph 7 of resolution 602 (1987), requesting that the Council meet urgently to consider the report of the Secretary-General (S/19359)	
Report of the Secretary-General in pursuance of Security Council resolution 602 (1987) (S/19359)					
9. Letter dated 17 June 1985 (S/17279)	Botswana	South Africa		Requesting an urgent meeting of the Security Council for the purpose of considering the situation arising as a result of South Africa's military attack on the capital of the country, Gaborone, on 14 June 1985	2598th, 2599th meetings, 21 June 1985

10. The situation in the occupied Arab territories					
(a) Letter dated 11 September 1985 (S/17456)	Qatar	Israel	Requesting, as Chairman of the Group of Arab States, an immediate meeting of the Security Council to consider Israeli practices against the civilian population in the Palestinian occupied territories	2604th, 2605th meetings, 12, 13 September 1985	
(b) Letter dated 16 January 1986 (S/17740)	Morocco	Israel	Drawing attention, as Chairman of the Organization of the Islamic Conference, to the serious threat to international peace and security resulting from Israeli acts of profanation committed recently against the sanctuary of Haran al-Quds (Jerusalem) and requesting the convening of an urgent meeting of the Security Council to consider the situation	2643rd-2650th meetings, 21-30 January 1986	
Letter dated 16 January 1986 (S/17741)	United Arab Emirates	Israel	Calling attention, as Chairman of the Group of Arab States, to the grave situation created in al-Quds by Israeli actions violating the sanctity of the Haram al-Sharif		
(c) Letter dated 4 December 1986 (S/18501)	Zimbabwe	Israel	Requesting, as Chairman of the Coordinating Bureau of the Movement of Non-Aligned Countries, an immediate meeting of the Security Council to consider the situation in the Israeli-occupied Palestinian and other Arab territories, including Jerusalem	2724th-2727th meetings, 5, 8 December 1986	
(d) Letter dated 11 December 1987 (S/19333)	Democratic Yemen		Requesting, as Chairman of the Group of Arab States, an immediate meeting of the Security Council to address the situation in the occupied Palestinian and other Arab territories	2770th, 2772nd-2777th meetings, 11-22 December 1987	
(e) Letter dated 4 January 1988 (S/19402)	Jordan		Requesting, as Chairman of the Group of Arab States, an immediate meeting of the Security Council to address the situation in the occupied Palestinian and other Arab territories	2780th meeting, 5 January 1988	
(f) Letter dated 29 March 1988 (S/19700)	Tunisia		Requesting, as Chairman of the Group of Arab States, an urgent meeting of the Security Council to discuss the situation in the occupied Arab territories	2904th-2806th meetings, 30 March, 14, 15 April 1988	
11. Letter dated 26 September 1985 (S/17497)	Botswana		Requesting that a meeting of the Security Council be convened to consider and adopt the report of the Secretary-General pursuant to the Security Council resolution 568 (1985) (S/17453)	2609th meeting, 30 September 1985	

<i>Question</i>	<i>Submitted by</i>	<i>States involved</i>	<i>Articles involved as basis for submission</i>	<i>Action requested of the Security Council</i>	<i>Meetings</i>
12. The Middle East problem including the Palestinian Question Letter dated 30 September 1985 (S/17507)	India			Requesting, on behalf of the Movement of Non-Aligned Countries and following the decision of the Conference of Foreign Ministers, an urgent convening of the Security Council	2618th-2622nd meetings, 9-11 October 1985
13. Letter dated 6 December 1985 (S/17671)	Nicaragua	United States		Requesting the convening of an urgent meeting of the Security Council to consider an extremely serious situation created by the escalation of acts of aggression, the repeated threats and the new acts of provocation directed against Nicaragua by the United States Government	2633rd, 2634th, 2636th meetings, 10-12 December 1985
14. Letter dated 16 December 1985 (S/17685)	United States			Requesting, in view of the serious situation created by acts of hostage-taking and abduction, a meeting to consider that important matter	2637th meeting, 18 December 1985
15. Complaint by Lesotho against South Africa (a) Letter dated 23 December 1985 (S/17692)	Lesotho	South Africa		Requesting that a meeting of the Security Council be convened, preferably on the morning of 30 December 1985, to deal with the grave situation created by an unprovoked armed aggression against Lesotho by South Africa	2638th, 2639th meetings, 30 December 1985
16. The situation in southern Africa Letter dated 29 January 1986 (S/17770)	Sudan			Requesting, on behalf of African States at the United Nations, that an urgent meeting of the Security Council be convened to consider the situation in southern Africa	2652nd, 2654th, 2656th, 2662nd meetings, 5-13 February 1986
17. Letter dated 25 March 1986 (S/17940)	Malta			Requesting an urgent meeting of the Security Council to discuss the grave situation which has arisen in the central Mediterranean and to consider what action could be taken to reduce tension and restore peace and stability in the region	2668th-2671st meetings, 26-31 March 1986
	USSR			Requesting that an urgent meeting of the Security Council be convened to consider the situation in the southern Mediterranean	

	Letter dated 26 March 1986 (S/17946)	Iraq	United States Libyan Arab Jamahiriya		Requesting, as Chairman of the Group of Arab States, the convening of an urgent meeting of the Security Council to consider the question of the United States aggression against the Libyan Arab Jamahiriya	
18.	Letter dated 17 October 1986 (S/18414)	Nicaragua		94	Requesting an emergency meeting of the Security Council, in accordance with the provisions of Article 94 of the Charter, to consider the non-compliance with the judgment of the International Court of Justice	2715th-2718th meetings, 21, 22, 27, 38 October 1986
19.	Letter dated 13 November 1986 (S/18456)	Chad	Libyan Arab Jamahiriya		Requesting an urgent meeting of the Security Council to consider the serious situation prevailing in the northern part of Chad occupied by the Libyan Arab Jamahiriya	2721st meeting, 18 November 1986
20.	Letter dated 11 March 1988	Argentina	United Kingdom		Requesting a meeting of the Security Council to consider the situation created in the South Atlantic by the United Kingdom Government's decision to conduct military manoeuvres in the Malvinas Islands from 7 to 31 March 1988	2800th, 2801st meeting, 17 March 1988
21.	Letter dated 17 March 1988 (S/19638)	Nicaragua	United States, Honduras		Requesting that a meeting of the Security Council be convened urgently and immediately, in order to consider the serious situation created by the escalation of threats and aggression against Nicaragua and by the decision by the United States Government to send American troops to Honduras territory	2802nd, 2803rd meetings, 18-22 March 1988
22.	Letter dated 19 April 1988 (S/19798)	Tunisia			Requesting an urgent meeting of the Security Council to consider the situation created by the Israeli attack on the territorial integrity and sovereignty of Tunisia; inviting the Security Council to condemn Israeli terrorism and to take appropriate steps to avert and prevent the repetition of such acts; drawing the attention of the Security Council to the nature of these deplorable acts, which portend other attacks unless the Security Council takes serious measures to counter Israeli terrorism	2807th-2810th meetings, 21-25 April 1988
23.	Letter dated 17 December 1988 (S/20336) Letter dated 17 December 1988 (S/20337)	Angola Cuba			Informing the Secretary-General of the intention to sign an agreement between the two countries and requesting him to take the necessary steps to recommend to the Security Council that a United Nations military observer group be set up in order to carry out the verification of the agreement	2834th meeting, 20 December 1988

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

<i>Question</i>	<i>Submitted by</i>	<i>States involved</i>	<i>Articles invoked as basis for submission</i>	<i>Action requested of the Security Council</i>	<i>Meetings</i>
24. The situation in the Middle East (see also entry 4 above)					
(a) Letter dated 25 February 1985 (S/16983)	Lebanon	Israel		Requesting an urgent meeting of the Security Council to consider the continuing acts of aggression and abusive practices of the Israeli occupying forces in southern Lebanon, the Western Bekaa and the Rashaya district	2568th, 2570th, 2572nd, 2573rd meetings, 28 February, 7, 11, 12 March 1985
(b) Letter dated 30 May 1985 (S/17228)	Egypt	Lebanon		Requesting an urgent meeting of the Security Council on the continued escalation of violence involving the civilian population in and around Beirut, affecting the safety and security of the Palestinians in the refugee camps	2582nd meeting, 31 May 1985
(c) Letter dated 6 January 1986 (S/17717)	Lebanon	Israel		Requesting an urgent meeting of the Security Council to consider the continuing acts of aggression and abusive practices of the Israeli occupying forces in southern Lebanon	2640th-2642nd meetings, 13-17 January 1986
(d) Letter dated 7 January 1988 (S/19415)	Lebanon	Israel		Requesting an urgent meeting of the Security Council to consider the continuing acts of aggression and abusive practices of the Israeli occupying forces in Lebanon	2782nd-2784th meetings, 15-18 January 1988
(e) Letter dated 5 May 1988 (S/19861)	Lebanon	Israel		Requesting that the Security Council convene urgently to consider the Israeli aggression against Lebanon, which has assumed the proportions of an invasion of the southern part of the country	2811th, 2813th, 2814th meetings, 6, 9, 10 May 1988
(f) Letter dated 9 December 1988 (S/20318)	Lebanon	Israel		Requesting the convening of an urgent meeting of the Security Council to consider the aggression against Lebanese territory by Israeli naval, air and land forces on 9 December 1988	2832nd meeting, 14 December 1988
25. Complaint by Angola against South Africa (see also entry 8 above)					
(a) Letter dated 19 November 1987 (S/19278)	Angola	South Africa		Requesting an urgent meeting of the Security Council in connection with the South African aggression against Angola	2763rd-2767th meetings
Letter dated 20 November 1987 (S/19286)	Zimbabwe	South Africa		Requesting an urgent meeting of the Security Council for the purpose of considering the renewed acts of aggression by South Africa against Angola	

26. The situation in the occupied Arab territories (see also entry 10 above)					
(a) Letter dated 16 January 1986 (S/17740)	Morocco	Israel	Drawing attention, as Chairman of the Organization of the Islamic Conference, to the serious threat to international peace and security resulting from Israeli acts of profanation committed recently against the sanctuary of Haran al-Quds (Jerusalem) and requesting the convening of an urgent meeting of the Security Council to consider the situation	2643rd-2650th meetings, 21-30 January 1986	
27. Letter dated 1 October 1985 (S/17509)	Tunisia	Israel	Requesting an immediate meeting of the Security Council to consider the situation resulting from Israel's aggression and take steps as required by the situation to condemn the deliberate act of aggression in the strongest terms, to require fair and full compensation for all the damage and to take measures to prevent such acts from recurring	2610th, 2611th, 2613th, 2615th meetings, 2-4 October 1985	
28. The situation in southern Africa Letter dated 21 May 1986 (S/18072)	Senegal	South Africa, Botswana, Zambia, Zimbabwe	Requesting, on instructions from the President and current Chairman of the Organization of African Unity, the convening of an urgent meeting of the Security Council to consider South Africa's aggression against Botswana, Zambia and Zimbabwe	2684th-2686th meetings, 22, 23 May 1986	
29. Letter dated 4 February 1986 (S/17787)	Syrian Arab Republic	Israel, Libyan Arab Jamahiriya	Requesting the Security Council to summon an immediate meeting to consider the Israeli act of air piracy carried out this morning against a private Libyan civilian aircraft flying in international airspace and carrying an official Syrian delegation	2651st, 2653rd, 2655th meetings, 4-6 February 1986	
30. Letter dated 12 April 1986 (S/17982)	Malta		Requesting an immediate convening of the Security Council to consider and take action to stop repeated threats of use of force, as well as imminent resort to armed attack in the central Mediterranean	2672nd, 2673rd meetings, 12 April 1986	
31. Letter dated 15 April 1986 (S/17991)	Libyan Arab Jamahiriya	United States	Requesting the immediate convening of the Security Council to consider and adopt urgent and effective measures against the armed aggression staged by the United States against the Libyan Arab Jamahiriya	2674th-2680th, 2682nd, 2683rd meetings, 15-18, 21, 24 April 1986	

<i>Question</i>	<i>Submitted by</i>	<i>States involved</i>	<i>Articles invoked as basis for submission</i>	<i>Action requested of the Security Council</i>	<i>Meetings</i>
Letter dated 15 April 1986 (S/17992)	Burkina Faso			Requesting, following the attack by the United States forces on Tripoli and Benghazi, that the Security Council be convened immediately to consider and take appropriate and urgent measures with regard to the situation	
Letter dated 15 April 1986 (S/17993)	Syrian Arab Republic			Requesting an immediate meeting of the Security Council to consider and take appropriate and urgent actions with regard to new United States aggression against the Libyan Arab Jamahiriya	
Letter dated 15 April 1986 (S/17994)	Oman			With reference to the urgent requests submitted by the Libyan Arab Jamahiriya and the Syrian Arab Republic for the convening of an immediate meeting of the Security Council to consider the question of United States aggression against the Libyan Arab Jamahiriya, requesting, as Chairman of the Group of Arab States, the convening of an immediate meeting of the Security Council to consider the question	
32. Letter dated 27 June 1986 (S/18187)	Nicaragua	United States		Requesting an emergency meeting of the Security Council to consider the escalation of the United States Government's policy of aggression against Nicaragua, which threatens international peace and security	2694th-2698th meetings, 1-3 July 1986
33. Letter dated 9 December 1986 (S/18513)	Nicaragua			Requesting that an urgent meeting of the Security Council be convened immediately to consider the serious incidents occurring in the Central American region which endanger international peace and security	2728th meeting, 10 December 1986
34. Letter dated 5 July 1988 (S/19981)	Islamic Republic of Iran	United States		Requesting an urgent meeting of the Security Council to consider the massacre of the 290 innocent civilian passengers of Iran Air flight 655 by the naval forces of the United States	2818th-2821st meetings, 14-20 July 1988
Letter dated 10 February 1988 (S/19489)	Japan			Requesting that an urgent meeting of the Security Council be convened to consider the destruction on 29 November 1987 of the Korean Airlines passenger aircraft, flight 858, which claimed 115 victims	

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

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

<i>Question</i>	<i>Submitted by</i>	<i>States involved</i>	<i>Articles invoked as basis for submission</i>	<i>Action requested of the Security Council</i>	<i>Meetings</i>
35. Letter dated 10 February 1988 (S/19488)	Republic of Korea (observer)		35(2)	Requesting that an urgent meeting of the Security Council be called to consider the serious situation arising from the destruction by an explosion of a commercial passenger airline of the Republic of Korea	2791st, 2792nd meetings, 16, 17 February 1988

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

<i>Question</i>	<i>Submitted by</i>	<i>States involved</i>	<i>Articles invoked as basis for submission</i>	<i>Action requested of the Security Council</i>	<i>Reference</i>
36. The question of South Africa (see also entry 5 above)					
(a) Resolution 41/55 B, 3 December 1986	General Assembly	South Africa		Requesting the Security Council to conclude expeditiously its consideration of the recommendations of its Committee established by resolution 421(1977) concerning the question of South Africa (S/14179), with a view to blocking the existing loopholes in the arms embargo so as to render it more effective and prohibiting, in particular, all forms of cooperation and collaboration with South Africa in the nuclear field	Note by the Secretary-General (S/18665) drawing attention to paragraph 9 of General Assembly resolution 41/55 B
(b) Resolution 43/50 C, 5 December 1988	General Assembly	South Africa	Chapter VII	Urgently requesting the Security Council to consider immediate action under Chapter VII of the Charter with a view to applying comprehensive and mandatory sanctions against South Africa and calling upon those Governments which are opposed to the application of comprehensive and mandatory sanctions to reassess their policies and cease their opposition to the application of such sanctions by the Security Council	Note by the Secretary-General (S/20483) drawing attention to paragraphs 4 and 5 of General Assembly resolution 43/50 C

<i>Question</i>	<i>Submitted by</i>	<i>States involved</i>	<i>Articles invoked as basis for submission</i>	<i>Action requested of the Security Council</i>	<i>Reference</i>
37. The situation in the Middle East (see also entries 4 and 24 above)					
(a) Resolution 43/57 I, 6 December 1988	General Assembly			Urging the Security Council to consider the current situation in the occupied Palestinian territory, taking into account the recommendations contained in the report of the Secretary-General (S/19443)	Note by the Secretary-General (S/20436) drawing attention to paragraph 3 of General Assembly resolution 43/57 I
(b) Resolution 43/58 A, 6 December 1988	General Assembly	Israel		Urging the Security Council to consider the current situation in the Palestinian territory occupied by Israel since 1967, taking into account the recommendations contained in the reports of the Secretary-General (S/19443 and A/43/806), and with a view to securing international protection for the defenceless Palestinian people until the withdrawal of Israel, the occupying Power, from the occupied Palestinian territory	Note by the Secretary-General (S/20437) drawing attention to paragraphs 12 and 13 of General Assembly resolution 43/58 A
(c) Resolution 43/176, 15 December 1988	General Assembly			Requesting the Security Council to consider measures needed to convene the International Peace Conference on the Middle East, including the establishment of a preparatory committee, and to consider guarantees for security measures agreed upon by the Conference for all States in the region	Note by the Secretary-General (S/20490) drawing attention to paragraph 5 of General Assembly resolution 43/176

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

Part IV

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

NOTE

This part deals with any discussion in the Security 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.¹⁷⁰ It also covers instances in which Articles 36, 37 and 38 or Chapter VI were invoked or where proceedings of the Council had a bearing on the interpretation of those provisions.

During the period under review, there was no substantive evidence of the constitutional discussion relating to the interpretation of the provisions of Chapter VI of the Charter. For the most part, debates preceding the Council's decisions in this field continued to deal mainly with the actual issues before the Council and the relative merits of the proposed measures without discussion of their relations to the provisions of the Charter. The provisions of Articles 36, 37 and 38 were not explicitly invoked in the texts of any decisions of the Security Council during this period. However, there were both explicit and implicit references to these provisions in the discussions in the Council and in the communications submitted to it.¹⁷¹ For the most part, when Articles 36, 37 and 38 and Chapter VI as a whole were cited it was, as in preceding periods, to recall or affirm the principles embodied therein.

A number of the Council's decisions implicitly invoked the principles or called for steps and measures using language similar to that of the provisions of Chapter VI.¹⁷² In one instance, in connection with the complaint by Lesotho against South Africa, the Council in resolution 580 (1985) called upon the South African Government to resort to peaceful means in resolving international problems in accordance with the Charter.¹⁷³

In the instances indicated below, the discussion in the Council might be viewed as having touched upon the interpretation of the provisions of Chapter VI.

¹⁷⁰For general criteria for entries in this part, see *Repertoire of the Practice of the Security Council, 1946-1951*, pp. 296 and 410.

¹⁷¹For explicit references to Article 36, in connection with the situation between Iran and Iraq, see S/PV.2665: Morocco; and S/PV.2663: Secretary-General of the Arab League; in connection with the letter dated 6 December 1985 from the representative of Nicaragua, see S/PV.2636: Madagascar; in connection with the letter dated 15 April 1986 from the representative of the Libyan Arab Jamahiriya, see S/PV.2676: Austria; S/PV.2679: Venezuela; S/PV.2680: Ghana; S/PV.2682: Venezuela; in connection with the letter dated 17 October 1986 from the representative of Nicaragua, see S/PV.2715: Nicaragua. For explicit references to Article 37, in connection with the situation between Iran and Iraq, see S/PV.2663: Secretary-General of the Arab League; for explicit references to Article 38, in connection with the letter dated 6 December 1985 from the representative of Nicaragua, see S/PV.2636: Madagascar.

¹⁷²See relevant parts of chap. VIII, part I, of the present *Supplement*: Analytical table of measures adopted by the Security Council.

¹⁷³Resolution 580 (1985), *Resolutions and Decisions of the Security Council, 40th year, 1985*.

During the Council's consideration of the letters from Nicaragua¹⁷⁴ concerning the situation in the Central American region, nearly all the participants expressed their support for the use of diplomatic means, negotiations and peaceful settlement through the efforts of the Contadora Group. On one of those occasions, in connection with the letter dated 17 October 1986 from the representative of Nicaragua, the provisions of Chapter VI were invoked, both explicitly and implicitly, wherein a number of the participants in the Council's discussion stated that the Nicaraguan complaint to the International Court of Justice was in accordance with Chapter VI and Article 33 of the Charter of the United Nations.¹⁷⁵

In the course of the Council's deliberations in connection with the situation in the occupied Arab territories, several speakers expressed support for peaceful negotiations and called for the convening of a peace conference on the Middle East with the participation of all parties concerned, in order to achieve a lasting and just peace in the region.¹⁷⁶

On two occasions, during the Council's deliberations regarding the problems of the central Mediterranean region, the representative of Malta called upon the parties to settle their differences in accordance with the provisions of Chapter VI in order to achieve a just and lasting solution.¹⁷⁷

With reference to the letter dated 11 March 1988 from Argentina, Panama called upon the Security Council to act without delay in keeping with the principles envisaged in Chapter VI of the Charter.¹⁷⁸

In connection with the situation between Iran and Iraq, while several participants in the deliberations of the Council called upon the parties to abide by the Charter and by the procedures for peaceful settlement, there was also a call by one participant upon the Security Council to implement the provisions of Chapter VI concerning the peaceful settlement of disputes.¹⁷⁹

¹⁷⁴See letters dated 6 May 1985 (S/17156, *OR, 40th yr., Suppl. for April-June 1985*); 6 December 1985 (S/17671, *OR, 40th yr., Suppl. for Oct.-Dec. 1985*); 27 June 1986 (S/18187, *OR, 41st yr., Suppl. for April-June 1986*); 17 October 1986 (S/18415, *OR, 41st yr., Suppl. for Oct.-Dec. 1986*); 9 December 1986 (S/18513, *OR, 41st yr., Suppl. for Oct.-Dec. 1986*); and 17 March 1988 (S/19638, *OR, 43rd yr., Suppl. for Jan.-March 1988*). See also: chap. VIII, part II, sects. 6, 15, 26, 27, 28, 30 and 34, of the present *Supplement*.

¹⁷⁵For the texts of the relevant statements, see S/PV.2716: Nicaragua, India, Peru, Iraq (explicit), Mexico, Yugoslavia, Argentina; S/PV.2717: Venezuela, Bulgaria, Ghana; S/PV.2718: Spain, Congo, Guatemala, Democratic Yemen (explicit), and Islamic Republic of Iran.

¹⁷⁶S/PV.2770: PLO, Mr. Sarré, Chairman, Committee on the Exercise of Inalienable Rights of the Palestinian People; S/PV.2777: Japan, Israel; S/PV.2786: Morocco, Egypt, Nepal; S/PV.2787: USSR, Yugoslavia, Argentina, China, Zambia, Malaysia, Kuwait; S/PV.2789: Zimbabwe.

¹⁷⁷S/PV.2668 and 2672: Malta.

¹⁷⁸S/PV.2801: Panama.

¹⁷⁹S/PV.2663: Iraq; S/PV.2665: Morocco; S/PV.2709: Iraq, Mr. Klibi (Secretary-General of the Arab League), Egypt; S/PV.2710: Senegal, Zambia, Oman; S/PV.2711: Saudi Arabia, Bangladesh, Kuwait, Mexico; S/PV.2712: Australia, Madagascar; S/PV.2713: Venezuela, Morocco, Peru and the President (United Arab Emirates).

With reference to the letter dated 19 April 1988 from Tunisia, concerning its complaint against Israel, a number of participants in the Council's discussion advocated dialogue and negotiations between the parties, and settlement of disputes by peaceful means.¹⁸⁰

In connection with the question of South Africa, the representative of the United Kingdom recalled the statement by the President of the Security Council and reiterated his country's preference for a peaceful and just settlement of the question of South Africa.¹⁸¹

In connection with the Council's discussion on the agenda item entitled "United Nations for better world and the responsibility of the Security Council in maintaining international peace and security", nearly all the participants expressed their support to the Charter provisions for the peaceful settlement of disputes.¹⁸²

The principles enunciated in Article 36 and its reference to the role of the International Court of Justice were a subject of deliberation in the Security Council in connection with a draft resolution that was voted upon and not adopted, owing to a negative vote of a permanent member of the Council.¹⁸³

In connection with the situation in Cyprus, where the Council was called upon to ensure the implementation of the earlier decisions on peaceful settlement, language similar to that of Article 36 was employed.¹⁸⁴

The terms pertinent to the principles of Article 36 were used in the text of the letter from Cuba, which stated that the tripartite agreement between Cuba, Angola and South Africa contained elements for the achievement of peace in the region.¹⁸⁵

¹⁸⁰S/PV.2807: France, Senegal; S/PV.2808: USSR, Japan, Argentina, Italy; S/PV.2809: Federal Republic of Germany, Mozambique, Laos; S/PV.2810: Sudan.

¹⁸¹S/PV.2690: United Kingdom, and S/18157, *OR, 41st yr., Supplement for April-June 1986*.

¹⁸²S/PV.2608: Ukraine, Thailand, Madagascar, India and Denmark.

¹⁸³For the text of the draft resolution, see S/18250, *OR, 41st yr., Suppl. July-Sept. 1986*. For the vote on the draft resolution, see S/PV.2704. For the texts of relevant statements, see S/PV.2700: Nicaragua, El Salvador; S/PV.2701: Democratic Yemen; S/PV.2702: Cuba, Viet Nam, Lao People's Democratic Republic, USSR; S/PV.2703: Libyan Arab Jamahiriya, United Republic of Tanzania, Ukrainian SSR, Zimbabwe; S/PV.2704: Congo, Honduras, Madagascar, Venezuela, United Kingdom and United States. See also the letters respectively dated 11 and 18 July 1986 from Nicaragua and United States (S/18221 and S/18227, *ibid.*).

¹⁸⁴See chap. VIII of the present *Supplement*, under the same heading, for more details and references.

¹⁸⁵Letter dated 22 December 1988 from Cuba (S/20345, *OR, 43rd yr., Suppl. for Oct.-Dec. 1988*). See also note 155 above.

The obligations of Member States under the Charter, including Articles 33 and 36 on the peaceful settlement of disputes, were explicitly mentioned in connection with the situation between Iran and Iraq. The Security Council was also called upon by a group of States to implement urgently the provisions of the Charter, in particular Articles 36 and 37 of Chapter VI and Chapter VII.¹⁸⁶

In other instances where Article 36 was explicitly cited, the Council was called upon to discharge its responsibilities by recommending appropriate procedures and methods for the peaceful settlement of a conflict, in accordance with the provisions of that Article of the Charter.¹⁸⁷

In cases dealing with continuing disputes which might be deemed to fall under the provisions of Article 37, the Council was asked to take appropriate actions or to recommend the appropriate terms of settlement. In that context, Article 37 of the Charter was explicitly invoked in connection with the situation between Iran and Iraq.¹⁸⁸

Resolutions adopted by the Security Council during the period under review, as well as draft resolutions that were considered by the Council but not put to a vote or were voted upon and not adopted, contained provisions that might be interpreted as falling within the framework of measures of pacific settlement. In this respect, special attention should be drawn to part I of the present chapter since the material contained in it deals with the interpretation and application of the basic instruments of peaceful settlement of disputes as stipulated under Article 33 of the Charter. Furthermore, the appropriate headings in the analytical table of measures adopted by the Security Council contained in part I 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 the relevant decisions of the Council. For the discussions bearing on procedural aspects relevant to the pacific settlement of disputes 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.

¹⁸⁶See note 171 above.

¹⁸⁷*Ibid.*

¹⁸⁸*Ibid.*

Chapter XI

CONSIDERATION OF THE PROVISIONS OF CHAPTER VII OF THE CHARTER

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INTRODUCTORY NOTE

The present chapter presents the decisions of the Security Council that either constitute explicit applications or might be considered as implicit applications of the provisions of Chapter VII of the Charter.¹

CHAPTER VII OF THE CHARTER

Action with respect to threats to the peace, breaches of the peace and acts of aggression

"Article 39

"The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

"Article 40

"In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

"Article 41

"The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

"Article 42

"Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

"Article 43

"1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement

or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

"2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

"3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory States in accordance with their respective constitutional processes.

"Article 44

"When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfilment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

"Article 45

"In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

"Article 46

"Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

"Article 47

"1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

"2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

¹Up to *Supplement 1964-1965*, chapter XI dealt with instances in which proposals placed before the Council evoked discussions regarding the application of Chapter VII of the Charter. The change was introduced in *Supplement 1966-1968*.

"3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

"4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.

"Article 48

"1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

"2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

"Article 49

"The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

"Article 50

"If preventive or enforcement measures against any State are taken by the Security Council, any other State, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

"Article 51

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

Part I

CONSIDERATION OF THE PROVISIONS OF ARTICLES 39-42 OF THE CHARTER

NOTE

Owing to the frequently interconnected nature of the proceedings of the Council involving, especially, Articles 39 and 41, Articles 39 to 42 are again considered together, rather than separately.

During the period under review, the Council took one decision in which Article 39 was explicitly invoked together with Article 40:

Resolution 598 (1987) of 20 July 1987, ninth and tenth preambular paragraph:²

Determining that there exists a breach of the peace as regards the conflict between Iran and Iraq,

Acting under Articles 39 and 40 of the Charter,

The Council took a number of decisions which contained provisions that might be considered to be similar to the language of Article 39. These are briefly listed as follows:

Resolution 581 (1986) of 13 February 1986, third preambular paragraph:³

Gravely concerned at the tension and instability created by the hostile policies and aggression of the apartheid regime throughout southern Africa and the mounting threat they pose to the security of the region and its wider implications for international peace and security,

At the 2690th meeting, on 13 June 1986, the President of the Security Council made a statement on behalf of the Council, the first paragraph of which read as follows:

The members of the Security Council, on the occasion of the observance of the tenth anniversary of the wanton killings perpetrated by the apartheid regime in South Africa against the African people in

Soweto, wish to recall Council resolution 392 (1976) which strongly condemned the South African Government for its resort to massive violence against and killings of the African people including school-children and students and others opposing racial discrimination. They are convinced that a repetition of such tragic events would aggravate the already serious threat that the situation in South Africa poses to the security of the region and could have wider implications for international peace and security.

Resolution 602 (1987) of 25 November 1987, seventh preambular paragraph:⁴

Gravely concerned also that the pursuance of these acts of aggression against Angola constitutes a serious threat to international peace and security.

The Council considered a number of draft resolutions containing implicit references to Article 39, which, however, either were not voted upon or failed of adoption. The drafts read as follows:

S/17633, tenth preambular paragraph and paragraph 1 (2629th mtg., 15 November 1985):⁵

Gravely concerned at the further aggravation of the already tense situation and instability created by the repeated and systematic acts of aggression and occupation perpetrated by the apartheid regime over a period of several years throughout southern Africa, which constitutes a serious threat to the peace of the region as well as to international peace and security,

⁴In connection with the complaint by Angola against South Africa.

⁵S/17633, OR, 40th yr., Suppl. for Oct.-Dec. 1985: draft resolution submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago in connection with the situation in Namibia failed to be adopted owing to the negative votes of two permanent members.

²In connection with the situation between Iran and Iraq.

³In connection with the situation in southern Africa.

1. *Determines (a)* that the persistent refusal of South Africa to comply with Security Council and General Assembly resolutions on Namibia constitutes a serious threat to international peace and security;

S/17769/Rev.1, paragraph 2 (2650th mtg., 30 January 1986).⁶

Affirms that such acts constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East, the failure of which could also endanger international peace and security;

S/17984, second preambular paragraph (2673rd mtg., 14 April 1986).⁷

Considering that the use of force constitutes a threat to international peace and security,

S/18087/Rev. 1, paragraph 6 (a) (2686th mtg., 23 May 1986).⁸

Acting in accordance with the provisions of the Charter of the United Nations:

(a) *Determines* that the policies and acts of the racist regime of South Africa constitute a threat to international peace and security;

S/18785, paragraph 7 (a) and (b) (2747th mtg., 9 April 1987).⁹

Determines that:

(a) South Africa's continued illegal occupation of Namibia constitutes a breach of international peace and security in violation of the Charter of the United Nations;

(b) The persistent refusal by racist South Africa to comply with Security Council and General Assembly resolutions and decisions on Namibia, and its violation thereof, constitutes a serious threat to international peace and security;

During the period under review, Article 39 was explicitly invoked four times in communications received by the United Nations,¹⁰ and in numerous cases communications received by the United Nations employed language similar to that of Article 39.¹¹

⁶S/17769/Rev.1, *OR*, 41st yr., *Suppl. for Jan.-March 1986*: draft resolution submitted by the Congo, Ghana, Madagascar, Trinidad and Tobago and the United Arab Emirates in connection with the situation in the occupied Arab territories failed to be adopted owing to the negative vote of a permanent member.

⁷S/17984, *OR*, 41st yr., *Suppl. for April-June 1986*, draft resolution submitted by Malta in connection with the letter dated 12 April 1986 from the Chargé d'affaires a.i. of the permanent Mission of Malta to the United Nations.

⁸S/18087/Rev.1, *OR*, 41st yr., *Suppl. for April-June 1986*, revised draft resolution submitted by the Congo, Ghana, Madagascar, Trinidad and Tobago and the United Arab Emirates in connection with the situation in southern Africa failed of adoption owing to the negative votes of two permanent members.

⁹S/18785, *OR*, 42nd yr., *Suppl. for April-June 1987*, pp.6-7: draft resolution submitted by Argentina, the Congo, Ghana, the United Arab Emirates and Zambia in connection with the situation in Namibia failed to be adopted owing to the negative votes of two permanent members.

¹⁰S/17849, *OR*, 41st yr., *Suppl. for Jan.-March 1986*, regarding the situation between Iran and Iraq; S/19031, *OR*, 42nd yr., *Suppl. for July-Sept. 1987*, regarding the situation between Iran and Iraq, S/19083 and Add. 1, *ibid.*, regarding the situation between Iran and Iraq; and S/19167, *ibid.*, regarding the situation between Iran and Iraq.

¹¹In connection with the question of South Africa, the letter dated 17 June 1985 from the representative of Botswana, the situation in the Middle East, the situation in the occupied Arab territories, the complaint by Angola against South Africa, the letters dated 10 February 1988 from the observer of the Republic of Korea and from the representative of Japan, and the situation relating to Afghanistan.

There were a number of explicit references to Article 39 during the consideration of several agenda items in the Council.¹² Furthermore, many statements contained what might be interpreted as implicit references to the Article, usually in the form of an appeal to the Council to recognize a particular situation as a threat to international peace and security and to weigh the adoption of appropriate measures under the Charter.¹³

During the period under consideration, the Council took one decision in which Article 40 was explicitly invoked together with Article 39:

Resolution 598 (1987) of 20 July 1987, ninth and tenth preambular paragraphs and paragraph 1:

Determining that there exists a breach of the peace as regards the conflict between Iran and Iraq,

Acting under Articles 39 and 40 of the Charter,

1. *Demands* that, as a first step towards a negotiated settlement, the Islamic Republic of Iran and Iraq observe an immediate ceasefire, discontinue all military actions on land, at sea and in the air, and withdraw all forces to the internationally recognized boundaries without delay;

The question whether there were any resolutions or other decisions containing implicit references to Article 40 cannot be answered in the affirmative because the action taken by the Council and the accompanying proceedings did not make clear whether the Council was actually considering basing its decision on the provisions of that Article. Moreover, there was no constitutional discussion regarding the Article, but merely occasional references to it or an invocation of its language in order to support a specific demand relating to the question under consideration.

Those decisions and statements that might be interpreted as implicit references to Article 40 are briefly summarized below. Special attention is given to those decisions that might be considered to be of the nature of provisional measures to prevent the aggravation of the situation. Such provisional measures included: (a) demands that the independence, sovereignty and territorial integrity of countries must be respected;¹⁴ (b) calls for all concerned parties to respect the rights of civilians and to refrain from acts of violence against them and to take measures to alleviate their suffering;¹⁵ (c) demands for the strict observance of the Geneva Protocol of 1925, according to which the use

¹²In connection with the complaint by Angola against South Africa, S/PV.2612; Nigeria, pp. 18-19; S/PV.2616; United Arab Emirates, p. 47; in connection with the situation in Namibia, S/PV.2629; Trinidad and Tobago, p. 17; S/PV.2746; Uganda, p. 61; in connection with the situation in southern Africa, S/PV.2686; Madagascar, p. 12; in connection with the situation between Iran and Iraq, S/PV.2750; United Kingdom, p. 16.

¹³Such statements occurred especially in connection with questions involving the occupied Arab territories and the situation in the Middle East, but also in discussions involving developments in southern Africa, the situation between Iran and Iraq, the letter dated 6 May 1985 from the representative of Nicaragua and the letter dated 27 June 1986 from the representative of Nicaragua.

¹⁴Statement of the President (S/17215) of 24 May 1985, para. 3, and resolution 564 (1985), para. 2, in connection with the situation in the Middle East; statement of the President (S/17932) of 21 March 1986, para. 5, statement of the President (S/18538) of 22 December 1986, para. 2, statement of the President (S/18863) of 14 May 1987, para. 6, in connection with the situation between Iran and Iraq.

¹⁵Resolution 564 (1985), paras. 1 and 3, in connection with the situation in the Middle East.

in war of chemical weapons is prohibited;¹⁶ (d) calls on all States to implement fully the arms embargo imposed against South Africa in resolution 418 (1977);¹⁷ (e) calls for payment of full and adequate compensation for the effects of acts of aggression;¹⁸ (f) calls for parties to normalize their relations and to employ established channels of communication in matters of mutual concern;¹⁹ (g) calls for an end to military presences not accepted by the proper authorities;²⁰ (h) calls for relevant parties to exercise restraint, to avoid violent acts and to contribute towards the establishment of peace;²¹ (i) calls to all States to exert pressure on South Africa to desist from perpetrating acts of aggression against neighbouring States;²² (j) calls on parties to submit conflicts to mediation or other means of settlement of disputes;²³ (k) calls for the respect for the right of free navigation and commerce;²⁴ (l) calls for the immediate lifting of states of emergency;²⁵ (m) calls for a ceasefire;²⁶ (n) calls upon Member States to cooperate with the Security Council, the Secretary-General or the United Nations;²⁷ (o) calls to States to continue to apply or to establish strict control of the export of chemical products used in the production of chemical weapons to the parties to the Iran-Iraq conflict.²⁸

The Council also called upon certain Member States to take a number of specific measures. Thus, South Africa was called upon to release all political prisoners and detainees, including Nelson Mandela and other black leaders, and to withdraw the charges of "high treason" instituted against United Democratic Front officials;²⁹ to lift the state of emergency in the thirty-six districts in which it had been

imposed;³⁰ to rescind the actions taken in Namibia, the government of which the Council declared null and void, and to cooperate in and facilitate the implementation of the relevant resolutions;³¹ to unconditionally withdraw all its occupation forces from the territory of Angola, cease all acts of aggression against that State and scrupulously respect the sovereignty and territorial integrity of the People's Republic of Angola,³² and to pay full compensation to the People's Republic of Angola for damages resulting from acts of aggression.³³ The Council also demanded the unconditional cessation of all acts of aggression by South Africa against Botswana,³⁴ and also demanded that South Africa pay full compensation to Botswana for the loss of life and damage to property resulting from its acts of aggression.³⁵ Similarly, South Africa was called upon to pay full and adequate compensation to the Kingdom of Lesotho for the damage and loss of life resulting from acts of aggression, as well as to resort to peaceful means in resolving international problems in accordance with the Charter, to live up to its commitment not to destabilize neighbouring countries nor to allow its territory to be used as a springboard for attacks against neighbouring countries and to take meaningful steps towards the dismantling of apartheid.³⁶

The Council demanded that Israel refrain from threatening or perpetrating acts of aggression such as the air raid on Tunis of 1 October 1985.³⁷

In 1986, the Council demanded that South Africa immediately eradicate apartheid as the necessary step towards the establishment of a non-racial democratic society; to that end the Council further demanded: (a) the dismantling of the bantustan structures as well as the cessation of uprooting, relocation and denationalization of the indigenous African people; (b) the abrogation of the bans and restrictions on political organizations, parties, individuals and news media opposed to apartheid; (c) the unimpeded return of all the exiles. The resolution furthermore demanded that the racist regime of South Africa put an end to the violence against and repression of the black people and other opponents of apartheid, unconditionally release all persons imprisoned, detained or restricted for their opposition to apartheid and lift the state of emergency.³⁸

In 1986 and 1987, both the Islamic Republic of Iran and Iraq were called upon to observe an immediate ceasefire and cessation of hostilities on land, at sea and in the air and to withdraw their forces to the internationally recognized boundaries without delay while submitting all

¹⁶Statement of the President (S/17130) of 25 April 1985, statement of the President (S/17932) of 21 March 1986, statement of the President (S/18863) of 14 May 1987, para. 3; resolution 612 (1988), para. 3, in connection with the situation between Iran and Iraq, resolution 612 (1988), para. 4, and resolution 620 (1988), para. 3, called upon States to establish or continue strict control of the export to the parties to the conflict of chemical products used in the manufacture of chemical weapons.

¹⁷Resolution 571 (1985), para. 4, and resolution 574 (1985), para. 5, in connection with the complaint by Angola against South Africa: resolution 591 (1986), paras. 2, 3, 7, 8 and 9, in connection with the question of South Africa.

¹⁸Resolution 571 (1985), para. 6, and resolution 577 (1985), para. 7, in connection with the complaint by Angola against South Africa.

¹⁹Resolution 580 (1985), para. 3, in connection with the complaint by Lesotho against South Africa.

²⁰Resolution 587 (1986), para. 7, statement of the President (S/18439) of 31 October 1986, para. 7, in connection with the situation in the Middle East.

²¹Resolution 582 (1986), para. 7, in connection with the situation between Iran and Iraq; resolution 592 (1986), para. 5, resolution 605 (1987), para. 4, in connection with the situation in the occupied Arab territories.

²²Resolution 581 (1986), para. 5, in connection with the situation in southern Africa.

²³Resolution 582 (1986), para. 5, in connection with the situation between Iran and Iraq.

²⁴Statement of the President (S/18538) of 22 December 1986, para. 2, in connection with the situation between Iran and Iraq.

²⁵Statement of the President (S/18157) of 13 June 1986, para. 2, in connection with the question of South Africa.

²⁶Statement of the President (S/18691) of 13 February 1987, para. 2, in connection with the situation in the Middle East.

²⁷Statement of the President (S/18863) of 14 May 1987, para. 7, in connection with the situation between Iran and Iraq; resolution 602 (1987), para. 6, in connection with the complaint by Angola against South Africa.

²⁸Resolution 612 (1988), para. 4, resolution 620 (1988), para. 3, in connection with the situation between Iran and Iraq.

²⁹Resolution 560 (1985), paras. 3 and 4, and resolution 569 (1985), para. 4, in connection with the question of South Africa.

³⁰Resolution 569 (1985), para. 3, in connection with the question of South Africa.

³¹Resolution 566 (1985), paras. 3, 4, 5 and 12, in connection with the situation in Namibia.

³²Resolution 567 (1985), para. 3, resolution 571 (1985), para. 3, resolution 574 (1985), para. 3, and resolution 577 (1985), para. 4, in connection with the complaint by Angola against South Africa.

³³Resolution 571 (1985), para. 6, resolution 577 (1985), para. 7, in connection with the complaint by Angola against South Africa.

³⁴Resolution 568 (1985), para. 3, in connection with the letter dated 17 June 1985 from the representative of Botswana.

³⁵Resolution 568 (1985), para. 5, in connection with the letter dated 17 June 1985 from the representative of Botswana.

³⁶Resolution 580 (1985), paras. 2, 6, 7 and 8, in connection with the complaint by Lesotho against South Africa.

³⁷Resolution 573 (1985), para. 2, in connection with the letter dated 1 October 1985 from the representative of Tunisia.

³⁸Resolution 581 (1986), paras. 7 and 8, in connection with the situation in Southern Africa.

aspects of the conflict to mediation or to any other means of peaceful settlement of disputes.³⁹

In 1987, the Council again called upon South Africa to end apartheid and to free all political prisoners and detainees; the South African authorities were also called upon to revoke the decree of 10 April 1987, which prohibited nearly all forms of protest against detention without trial, and which the Council considered as being contrary to fundamental human rights as envisaged in the Charter as well as being based on the state of emergency imposed in June 1986, the lifting of which had already been called for by the members of the Council,⁴⁰ to put an immediate end to the repression of the Namibian people and to all illegal acts against neighbouring States, as well as to comply fully with resolutions 385 (1976) and 435 (1978) and to put an end to its illegal occupation and administration of Namibia;⁴¹ again to cease immediately its acts of aggression against Angola and unconditionally withdraw all its forces from Angolan territory as well as respect the sovereignty and territorial integrity of Angola.⁴² The Council called upon Israel to respect the rights of civilians in the occupied territory by scrupulously abiding by the Geneva Convention of 12 August 1949 relative to the Protection of Civilian Persons in Time of War.⁴³

In 1988, the Council repeatedly called upon South Africa to stay the execution and commute the death sentences imposed on the Sharpeville Six.⁴⁴

A number of Council resolutions contained warnings that, in the event of failure to comply with the terms of those resolutions, the Council would meet again and consider further steps. Those warnings, which might be considered as falling under the last provision of Article 40, were expressed in various ways. Frequently, the Council warned that it would consider taking adequate and effective measures if its calls were not heeded.⁴⁵

During the period under review, the Council did not adopt any resolutions containing explicit references to Article 41. Nor did any constitutional discussions develop regarding the application of these provisions.

During the period under review, the Council adopted three resolutions that contained implicit references to Article 41, concerning related developments in South Africa. Resolutions 571 (1985) and 574 (1985) were adopted in connection with complaints by Angola about persistent South African attacks and continued military occupation of parts of Angola; the resolutions called upon all States to fully implement the arms embargo imposed against

South Africa in resolution 418 (1977).⁴⁶ Similarly, the Council adopted resolution 591 (1986), which addressed the problem of implementing the mandatory arms embargo enacted against South Africa in resolution 418 (1977) and reaffirmed that resolution. Resolution 591 (1986) further requested all States to refrain from importing arms, ammunition of all types and military vehicles produced in South Africa and requested all States, including States not Members of the United Nations, to act strictly in accordance with its provisions.⁴⁷

During the period under review, the Council considered several draft resolutions that contained explicit invocations of Article 41. All of these draft resolutions were either not voted on or failed of adoption.

When the Council resumed consideration of the situation in Namibia, at its 2624th to 2626th, 2628th and 2629th meetings, from 13 to 15 November 1985, two draft resolutions⁴⁸ were submitted calling for the Council to act under both Chapter VII and, specifically, Article 41 of the Charter, and to impose on South Africa mandatory selective sanctions. The first draft resolution (S/17631) was not put to a vote, while the second (S/17633) was voted upon at the 2629th meeting and failed of adoption owing to the negative vote of two permanent members of the Council.⁴⁹ The Council further considered the situation in Namibia at its 2740th to 2747th meetings, from 6 to 9 April 1987, where a draft resolution⁵⁰ was submitted calling for the Council to act under both Chapter VII and Article 41 of the Charter in order to impose comprehensive mandatory sanctions on South Africa. The draft resolution was put to a vote at the 2747th meeting and failed of adoption owing to the negative vote of two permanent members of the Council.⁵¹

When the Council was convened in February 1987 to consider the question of South Africa, a draft resolution⁵² was submitted calling for the Council to act under Chapter VII and Article 41 of the Charter and to impose selective mandatory sanctions against South Africa. Following extensive debate on the issue at the 2732nd to 2737th meetings,

³⁹Resolution 582 (1986), paras. 3 and 5, resolution 598 (1987), paras. 1 and 4, in connection with the situation between Iran and Iraq.

⁴⁰Statement of the President (S/18808) of 16 April 1987, in connection with the question of South Africa.

⁴¹Statement of the President (S/19068) of 21 August 1987, in connection with the situation in Namibia.

⁴²Resolution 602 (1987), para. 4, in connection with the complaint by Angola against South Africa.

⁴³Resolution 605 (1987), para. 3, in connection with the situation in the occupied Arab territories.

⁴⁴Resolution 610 (1988), para. 1, and resolution 615 (1988), para. 1, in connection with the question of South Africa.

⁴⁵Resolution 566 (1985), para. 13, in connection with the situation in Namibia; resolution 574 (1985), para. 8, in connection with the complaint by Angola against South Africa; resolution 598 (1987), para. 10, and resolution 620 (1988), para. 4, in connection with the situation between Iran and Iraq.

⁴⁶Resolution 571 (1985) of 20 September 1985, adopted unanimously at the 2607th meeting, following a separate vote on operative paragraph 5, in connection with the complaint by Angola against South Africa: the eighth preambular paragraph and paragraph 4 focused on the sanctions against South Africa; resolution 574 (1985) of 7 October 1985, adopted unanimously at the 2617th meeting, following a separate vote on paragraph 6, in connection with the complaint by Angola against South Africa: the sixth preambular paragraph and paragraph 5 focused on the sanctions against South Africa.

⁴⁷Resolution 591 (1986) of 28 November 1986, adopted by consensus at the 2723rd meeting, in connection with the question of South Africa.

⁴⁸S/17631, S/17633, *OR, 40th yr., Suppl. for Oct.-Dec. 1985*. Both draft resolutions were sponsored by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago and both called for, *inter alia*, mandatory sanctions, including: (a) economic sanctions; (b) an oil embargo; and (c) an arms embargo.

⁴⁹Draft resolution S/17631 was not put to a vote. Draft resolution S/17633 received 12 votes in favour, 2 against and 1 abstention.

⁵⁰Draft resolution S/18785, *OR, 42nd yr., Suppl. for April-June 1987*, was sponsored by Argentina, the Congo, Ghana, the United Arab Emirates and Zambia, and called, *inter alia*, for comprehensive and mandatory sanctions.

⁵¹Draft resolution S/18785 received 9 votes in favour, 3 against and 3 abstentions.

⁵²S/18705, *OR, 42nd yr., Suppl. for Jan.-March 1987*. The draft was sponsored by Argentina, the Congo, Ghana, the United Arab Emirates and Zambia.

the proposal was voted upon at the 2738th meeting and failed of adoption owing to the negative vote of two permanent members of the Council.⁵³

During the subsequent examination of the question of South Africa, at its 2793rd to 2797th meetings from 3 to 8 March 1988, the Council was faced with another draft resolution⁵⁴ which explicitly mentioned both Chapter VII and Article 41 and called for the imposition of mandatory sanctions against South Africa. This proposal was voted upon at the 2797th meeting and failed to be adopted owing to the negative votes of two permanent members of the Council.⁵⁵

During the period under review, Article 41 was explicitly referred to in the Council in connection with the complaint by Angola against South Africa,⁵⁶ the situation in Namibia,⁵⁷ the situation in southern Africa⁵⁸ and the question of South Africa.⁵⁹ In some instances, Article 41 was mentioned in tandem with Chapter VII of the Charter, where it is included. On many occasions, however, Council members explicitly invoked only Chapter VII of the Charter when they specifically referred to the application of sanctions. Although in these cases Article 41 was not explicitly mentioned, it was nevertheless the centrally relevant article from the explicitly mentioned Chapter VII, and, in most cases, took the same form as those statements which invoked Article 41 explicitly. Chapter VII, in its specific provisions regarding the imposition of sanctions, was explicitly referred to in connection with the situation in Namibia,⁶⁰ the question of South Africa,⁶¹ the situation in the occupied Arab territories⁶² and the complaint by Angola against South Africa.⁶³ In connection with these and other issues, representatives made frequent implicit references to Article 41 suggesting economic sanctions and other mandatory measures.

Article 42 was not invoked in any decision of the Council, nor was there any constitutional discussion regarding the Article. But on several occasions Article 42 was invoked explicitly in Council discussions, usually with suggestions for the use of force by the Organization.⁶⁴

⁵³The draft resolution received 10 votes to 3, with 2 abstentions.

⁵⁴S/19585, OR, 43rd yr., Suppl. for Jan.-March 1988. The draft resolution was sponsored by Algeria, Argentina, Nepal, Senegal, Yugoslavia and Zambia and called for, *inter alia*, the imposition of selected mandatory sanctions against South Africa the effectiveness of which were to be reviewed by the Council after a 12-month period.

⁵⁵The draft resolution received 10 votes in favour, 2 against and 3 abstentions.

⁵⁶S/PV.2617: Ghana, p. 27.

⁵⁷S/PV.2629: Trinidad and Tobago, p. 17.

⁵⁸S/PV.2686: Madagascar, p. 12.

⁵⁹S/PV.2737: Kenya, p. 4; and S/PV.2738: Venezuela, p. 42.

⁶⁰S/PV.2583: India, p. 16; South West Africa People's Organization (SWAPO), pp. 77-78; S/PV.2588: USSR, p. 31; Syrian Arab Republic, pp. 51 and 54; S/PV.2589: Kenya, p. 52; and S/PV.2740: SWAPO, p. 42.

⁶¹S/PV.2602: German Democratic Republic, p. 28; S/PV.2734: Morocco, pp. 46-47; S/PV.2735: Ukrainian SSR, pp. 7-9; S/PV.2793: African National Congress (ANC), p. 21; S/PV.2794: Bulgaria, pp. 44-46; S/PV.2795: India, p. 27; and S/PV.2796: Zimbabwe, p. 28.

⁶²S/PV.2644: Syrian Arab Republic, p. 37; S/PV.2724: Zimbabwe, p. 12; and S/PV.2775: Viet Nam, p. 27.

⁶³S/PV.2765: Argentina, p. 23.

⁶⁴In connection with the complaint by Angola against South Africa, S/PV.2612: Nigeria, p. 22; and S/PV.2617: Ghana, p. 27; in connection with the situation in Namibia, S/PV.2629: Trinidad and Tobago, p. 17; and in connection with the question of South Africa, S/PV.2737: Kenya, p. 4.

CASE I

The question of South Africa

(In connection with a draft resolution (S/17354/Rev.1) sponsored by Denmark and France, voted upon and adopted as resolution 569 (1985); and the proposed amendment (S/17363) to the above-mentioned draft resolution, sponsored by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago, voted upon and not adopted owing to the negative vote of two permanent members of the Council)

Following the imposition of a state of emergency in 36 districts of South Africa on 22 July 1985 and in view of the increased suffering endured by the people of South Africa as a result of the system of apartheid, the representatives of Denmark and France urged States Members of the Organization to take certain measures against the Republic of South Africa as specified in draft resolution S/17354.⁶⁵ While saying that the international community expected a reaction from the Council that was both firm and realistic, the representative of France also pointed out that the text of the draft resolution under consideration (S/17354) might not meet every Council member's own concerns. The representative of France went on to say that his delegation was seeking a unanimous stand on the part of the international community regarding a tragic situation. Many of those who had participated in the Council's debate supported the draft resolution as far as it went but felt that, in search of a consensus, it was not severe enough to produce the desired effect.⁶⁶ Several participants in the debate called for the adoption of mandatory sanctions against South Africa under Chapter VII.⁶⁷

Several other delegations were of the view that sanctions would not promote the end of apartheid and appealed for continued negotiations in lieu of measures they considered would have a damaging effect on the population of South Africa without achieving the desired end.⁶⁸

At the 2600th meeting, on 25 July 1985, the representative of Denmark said that his country strongly believed that the situation in South Africa constituted a serious threat to international peace and security and that the Government of South Africa was guilty of breaching the peace in violation of the provisions of the Charter. Pending mandatory sanctions under Chapter VII, it was important that the Council cooperate quickly and, in a spirit of compromise, reach agreement on measures against South Africa which would increase international pressure in an effective way.⁶⁹ At the same meeting, the representative of the United States, in addition to voicing his Government's opinion that the total political and economic isolation of

⁶⁵S/PV.2600: France, pp. 8-10.

⁶⁶For relevant statements, see S/PV.2600: Australia, pp. 24-25; China, p. 28; Egypt, p. 63; Burkina Faso, pp. 76-77; S/PV.2601: Madagascar, pp. 12-13; S/PV.2602: Zaire, pp. 13-15.

⁶⁷For relevant statements see S/PV.2600: USSR, p. 32; Mali (speaking on behalf of the Group of African States), p. 57; India (speaking on behalf of the Movement of Non-Aligned Countries) (not Chapter VII explicit), p. 67; Burkina Faso, p. 73; Cuba, p. 81; Kenya, p. 87 (not Chapter VII explicit); S/PV.2601: Trinidad and Tobago, pp. 8-10; S/PV.2602: Syrian Arab Republic, pp. 17 and 21 (not Chapter VII explicit); Ethiopia, p. 32; Yugoslavia, p. 38; Ukrainian SSR, p. 41.

⁶⁸For relevant statements see S/PV.2600: United Kingdom, p. 13; United States, pp. 17-20.

⁶⁹*Ibid.*, Denmark, p. 16.

South Africa would not produce the desired result, further stated that his delegation was not convinced that certain elements of the draft resolution under consideration were suitable means of discouraging apartheid. He singled out the draft resolution's call for suspension of new investments, stating that it would only disrupt the functioning of an economy that had become increasingly open to blacks, giving them growing power to eliminate apartheid.⁷⁰ At the same meeting, the Chairman of the Special Committee against Apartheid pointed out that apartheid was not merely an issue of equal employment opportunities offered by companies supported by the labours of blacks whose working and living conditions demeaned the value and meaning of human dignity.⁷¹

At the 2602nd meeting, on 26 July 1985, the French delegation submitted a revised draft resolution (S/17354/Rev.1) which broadly took into account suggestions made by other participants in the debate. Before the revised draft resolution (S/17354/Rev.1) was voted upon, the President drew attention to an amendment (S/17363) to the draft resolution submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago. The proposed amendment, to be inserted after operative paragraph 5 of the revised draft resolution, warned South Africa that failure to eliminate apartheid would compel the Council to meet at a later date in order to consider other measures under the Charter, including Chapter VII, that would bring additional pressure to ensure South Africa's compliance. At the same meeting the amendment was put to the vote and failed of adoption owing to the negative vote of two permanent members of the Council.⁷² After the vote on the amendment and before the vote on draft resolution

S/17354/Rev.1, the representative of the United Kingdom stated that most of the draft resolution before the Council was generally in accord with the policy of his Government; however, his delegation could not endorse operative paragraph 6 in particular, because it felt that the sale of South African krugerrands was not a major issue. The representative of the United Kingdom went on to say that his delegation could not vote for the proposed draft resolution and would vote against the amendment which the Council had just voted upon because it did not believe that measures under Chapter VII would prove an effective way of achieving internal change in South Africa.

At the 2602nd meeting, on 26 July 1985, the Council voted on the revised draft resolution (S/17354/Rev.1), which received 13 votes in favour, none against and 2 abstentions, and was thus adopted as resolution 569 (1985). After the vote, the representative of France expressed his country's pleasure at the adoption of the draft resolution which it had submitted with the co-sponsorship of Denmark after taking into account in great measure the comments made by the non-aligned members of the Council. He went on to state, however, that his country believed that the provisions of Chapter VII of the Charter did not apply to the question which the Council had before it; hence his delegation had abstained in the vote on draft amendment S/17363.

The representative of Burkina Faso expressed, on the one hand, his appreciation of the efforts of the sponsors of the draft resolution to take account of certain concerns of the States members of the Movement of Non-Aligned Countries. On the other hand, however, he expressed his regret that the resolution just adopted suffered from a fundamental omission in that it contained no reference to measures under Chapter VII of the Charter, which his delegation felt the Council should impose against South Africa. The representative of Burkina Faso further stated that the omission could have been overcome through the inclusion of amendment S/17363, which was identical to the text of Security Council resolution 566 (1985), adopted only weeks before.

⁷⁰Ibid., United States, pp. 19-20.

⁷¹Ibid., Chairman of the Special Committee on Apartheid, p. 53.

⁷²The amendment (S/17363) received 12 votes in favour and 2 against, with 1 abstention.

Part II

CONSIDERATION OF THE PROVISIONS OF ARTICLES 43-47 OF THE CHARTER

NOTE

During the period under review, the Council did not adopt any resolutions referring to Articles 43-47 of the Charter. Nor was there any constitutional discussion about these articles.

Part III

CONSIDERATION OF THE PROVISIONS OF ARTICLES 48-51 OF THE CHARTER

NOTE

During the period under review, the Council adopted three resolutions which contained implicit references to Articles 49 and 50. These resolutions involved the question of assistance to Botswana⁷³ and Lesotho.⁷⁴ Member States that had suffered losses and damage as a result of their humanitarian support of South African refugees as well as

their adherence to a Council resolution against South Africa.

⁷³See resolution 568 (1985) of 21 June 1985, adopted unanimously at the 2599th meeting, especially paragraphs 5, 6 and 8; and resolution 572 (1985) of 30 September 1985, adopted unanimously at the 2609th meeting, especially paragraph 5.

⁷⁴See resolution 580 (1985) of 30 December 1985, adopted unanimously at the 2639th meeting, especially paragraphs 4 and 5.

In the course of deliberations in the Council, various issues occasioned pertinent arguments relating to the interpretation of the principle embodied in Article 50.

In an annex to a letter sent by the representative of South Africa to the Secretary-General, the South African Minister of Foreign Affairs warned the Secretary-General that Security Council resolution 569 (1985), which called, *inter alia*, for voluntary economic sanctions against South Africa, was dangerous and irresponsible since it could have damaging effects on the economies of South Africa's neighbouring States. If sanctions such as the suspension of new investment were imposed, South Africa would be unable to give loans and financial aid to neighbouring States. Sanctions would also jeopardize the employment opportunities for many expatriate workers who sent remittances to neighbouring States.⁷⁵

The argument that economic sanctions should not be imposed against South Africa because they would hurt black South Africans and other front-line States more than they would harm Pretoria was voiced occasionally in the course of the Council's debates concerning the various agenda items relating to southern Africa.⁷⁶ This argument was often countered by statements emphasizing that the black populations and their authentic leaders in the region had themselves called for the imposition of sanctions and were ready to submit to the sacrifices which their imposition would entail.

During the consideration of the situation in Namibia, the representative of Zambia observed that the front-line States were not "starry-eyed" concerning the impact of economic sanctions against South Africa. The front-line States had thoroughly examined the indirect impact those measures would have on their own economies and welfare. Despite the economic repercussions against the front-line States, the leaders of those States were fully aware of their international responsibility and had called strongly for comprehensive mandatory economic sanctions against South Africa.⁷⁷ At the 2741st meeting, on 6 April 1987, the representative of Venezuela observed that general binding sanctions against South Africa had been demanded by the victims of apartheid and by the front-line States. His country wished to ask the Council once again whether the time had not come, within the context of Article 50 of the Charter and as an exercise in preventive diplomacy, to hear the views of the countries of the subregion on the adverse effects that a policy of sanctions against South Africa might have on their respective economies.⁷⁸

In connection with the situation in southern Africa, the representative of Nicaragua stated that the argument used for not imposing sanctions on South Africa, namely, that the people would be hurt the most, was a clumsy manoeuvre and an excuse to continue support for the Pretoria regime. He questioned how much the South African and Namibian peoples had actually benefited from economic opportunities provided by the racist minority.⁷⁹ At the 2686th meeting, on 23 May 1986, the representative of Zimbabwe observed that South Africa had been systematically implementing its own policy of political and economic

sanctions against its neighbours in a regular and remorseless fashion.⁸⁰ Evidence of Pretoria's policy of sanctions against its neighbours could be found in a paper by a South African foreign policy consultant entitled "Some strategic implications of regional economic relationships for South Africa". Some of the techniques contained in the paper which he associated with South Africa's policy of sanctions against its neighbours included: its use of its railways and harbours to squeeze, pressure or strangulate any of its land-locked neighbours by imposing surcharges or announcing restrictions on the amount of goods to be exported through South Africa; limiting or banning the importation of labour from its neighbours; and curbing or regulating the amount of such goods as petroleum which might pass to neighbouring States. Since South Africa was already using the weapon of sanctions against the front-line States, he could not understand why some Western countries attempted to argue that sanctions against South Africa: (a) were morally wrong, (b) would hurt the wrong people, (c) would not be effective and (d) would hurt neighbouring States. The representative of Zimbabwe emphasized that the people of South Africa and the front-line States were already being hurt and that they knew, furthermore, that sanctions were effective as evidenced by the results of the sanctions employed by the South African Government.⁸¹

In connection with the question of South Africa, the representative of Zimbabwe, responding to a statement made earlier in the debate by the representative of South Africa, called the question of the suffering in neighbouring States, if sanctions were to be imposed, a "non-starter", since those countries had already made it clear that they did not want anyone to use their vulnerability as an excuse not to impose sanctions. He observed that those countries were already suffering and it would make their suffering tolerable if they knew there was "light at the end of the tunnel". The people of his own country, Zimbabwe, had endured United Nations comprehensive mandatory sanctions for nearly 15 years and he assured the Council that the black Zimbabweans had accepted the deprivations of sanctions as a small price to pay in order to achieve their liberation.⁸² At the 2737th meeting, on 20 February 1987, the representative of the USSR stated that in the governmental circles of various Western countries "much play" had been made of the question of the possible negative consequences of mandatory sanctions for the populations of South Africa and neighbouring African States. This had led to a situation that could only be described as "paradoxical". African countries had demanded the introduction of sanctions and yet they were being told: "We are against sanctions because we are concerned about you."⁸³

In the course of the debate in the Council, the arguments contending that sanctions would inflict grave economic

⁷⁵S/17426, OR, 40th yr., Suppl. for July-Sept. 1985.

⁷⁶For relevant statements, see S/PV.2737: Federal Republic of Germany, p. 20; S/PV.2797: United States, pp. 18-19, both in connection with the question of South Africa.

⁷⁷S/PV.2624: Zambia, p. 61.

⁷⁸S/PV.2741: Venezuela, pp. 28-30.

⁷⁹S/PV.2656: Nicaragua, pp. 44-45.

⁸⁰See also S/PV.2652, pp. 29-30, where the representative of Zambia remarked: "The fact is that South Africa itself has imposed some form of sanctions against its economically weak neighbours;" and, in connection with the question of South Africa, see also S/PV.2733: Nicaragua, p. 18; and S/PV.2738: Uganda, p. 18.

⁸¹S/PV.2686: Zimbabwe, pp. 91-95; for further relevant statements in connection with the situation in southern Africa, see S/PV.2652: Zambia, p. 28; and S/PV.2684: Zambia, pp. 18-20.

⁸²S/PV.2734: Zimbabwe, p. 26.

⁸³S/PV.2737: USSR, pp. 37-38. For further relevant statements, see S/PV.2738: Uganda, pp. 17-18; Guyana, p. 28; Togo, p. 37; and Ghana, p. 58.

damage on the front-line States as well as on black South Africans were frequently countered through statements recommending an augmentation in economic aid to those areas in order to reduce their dependence on South Africa.

During the Council's consideration of the question of South Africa, the representative of Yugoslavia argued that theories deeming sanctions ineffective and counter-productive were unacceptable. In the interest of human rights, justice and lasting peace, even the neighbouring countries had advocated sanctions although they would be hurt by them. The Movement of Non-Aligned Countries had initiated a number of concrete actions to strengthen its expressions of solidarity with and support for the peoples of southern Africa. Those actions included working to bring about the imposition of sanctions against South Africa, on the one hand, and mobilizing to render assistance to the front-line States, on the other, thereby reducing their dependence on South Africa. To that end, the Action for Resisting Invasion, Colonialism and Apartheid (AFRICA) fund had been established at the Summit Conference of Non-Aligned Countries in Harare. Furthermore, at a high-level meeting in New Delhi, the members of the committee of the Fund had appealed to the entire international community to contribute to the Fund and assist the front-line States and the liberation movements of the peoples of South Africa and Namibia.⁸⁴

At the same meeting, the representative of Nicaragua stated that the international community needed to urgently expand its bilateral economic cooperation with the front-line States as well as with the Southern African Development Co-ordination Conference (SADCC). He further stressed that the international community should, at the same time, lend its full support to the Solidarity Fund for Southern Africa, established by the Movement of Non-Aligned Countries, as a concrete step in the struggle against apartheid.⁸⁵

At the 2738th meeting, on 20 February 1987, the representative of Venezuela stated that the argument that imposing sanctions would primarily affect the non-white population of South Africa and neighbouring countries had undoubtedly been the most controversial point raised in the debate. Statements made by authorized representatives of the majority in South Africa and neighbouring countries made it clear that they were "perfectly well aware" of the risk that sanctions against South Africa posed for them and they were nevertheless ready to pay the price. He drew attention to the provision of Article 50 of the Charter of the United Nations and read the Article aloud. He remarked that, in the light of Article 50, it appeared best to embark upon a consideration of the necessary measures to limit, as far as possible, the ill-effects that those sanctions might have on the victims of oppression and on the victims of the continued aggression of the South African Government.⁸⁶

During the period under review, one resolution⁸⁷ adopted by the Council contained an explicit reference to Article

51. The Council also adopted several resolutions⁸⁸ which, although making no explicit mention of Article 51, nevertheless requested Member States to extend all necessary assistance to the People's Republic of Angola in order to strengthen its defence capabilities in the face of South Africa's escalating acts of aggression and the occupation of parts of Angolan territory by South African military forces.

In the course of deliberations in the Council, various issues occasioned pertinent arguments relating to the interpretation of the principle of self-defence.

During the consideration of the situation in the Middle East, Israel claimed that its duty to protect the lives and security of its citizens, coupled with the inability of the Government of Lebanon to prevent the use of its territory for attacks against Israel, had led to Israeli retaliatory attacks against concentrations of PLO terrorists in Lebanon in the exercise of the inherent right of self-defence. Israel further claimed that continued terrorist activity had hindered a permanent Israeli withdrawal from Lebanon.⁸⁹ Other representatives challenged Israel's argument of self-defence, denying that so-called pre-emptive actions could be justified by any interpretation of Article 51.⁹⁰ Israel countered by stating that the draft resolution then before the Council (S/17000), were it to be adopted, would not stop Israel from defending its men, women and children against attack.⁹¹ Many representatives argued that what Israel deemed terrorist attacks against withdrawing Israeli forces were instead themselves acts of self-defence which were an inevitable result of the Israeli invasion and occupation of Lebanon and were therefore justified under Article 51 of the Charter.⁹²

In connection with the question of South Africa, the Chairman of the Special Committee against Apartheid stated that the people of South Africa had no choice but to intensify their armed resistance in view of the Pretoria regime's mounting reign of terror. The Special Committee wished to reaffirm that the South African people and their liberation movements had the right to utilize all the means at their disposal, including armed struggle, necessary for the dismantling of apartheid.⁹³

⁸⁸Resolution 571 (1985), para. 5, adopted unanimously at the 2607th meeting following a separate vote on operative paragraph 5, and resolution 577 (1985), paragraph 6, adopted unanimously at the 2631st meeting following a separate vote on operative paragraph 6.

⁸⁹S/PV.2568: Israel, p. 36; S/PV.2573: Israel, pp. 54-56; S/PV.2708: Israel, p. 8; and S/PV.2832: Israel, pp. 18-20.

⁹⁰S/PV.2570: Yugoslavia, p. 21; S/PV.2572: Mr. Maksoud, Permanent Observer of the League of Arab States, pp. 27-30; Madagascar, p. 67; S/PV.2573: Indonesia, pp. 8-9; Syrian Arab Republic, pp. 71-72. See also the letter dated 3 May 1988 from the representative of Lebanon to the Secretary-General, which categorically rejected Israel's argument for the invasion of Lebanon in the name of self-defence and recalled that it was the same argument Israel used in 1978 and 1982 (S/19860, *OR*, 43rd yr., *Suppl. for April-June 1988*).

⁹¹S/PV.2573: Israel, p. 58.

⁹²See S/PV.2568: Qatar, p. 21; Israel, p. 33; S/PV.2570: USSR, p. 32; Islamic Republic of Iran, p. 62; S/PV.2572: Mr. Maksoud, Permanent Observer of the League of Arab States, pp. 21-22; United Arab Emirates, p. 82; Mr. Terzi, PLO, p. 102, who claims right of self-defence has also been legitimized by the General Assembly; and S/PV.2573: Indonesia, p. 8; Syrian Arab Republic, p. 62.

⁹³S/PV.2732: Mr. Garba, Chairman, Special Committee against Apartheid, p. 14. For similar arguments which also implicitly refer to Article 51, see the following statements: S/PV.2602: Syrian Arab Republic, p. 16; S/PV.2732: Egypt, pp. 6-7; S/PV.2735: Ukrainian SSR, p. 6; S/PV.2736: Mr. Makhanda, representative of the Pan Africanist Congress of Azania (PAC), p. 53.

⁸⁴S/PV.2733: Yugoslavia, pp. 11-12.

⁸⁵*Ibid.*: Nicaragua, p. 19.

⁸⁶S/PV.2738: Venezuela, pp. 42-43. For further relevant statements, see S/PV.2734: India, p. 5; S/PV.2736: France, pp. 6-7; S/PV.2738: Uganda, p. 18; Guyana, p. 28; Togo, p. 36; S/PV.2796: Somalia, pp. 13-15.

⁸⁷Resolution 574 (1985), para. 4, adopted unanimously at the 2617th meeting after a separate vote on operative paragraph 6, in connection with the complaint by Angola against South Africa.

During the Council's consideration of the situation in Namibia, the representative of South Africa argued that it was an established principle of international law that a State might not permit or encourage on its territory activities for the purpose of carrying out acts of violence on the territory of another State. It was equally well established that a State had a right to take appropriate steps to protect its own security and territorial integrity against such acts. These principles explained why South Africa had repeatedly urged the Angolan Government not to permit such activities in its territory and why South Africa had no alternative but to take such action as it considered appropriate for the protection of its people from such acts of violence.⁹⁴ The representative of Cuba argued, on the other hand, that his country's presence in Angola was not connected with Namibia. Cuban combatants went to Angola, at the request of the Angolan Government and people, to fight "against the racist army and other acts of aggression aimed at smothering the newborn People's Republic of Angola."⁹⁵ The representative of Angola emphasized that the Council, by its resolution 539 (1983), had rejected all South African attempts to link the independence of Namibia with extraneous matters such as the withdrawal of Cuban forces from Angola, whose presence was fully in keeping with Article 51 of the Charter.⁹⁶ Several other speakers, explicitly invoking Article 51, reiterated the argument that the presence of Cuban troops in Angola fell within the competence of Angola and should not be linked with the implementation of resolution 435 (1978).⁹⁷ The representative of Malaysia noted that, on the one hand, members of the United Nations reserved the inherent right of self-defence and, on the other, that Namibia's struggle for independence and self-determination was recognized as legitimate by the United Nations. Therefore, SWAPO should not be denied the right "to conduct its struggle by all means possible" until the Council demonstrated the will and means to carry out the plan for peaceful settlement embodied in resolution 435 (1978).⁹⁸

In connection with the situation in Cyprus,⁹⁹ Mr. Koray, representative of the Turkish Cypriots, stated that Turkish forces were stationed within the territory of the Turkish Republic of Northern Cyprus in accordance with Turkey's commitment to the security and well-being of the Turkish Cypriot people, who faced increasingly hostile Greek and Greek Cypriot forces who were constantly expanding their offensive capability. This position was reiterated by the representative of Turkey, who wished to clarify his position on the Turkish presence in Northern Cyprus by stating that the Turkish forces sent to Cyprus in 1974 to prevent Greece's annexation of Cyprus by force had remained there, in part, to safeguard the security of the Turkish Cypriots until a negotiated solution was achieved. The representative of Cyprus, on the other hand, rejected the argu-

ment that his country could not build up its defences against the clear and present dangers which emanated from continuing Turkish aggression. The right to self-defence and the protection of the sovereignty, independence and territorial integrity of a country was in accordance with the provisions of the Charter of the United Nations and the general principles of international law.

During the Council's consideration of the complaint by Angola against South Africa, several delegations reminded Council members that resolution 546 (1984) had already affirmed Angola's right to take all measures necessary to defend its sovereignty and territorial integrity under the Charter; other representatives remarked that that right should be reaffirmed.¹⁰⁰

The representative of South Africa argued that the Angolan Government was providing facilities for thousands of ANC terrorists on its territory as well as actively arming them and preparing them for the perpetration of acts of terrorism against South Africans. It was an established principle that a State might not permit activities on its territory for the purpose of carrying out acts of violence on the territory of another State, and therefore South Africa would take whatever action was necessary and appropriate to defend itself.¹⁰¹

Several representatives contested this argument, noting that such a justification, based on the theory of so-called preventive action, was unacceptable in the framework of international law. The representative of Madagascar observed that, because of its vagueness and subjective nature, the theory of preventive action would permit any State to consider as dangerous to its security any action taken by its victim, even if that action were in keeping with internationally accepted norms. This was the antithesis of the right of self-defence as recognized by Article 51 of the Charter.¹⁰² That opinion was reiterated by the Chairman of the Special Committee against Apartheid when he commented upon the South African regime's use of the concepts of "hot pursuit" and pre-emptive action to justify what he called "its latest act of aggression". He said that the right of self-defence was governed by Article 51 of the Charter, which could in no way be invoked by South Africa since there had been no threat to South African territory. South Africa had, on the contrary, repeatedly been the source of aggression and destabilization against its neighbours and therefore the question of self-defence or hot pursuit could not arise in the case then being considered. Furthermore, the South African presence in Angola had been declared illegal, had been repeatedly condemned by the Security Council and was an infringement of international law.¹⁰³

The representative of the United Arab Emirates claimed that international law and jurisprudence provided that two fundamental conditions must be met in exercising the right of self-defence: (a) urgent need, and (b) the proportionality of force used in response to the danger posed. Those con-

⁹⁴S/PV.2583: South Africa, pp. 101-102.

⁹⁵S/PV.2584: Cuba, p. 21.

⁹⁶S/PV.2586: Angola, p. 42.

⁹⁷S/PV.2625: Cuba, p. 43; S/PV.2626: USSR, p. 31; S/PV.2741: Angola, pp. 59-61; S/PV.2742: Mozambique, p. 46; S/PV.2757: Mozambique, p. 72.

⁹⁸S/PV.2588: Malaysia, pp. 18-20.

⁹⁹For references to Article 51, see S/PV.2749: Mr. Koray (Turkish Cypriots), p. 33; Turkey, pp. 46-47; Cyprus, pp. 53-55; S/PV.2771: Cyprus, p. 26; Turkey, pp. 54-55; S/PV.2816: Mr. Koray, p. 27; and Turkey, pp. 44-45.

¹⁰⁰For references to Article 51, see S/PV.2596: India, p. 21; and S/PV.2597: Sao Tome and Principe, pp. 29-30; S/PV.2616: Trinidad and Tobago, p. 22; Madagascar, p. 26.

¹⁰¹S/PV.2597: South Africa, pp. 25-26.

¹⁰²S/PV.2606: Madagascar, p. 31.

¹⁰³Ibid., Mr. Garba, Chairman, Special Committee against Apartheid, pp. 58-59.

ditions were not present in the case of the acts of aggression perpetrated by South Africa against "small, peace-loving" Angola, which posed no danger whatsoever to a strong State which possessed military arsenals as large as South Africa's. The right of self-defence could not be invoked to justify an act of aggression which fell under article 3 of the Definition of Aggression as contained in the annex to General Assembly resolution 3314 (XXIX) of 14 December 1974.¹⁰⁴

The representative of Angola emphasized that, in light of the situation then prevailing, his country might be left with no option except recourse to Article 51 of the Charter, which included the right to seek broader assistance in the face of South Africa's persistent aggression.¹⁰⁵ This position was supported in a number of statements by other representatives.¹⁰⁶ Several other representatives, however, did not interpret the Council's calls to provide Angola with assistance in strengthening its defence capacity in the face of South African aggression as an endorsement for the intervention of foreign combat troops.¹⁰⁷

During the Council's consideration of the letter dated 1 October 1985 from the representative of Tunisia, the representative of the PLO questioned the validity of Israel's claim that its raid on Tunisian territory was an act of self-defence in response to Palestinian terrorist attacks against Israel which had emanated from Tunisia. He suggested that Israel's occupation of Arab and Palestinian territories, and the concomitant deprivation of the residents' basic rights under the Charter of the United Nations, were themselves acts of State terrorism which legitimized Palestinian resistance as a means of self-defence.¹⁰⁸

At the same meeting, the representative of Kuwait pointed out that Israel's justification of its action in the name of self-defence made no reference to the aggression against Tunisia's sovereignty.¹⁰⁹

The representative of Israel responded to the assertion that his country's raid was an unprovoked attack on a country not at war with Israel by saying that every State had the responsibility to prevent armed attacks from occurring on its territory. Israel could never accept the notion that the bases and headquarters of "terrorist killers" should enjoy immunity anywhere, and at all times. Sovereignty could not be separated from its responsibilities, the chief of which was preventing a sovereign territory from being used as a launching ground for acts of aggression against another country. When a country abdicated that fundamental responsibility, either deliberately or through neglect, it risked taking upon itself the consequences of such a dereliction of duty. The representative explicitly argued that "the interest of a State in exercising protection over its nationals may take precedence over territorial sovereignty". Article 51 of the Charter said this quite clearly, and he em-

phasized his point by quoting the following part of that Charter Article: "Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations."¹¹⁰

The representative of Tunisia challenged the interpretation of Article 51 provided by the representative of Israel by claiming it was wrong to attach to an Article of the Charter a meaning diametrically opposed to that which it undoubtedly had. As a point of fact, Article 51 gave a Member of the United Nations the inherent right of self-defence in the precise case where an "armed attack" had transpired against it. He disputed the assertion that Tunisia had conducted an armed attack against Israel and cited the balance of power currently existing in the region as evidence of the unlikelihood of such a scenario. On the contrary, the only armed attack that had occurred was the one officially claimed by the Israeli Government. Tunisia had no other means of retaliation against that armed attack except for those provided in the Charter within the framework of the right of self-defence.¹¹¹

The representative of Madagascar charged that over the years Israel had, in the name of self-defence, constantly resorted to "occupation, oppression, repression, threats, pre-emptive attacks and reprisals". Israel's concept of self-defence was very far from the one established in international law. His delegation found it difficult to find any sufficient justification for Israel's armed aggression, and further claimed that it was a "specious argument" to assert that Tunisia, because it harboured PLO headquarters, bore responsibility for all hostile acts against Israel even if they were carried out by individuals and responsibility for them was not claimed by the PLO.¹¹² Several other speakers also contested Israel's argument for the right to strike in pre-emptive self-defence regardless of the question of sovereignty.¹¹³ The representative of the United States, however, stated that his country recognized and strongly supported the principle that a State subjected to continuing terrorist attacks might respond with the appropriate use of force to defend itself against further attacks. This was an aspect of the inherent right of self-defence recognized in the Charter of the United Nations and it was the collective responsibility of each State to ensure that terrorism received no sanctuary and that those who practiced it had no immunity from the responses which their actions warranted.¹¹⁴

After the Council had adopted resolution 573 (1985) by a vote of 14 in favour to none against, with 1 abstention, the Foreign Minister of Tunisia stated that the Council's decision had given his country hope that the principles of law and justice would triumph over the illegitimate and unwarranted use of force; in bringing the matter under consideration to the Council's attention, Tunisia believed that it had fully exercised its right to self-defence against an aggressor that had violated its sovereignty and territorial integrity.¹¹⁵

¹⁰⁴S/PV.2616: United Arab Emirates, pp. 46-47.

¹⁰⁵S/PV.2606: Angola, pp. 14-15; S/PV.2612: Angola, p. 6.

¹⁰⁶S/PV.2596: United Republic of Tanzania, pp. 29-30; S/PV.2597: Trinidad and Tobago, p. 68; S/PV.2693: Ghana, p. 29; S/PV.2765: Bulgaria, p. 26.

¹⁰⁷For relevant statements, see S/PV.2617: United Kingdom, p. 52; S/PV.2631: United States, p. 34; S/PV.2693: United States of America, p. 53.

¹⁰⁸S/PV.2610: Mr. Kaddoumi, PLO, p. 36.

¹⁰⁹*ibid.*: Kuwait, p. 16.

¹¹⁰S/PV.2611: Israel, pp. 23-26.

¹¹¹S/PV.2615: Tunisia, p. 82.

¹¹²S/PV.2613: Madagascar, pp. 8-11.

¹¹³For relevant statements, see S/PV.2615: Bangladesh, pp. 53-56; Mr. Maksoud, Permanent Observer of the League of Arab States, pp. 102-103.

¹¹⁴S/PV.2615: United States, p. 112.

¹¹⁵S/PV.2615: Tunisia, p. 113.

In connection with the letter dated 4 February 1986 from the representative of the Syrian Arab Republic, the Syrian representative stated that the interception and forced landing of a civilian Libyan aircraft by two Israeli fighter planes in international airspace was an act of air piracy which threatened international peace and security. He called upon the Council to prevent a repetition of such an action and added that, on previous occasions, the Council had unanimously adopted resolutions condemning acts of air piracy. Resolution 337 (1973) was cited as an example.¹¹⁶

The representative of Israel claimed that his country had reason to believe that the aeroplane that had been intercepted was carrying terrorists on board who had been at a meeting in Tripoli where clear declarations had been made about continuing terrorist attacks against Israel. According to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV), annex):

Every State has the duty to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts. . .

The representative questioned whether the members of the Council expected Israel "to sit idly by" and "wait to absorb the attack" while knowing both that a terrorist conference was occurring and that Israel had suffered recent terrorist attacks. It made no difference whether Israel was right or, as in the present case, not right in assuming there were terrorists on board the Libyan aeroplane because other speakers considered it wrong to have any interception of civil aviation under any circumstances. Israel found such limitations of international law, and such inhibiting of the "essential concept of self-defence", never to be applicable in practice and especially out of date given the nature of current terrorist practices. The representative of Israel noted that classic international law allowed a country to stop ships in international waters if pirates were believed to be harboured on board. He read the following relevant passage from Bowett:

It is clear, as the case of the *Marianna Flora* shows, that the right may be exercised against acts of piratical aggression if the circumstances are such as to reasonably warrant the apprehension of real danger by the State. The fact that the ship subsequently proves innocent of piratical character would seem to be irrelevant if the initial suspicion is well founded.¹¹⁷

With regard to the absolute limits on self-defence, the representative of Israel asserted that a nation attacked by terrorists was permitted to use force to prevent or pre-empt future attacks; it was unrealistic to argue that international law prohibited capturing terrorists in international waters or international airspace. He concluded by stating his belief that even those who did not fully accept the fundamental concept of self-defence as it needed to be construed in the age of terrorism would be prepared to accept that the sanctity of human lives preceded the sanctity of airspace.¹¹⁸

The representative of the Syrian Arab Republic, exercising his right of reply, contended that Israel had a record of

waging war under what it called the theory of self-defence. Israel had no right to tell the Council when it was acting in self-defence and when it was not; Israel could not survive, occupy, expand and annex Jerusalem and the Golan Heights other than by justifying its deeds under the pretext of self-defence. The representative of Israel was attempting to pass a new international law based on suspicion and probability. He emphasized that every Arab in the world was determined to liberate the occupied Arab territories; hence, according to the Israeli interpretation of international law, every Arab was a terrorist. Therefore by invoking the theory described earlier in the meeting by the Israeli representative, Israel had assumed the right to stop any Arab and make itself into the guardian and interceptor of Arab aircraft because it suspected every Arab of being a freedom fighter or terrorist. The Syrian representative further asserted that Israel could not be both judge and a party to the conflict in defiance of the will of the Security Council.¹¹⁹

At the 2653rd meeting, on 5 February 1986, the representative of Israel further explained his position by arguing that international terrorism, including attacks on civil aviation, represented the emergence of a new kind of war that could not have been foreseen in the period 1945-1965. International law nevertheless provided a stipulation able to counteract this type of war, which could be found in the "paramountcy" or "predominance" of self-defence. In detailing further aspects of what he described as a new type of war, the representative of Israel claimed that a Government could use its own embassies "as a machine-gun post to massacre passers-by" and then proceed to claim diplomatic immunity, or would use its territory for terrorist training camps which launched attacks against various countries and then claim the immunity of sovereignty over those camps. He described this "new phenomena" as consisting of: (a) the emergence of terrorist States giving the terrorist groups they sponsored support and shelter, and (b) the fact that those States hid behind their construction and interpretation of various immunities given under entirely different circumstances and for entirely different operations. States which fell into those categories forfeited their diplomatic immunity and were also subject to a response.¹²⁰

A number of other speakers disputed Israel's interpretation of international law vis-à-vis self-defence, claiming that it set a dangerous precedent in which any Government in the world could intercept flights conveying those it considered its antagonists.¹²¹ The representative of the United States, while noting his opposition to Israel's action against the Libyan aircraft, nevertheless found the draft resolution then before the Council (S/17796/Rev.1) unacceptable because it failed to sufficiently address the issue of terrorism. The United States opposed the interception of civil aircraft as a general principle and his country was prepared to vote for a draft resolution that expressed that basic principle. However, exceptional circumstances might arise which could justify an interception of civilian aircraft and the United States strongly supported the principle that a State

¹¹⁶S/PV.2651: Syrian Arab Republic, pp. 8-11.

¹¹⁷See D. W. Bowett, *The Law of the Sea* (New York, Oceana Publications, 1967).

¹¹⁸S/PV.2651: Israel, pp. 16-20.

¹¹⁹*ibid.*, Syrian Arab Republic, pp. 26-31.

¹²⁰S/PV.2653: Israel, pp. 31-33.

¹²¹For relevant statements, see S/PV.2655: United Arab Emirates, pp. 11-12; Ghana, pp. 26-27; Algeria, pp. 34-35; Bulgaria, p. 37; Iraq, pp. 56-57; and Congo, p. 82.

whose territory or citizens were subjected to continuing terrorist attacks might respond with appropriate use of force to defend itself against future attacks. The United States representative concluded by saying that any State taking such action was obliged to meet a high burden of proof by demonstrating that the decision was justified on the basis of the strongest and clearest evidence that terrorists were aboard, adding that he deplored the action taken by Israel because it had failed to demonstrate that its action met the rigorous and necessary standard.¹²²

During the Council's consideration of the situation in southern Africa, the representative of South Africa stated that the actions taken by his Government against what he termed "ANC bases" in Zimbabwe, Botswana and Zambia were necessary for the defence and security of the South African people and for the elimination of terrorist elements who were intent on sowing death and destruction in his country and the entire region.¹²³ Many speakers disputed South Africa's claim to the right of self-defence under the circumstances, by questioning the potential threat posed to South Africa by the sites targeted¹²⁴ and by regarding South Africa's attempts to cite Article 51 as justification for armed attacks across international boundaries as specious arguments which constituted attempts to revise the Charter outside the framework of the United Nations.¹²⁵

In connection with the letter dated 15 April 1986 from Chargé d'affaires a.i. of the Libyan Arab Jamahiriya, the representative of the United States declared that on 14 April 1986 his country had exercised its inherent right of self-defence, recognized in Article 51 of the Charter, when United States military forces had "executed a series of carefully planned air strikes against terrorist-related targets in Libya". The United States had acted in self-defence only after other protracted efforts to deter the Libyan Arab Jamahiriya from ongoing attacks against the United States in violation of the Charter had failed. Citing "direct, precise and irrefutable evidence" which demonstrated Libyan responsibility for a bombing in West Berlin on 5 April 1986 and alluding to "clear evidence" that the Libyan Arab Jamahiriya was planning multiple attacks in the future, the United States was compelled to exercise its right of self-defence.¹²⁶

Other representatives were also of the opinion that, in consideration of conclusive evidence of Libyan involvement in recent terrorist acts and of their planning for further such acts, the military action of 14 April 1986 was justified under the inherent right of self-defence as reaffirmed in Article 51 of the Charter.¹²⁷

The representative of the Libyan Arab Jamahiriya questioned the legitimacy of some members' position regarding both the invocation of Article 51 in general and the necessary compliance with the stipulation in that Article which called upon members to immediately report to the Council

all measures taken in exercise of the right of self-defence.¹²⁸

The representative of Algeria was of the view that Article 51 set exact limits on the exceptions to the prohibition of the use of force effected by the exercise of the legitimate right of self-defence. Article 51 could not be invoked in the absence of an act of aggression, and the Libyan Arab Jamahiriya had committed no such act in the case under consideration. The representative of Algeria was also of the opinion that Article 51 of the Charter provided for the suspension of the right of self-defence in a particular situation if and while the Security Council was seized of that same situation. He therefore reasoned, in the light of this interpretation of Article 51 and considering one of the parties involved was a permanent member of the Council, that the United States had a duty to do nothing that could have hindered the efforts of the Council while it was still considering the situation in the central Mediterranean.¹²⁹

The representative of Qatar concurred with Algeria in viewing Article 51 as an exception to the general rule against the threat or use of force set forth in Article 2, paragraph 4. As an exception, he contended, the inherent right of self-defence should be interpreted narrowly rather than broadly in order to prevent violations of the general rule in the name of the legitimate recourse to the right of self-defence. For the use of force in self-defence to be legitimate under Article 51, it must be preceded by an armed attack against the State attempting to justify its use of force on the basis of that Article. He quoted a passage from a work by an American jurist to reinforce his position that there was no attack in the sense intended by Article 51 unless "military forces cross an international boundary in visible, massive and sustained form."¹³⁰ The representative of Qatar went on to describe a second condition which he considered necessary in order for the right to use force in the name of self-defence under Article 51 to be legitimate, namely, that the acts of self-defence must take place directly following armed aggression and before the cessation of military operations by the forces of the aggressor State. The right of self-defence had been recognized in order to rebuff aggression and to prevent the aggressor from carrying out its objectives; therefore if such aggression ceased there would no longer be a pretext for using force on the grounds of self-defence. The use of force in the name of self-defence after the initial aggression had ceased amounted to mere retaliation designed to teach the aggressor a lesson or geared towards other purposes irrelevant to self-defence in its strict legal sense. He disputed the United States' position that the military engagement that had transpired on 15 April 1986 was a pre-emptive action carried out in self-defence in order to prevent the occurrence of further incidents. The concept of "pre-emptive self-defence" did not exist in international law, since armed aggression had to precede acts of self-defence. In reinforcing his argument, he cited the testimony of the representative of the United Kingdom, who had categorically rejected pre-emptive self-defence when speaking on behalf of the European Economic Community (EEC) during the thirty-sixth

¹²²S/PV.2655: United States, pp. 112-113.

¹²³S/PV.2684: South Africa, pp. 27-28.

¹²⁴For relevant statement, see S/PV.2686: Zimbabwe, p. 86.

¹²⁵For relevant statements, see S/PV.2686: Madagascar, p. 11; USSR, pp. 26-27; Islamic Republic of Iran, p. 71; United Arab Emirates, p. 81; Trinidad and Tobago, pp. 101-102; and Libyan Arab Jamahiriya, pp. 116-117.

¹²⁶S/PV.2674: United States, pp. 13-17.

¹²⁷For relevant statements, see S/PV.2679: United Kingdom, p. 27; S/PV.2683: United States, p. 44.

¹²⁸S/PV.2674: Libyan Arab Jamahiriya, pp. 8-10.

¹²⁹S/PV.2676: Algeria, pp. 4-5.

¹³⁰Richard A. Falk, comp., *Crimes of War* (New York, Random House, 1971), p. 195.

session of the General Assembly.¹³¹ The representative of Qatar asserted that the "true meaning" of self-defence had been defined over 140 years ago by the then Secretary of State of the United States, Mr. Daniel Webster. He quoted Webster's definition as follows:

A necessity of self-defence, instant, overwhelming, leaving no choice of means and no moment for deliberation

and then questioned whether or not that definition was applicable to the United States' military operations against the Libyan Arab Jamahiriya of 15 April 1986. Experts in international law had recognized that combating terrorist acts never justified the use of force in violation of Article 2, paragraph 4, of the Charter and did not fall under the provisions of Article 51. He referred to several studies published in a journal of international law to reinforce his position.¹³²

Several other delegations were also of the opinion that the military engagement under consideration did not meet the conditions necessary to justify it on the grounds of self-defence under Article 51 of the Charter.¹³³

One speaker observed that, since coming into effect, the Charter had not yet been interpreted as permitting pre-emptive attack or reprisal as a valid substitute for its multilateral procedure, and that in this sense the Charter could be said to circumscribe traditional norms of international law for obvious, though perhaps overly optimistic, reasons.¹³⁴

In connection with three separate but integrally related agenda items, the letters dated 27 June, 22 July and 17 October 1986 from the representative of Nicaragua, some speakers claimed that several countries neighbouring Nicaragua had requested assistance as a result of Nicaraguan aggression and the threat posed by Nicaraguan armed forces. They contended that the United States had responded to that call.¹³⁵ Other speakers contested the legality of the argument made for the right to "collective self-defence" as it had been employed in justifying United States acts of aggression against Nicaragua. In support of that position, many references were made to the decision of the International Court of Justice of 27 June 1986 (S/18221).¹³⁶

¹³¹A/36/PV.53, p. 33.

¹³²S/PV.2677: Qatar, pp. 4-8.

¹³³For relevant statements, see S/PV.2677: Madagascar, p. 12, Viet Nam, p. 36; S/PV.2678: Afghanistan, p. 6, Czechoslovakia, p. 13, Islamic Republic of Iran, p. 21, Sudan, pp. 28-31; S/PV.2679: Bangladesh, p. 12; S/PV.2680: Congo, p. 27, Ghana, p. 32, Nicaragua, p. 48; S/PV.2682: Uganda, p. 16.

¹³⁴S/PV.2682: Thailand, p. 41.

¹³⁵For relevant statements, see S/PV.2694: United States, p. 28 in connection with the letter dated 27 June 1986 from the representative of Nicaragua; S/PV.2700: El Salvador, p. 27, in connection with letter dated 22 July 1986 from the representative of Nicaragua.

¹³⁶For relevant statements, see S/PV.2694: Nicaragua, pp. 13-15; S/PV.2695: German Democratic Republic, p. 5, Viet Nam, p. 8, USSR, p. 13; S/PV.2696: Nicaragua, p. 71; S/PV.2697: Madagascar, p. 21, Congo, p. 32; S/PV.2698: Libyan Arab Jamahiriya, pp. 19-21 in connection with the letter dated 27 June 1986 from the representative of Nicaragua; S/PV.2700: Nicaragua, pp. 8-10; S/PV.2701: Czechoslovakia, p. 31, Syrian Arab Republic, p. 36; S/PV.2703: Libyan Arab Jamahiriya, p. 13, in connection with the letter dated 22 July 1986 from the representative of Nicaragua; S/PV.2715: Nicaragua, p. 6, S/PV.2718: Syrian Arab Republic, p. 26, in connection with the letter dated 17 October 1986 from the representative of Nicaragua.

During the Council's consideration of the letter dated 5 July 1988 from the representative of the Islamic Republic of Iran, it was emphasized that, according to Article 51 of the Charter, acts of self-defence could be initiated only in response to prior armed attack and that pre-emptive measures before the occurrence of such an armed attack could not be justified as acts of self-defence.¹³⁷ One speaker contended that the Security Council had an obligation to reject the self-defence arguments put forth by some representatives in the case then being considered not only out of respect for Article 51 of the Charter but also because they set a dangerous precedent which could endanger the freedom of civil aviation by allowing others to use the same justification in similar incidents.¹³⁸ Another speaker reiterated that the *USS Vincennes* had legitimately acted in self-defence when, in the course of responding to the distress call of a neutral vessel which was under attack, the *Vincennes* itself had come under attack. Only after it had issued seven warnings, all unanswered, did the *Vincennes* shoot down an Iranian aircraft which approached it while it was engaged in active battle.¹³⁹

Explicit references to article 51 occurred during other proceedings without giving rise to further discussions.¹⁴⁰

Article 51 was also invoked in communications in connection with the situation between Iran and Iraq;¹⁴¹ the

¹³⁷For relevant statements, see S/PV.2818: Islamic Republic of Iran, pp. 36-40; S/PV.2819: USSR, p. 18.

¹³⁸S/PV.2818: Islamic Republic of Iran, p. 37.

¹³⁹S/PV.2818: United States, p. 56.

¹⁴⁰See S/PV.2605: Syrian Arab Republic, pp. 103-105, in connection with the situation in the Arab occupied territories; S/PV.2684: United States, p. 49, in connection with the situation in southern Africa; S/PV.2668: United States, pp. 21-22; S/PV.2669: United Kingdom, p. 36; S/PV.2671: Democratic Yemen, p. 7, in connection with the letters dated 25 March 1986 from the representatives of Malta and the USSR and the letter dated 26 March 1986 from the representative of Iraq; S/PV.2673: United States, pp. 13-15, in connection with the letter dated 12 April 1986 from the Chargé d'affaires a.i. of Malta; S/PV.2721: Chad, p. 3, Zaire, pp. 17-18, France, p. 22 and United States, pp. 24-25, in connection with the letter dated 13 November 1986 from the representative of Chad; S/PV.2800: United Kingdom, p. 16, in connection with the letter dated 11 March 1988 from the representative of Argentina; S/PV.2802: Honduras, p. 18 in connection with the letter dated 17 March 1988 from the representative of Nicaragua.

¹⁴¹Letters from Iraq included those dated 20 July 1985 (S/17450, *OR*, 40th yr., *Suppl. for July-Sept. 1985*), 13 January 1987 (S/18591, *ibid.*, *Suppl. for Jan.-March 1985*), 10 August 1987 (S/19027, *OR*, 42nd yr., *Suppl. for July-Sept. 1987*), 16 March 1988 (S/19631, *OR*, 43rd yr., *Suppl. for Jan.-March 1988*), 28 March 1988 (S/19695, *ibid.*). Letters from Iran included those dated 19 February 1986 (S/17849, *OR*, 41st yr., *Suppl. for Jan.-March 1986*), 9 January 1987 (S/18573, *OR*, 42nd yr., *Suppl. for Jan.-March 1987*), 14 January 1987 (S/18601, *ibid.*), 29 February 1988 (S/19548, *OR*, 43rd yr., *Suppl. for Jan.-March 1988*), 26 August 1988 (S/20157, *OR*, 43rd yr., *Suppl. for July-Sept. 1988*). Article 51 was explicitly invoked four times in communications from the United States to the President of the Security Council and from the Islamic Republic of Iran to the Secretary-General: Letter dated 22 September 1987 from the representative of the United States of America to the President of the Security Council (S/19149, *OR*, 42nd yr., *Suppl. for July-Sept. 1987*); letter dated 29 September 1987 from the representative of the Islamic Republic of Iran to the Secretary-General (S/19167, *ibid.*); letter dated 9 October 1987 from the representative of the United States of America to the President of the Security Council (S/19194, *OR*, 42nd yr., *Suppl. for Oct.-Dec. 1987*); letter dated 20 October 1987 from the Minister for Foreign Affairs of the Islamic Republic of Iran to the Secretary-General (S/19224, *ibid.*).

situation in Namibia;¹⁴² the complaint by Angola against South Africa;¹⁴³ the letter dated 6 December 1985 from Nicaragua;¹⁴⁴ the situation in the occupied Arab territories;¹⁴⁵ the situation in southern Africa;¹⁴⁶ the letters dated 25 March 1996 from the representatives of Malta and the USSR and the letter dated 26 March 1996 from the representative of Iraq;¹⁴⁷ the letter dated 12 April 1986 from the

Chargé d'affaires a.i. of Malta;¹⁴⁸ the letters dated 15 April 1986 from the Chargé d'affaires a.i. of the Libyan Arab Jamahiriya, Burkina Faso, the Syrian Arab Republic and the representative of Oman;¹⁴⁹ the letter dated 13 November 1986 from the representative of Chad;¹⁵⁰ the letter dated 9 December 1986 from the representative of Nicaragua;¹⁵¹ and the letter dated 5 July 1988 from the representative of the Islamic Republic of Iran.¹⁵²

¹⁴²Letter dated 18 March 1986 from the representative of Angola to the Secretary-General (S/17931, *OR*, 41st yr., *Suppl. for Jan.-March 1986*).

¹⁴³Letter dated 18 March 1986 from the representative of Angola to the Secretary-General (S/17931, *OR*, 41st yr., *Suppl. for Jan.-March 1986*); letter dated 18 November 1987 from the President of Angola to the Secretary-General (S/19283, *OR*, 42nd yr., *Suppl. for Oct.-Dec. 1987*).

¹⁴⁴Letter dated 17 January 1986 from the representative of Nicaragua to the Secretary-General (S/17746, *OR*, 41st yr., *Suppl. for Jan.-March 1986*).

¹⁴⁵Letter dated 9 September 1985 from the representative of Israel to the Secretary-General (S/17448, *OR*, 40th yr., *Suppl. for July-Sept. 1985*).

¹⁴⁶Letter dated 18 March 1986 from the representative of Angola to the Secretary-General (S/17931, *OR*, 41st yr., *Suppl. for Jan.-March 1986*).

¹⁴⁷Letter dated 25 March 1996 from the representative of the United States to the President of the Security Council (S/17938, *OR*, 41st yr., *Suppl. for Jan.-March 1986*).

¹⁴⁸Letters from the representative of the Libyan Arab Jamahiriya to the Secretary-General included those dated 12 April 1986 (S/17983, *OR*, 41st yr., *Suppl. for April-June 1986*) and 14 April 1986 (S/17986, *ibid.*).

¹⁴⁹Letter dated 14 April 1986 from the representative of the United States to the President of the Security Council (S/17990, *OR*, 41st yr., *Suppl. for April-June 1986*); letter dated 16 April 1986 from the representative of Italy to the President of the Security Council (S/18007, *ibid.*).

¹⁵⁰Letter dated 14 January 1987 from the representative of Chad to the President of the Security Council (S/18603, *OR*, 42nd yr., *Suppl. for Jan.-March 1987*).

¹⁵¹Letters from the representative of Honduras included those dated 15 December 1986 (S/18524, *OR*, 41st yr., *Suppl. for Oct.-Dec. 1986*) and 16 December 1986 (S/18526, *ibid.*).

¹⁵²Letter dated 6 July 1988 from the representative of the United States to the President of the Security Council (S/19989, *OR*, 43rd yr., *Suppl. for July-Sept. 1988*).

Part IV

CONSIDERATION OF THE PROVISIONS OF CHAPTER VII OF THE CHARTER IN GENERAL

NOTE

During the period under review, the Council adopted one resolution which made explicit reference to Chapter VII. In connection with the situation in Namibia, Chapter VII was explicitly invoked in resolution 566 (1985) of 19 June 1985 in which the Council, *inter alia*, warned South Africa that its failure to implement the resolution would compel the Council to meet again and adopt appropriate measures under the Charter, including Chapter VII, to ensure South Africa's compliance.¹⁵³

At the 2597th meeting, on 20 June 1985, the Council unanimously adopted resolution 567 (1985), in which it condemned South Africa for its aggression against Angola in the province of Cabinda and the threat such aggression posed to international peace and security. The third preambular paragraph and paragraphs 1 and 3 read as follows:

The Security Council,

Gravely concerned at the renewed escalation of unprovoked and persistent acts of aggression committed by the racist regime of South Africa in violation of the sovereignty, airspace and territorial integrity of Angola, as evidenced by the recent military attack in the province of Cabinda,

1. *Strongly condemns* South Africa for its recent act of aggression against the territory of Angola in the Province of Cabinda as well as for its renewed intensified, premeditated and unprovoked acts of aggression, which constitute a flagrant violation of the sovereignty and territorial integrity of that country and seriously endanger international peace and security;

3. *Demands* that South Africa should unconditionally withdraw forthwith all its occupation forces from the territory of Angola, cease all acts of aggression against that State and scrupulously respect the sovereignty and territorial integrity of the People's Republic of Angola;

After the vote, the representative of the United Kingdom pointed out that his delegation had voted for the draft resolution because it considered that the Council should express strong condemnation of South Africa's illegal and totally unjustifiable act of force in Cabinda. However, although his delegation had voted for it, it did not endorse every formulation in the draft resolution. His delegation considered that neither the third preambular paragraph nor paragraphs 1 and 3 fell under the provisions of Chapter VII of the Charter or constituted a finding or decision which had specific consequences under the Charter.¹⁵⁴

During the period under review, the Council considered several draft resolutions containing explicit references to Chapter VII, which, however, failed to be adopted. Such draft resolutions were submitted in connection with the situation in Namibia.¹⁵⁵ Neither of the drafts gave rise to a

¹⁵⁴For relevant statements, see S/PV.2597: United Kingdom, p. 72; United States, pp. 74-75.

¹⁵⁵S/17633, preambular paras. 8, 13 and para. 7, *OR*, 40th yr., *Suppl. for Oct.-Dec. 1985*. The draft resolution had been submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago and failed to be adopted owing to the negative votes of two permanent members. S/18785, para. 8, *OR*, 42nd yr., *Suppl. for April-June 1987*. The draft resolution had been submitted by Argentina, the Congo, Ghana, the United Arab Emirates and Zambia and failed to be adopted owing to the negative votes of two permanent members.

¹⁵³See resolution 566 (1985), para. 13.

constitutional discussion, but they were frequently accompanied by invocations of Chapter VII or by statements employing the language of that Chapter. In connection with the complaint by Angola against South Africa (draft resolution S/18163), which failed of adoption at the 2693rd meeting on 18 June 1986, called for certain selective, mandatory economic sanctions under the rubric of "relevant provisions of the Charter" rather than under an explicit invocation of Chapter VII. As such, the failed draft resolution may be considered to represent an implicit reference to Chapter VII in general, since its primary objective was the implementation of sanctions against South Africa.

On a number of occasions, Chapter VII was explicitly invoked in communications circulated as Security Council documents in connection with the following agenda items: the situation in the Middle East;¹⁵⁶ the situation between Iran and Iraq;¹⁵⁷ the question of South Africa;¹⁵⁸ the situation in Namibia;¹⁵⁹ the complaint by Angola against South Africa;¹⁶⁰ the letter dated 17 June 1985 from the Representative of Botswana;¹⁶¹ the letter dated 1 October 1985 from the representative of Tunisia;¹⁶² and the situation in the occupied Arab territories.¹⁶³

Throughout the period under review, there were many explicit references to Chapter VII in the proceedings of the

Council in connection with the following issues: the situation in the Middle East; the situation between Iran and Iraq; the question of South Africa; the situation in Namibia; letter dated 6 May 1985 from the representative of Nicaragua; complaint by Angola against South Africa; letter dated 17 June 1985 from the representative of Botswana; United Nations for a better world and the responsibility of the Security Council in maintaining international peace and security; letter dated 1 October 1985 from the representative of Tunisia; letter dated 6 December 1985 from the Chargé d'affaires of the Permanent Mission of Nicaragua; complaint by Lesotho against South Africa; the situation in the occupied Arab territories; the situation in Southern Africa; letter dated 27 June 1986 from the representative of Nicaragua; and letter dated 19 April 1988 from the representative of Tunisia.

¹⁵⁶Note verbale dated 10 December 1986 from the mission of Zimbabwe to the Secretary-General on behalf of the Movement of Non-Aligned Countries (S/18569, *OR*, 42nd yr., *Suppl. for Jan.-March 1987*) (with regard to the imposition of sanctions against Israel).

¹⁵⁷Letter dated 3 July 1985 from the representative of the Islamic Republic of Iran to the Secretary-General (S/17322, *OR*, 40th yr., *Suppl. for July-Sept. 1985*) (with regard to the possible recourse to measures under Chapter VII as a result of alleged arms sales by South Africa to Iraq in violation of Council resolution 566 (1985)). Letters from the representative of Iraq to the Secretary-General included those dated 14 August 1987 (S/19045, *OR*, 42nd yr., *Suppl. for July-Sept. 1987*) (with regard to the implementation of Council resolution 598 (1987)), 17 August 1987 (S/19049, *ibid.*), 29 August 1987 (S/19083, *ibid.*) (both regarding the alleged rejection of resolution 598 (1987) by the Islamic Republic of Iran).

¹⁵⁸Note verbale dated 7 February 1985 from the Permanent Mission of the Ukrainian SSR addressed to the Secretary-General (S/16950, *OR*, 40th yr., *Suppl. for Jan.-March 1985*); note verbale dated 13 February 1985 from the Permanent Mission of the USSR addressed to the Secretary-General (S/16957, *OR*, 40th yr., *Suppl. for Jan.-March 1985*); notes verbales dated 14 and 26 February 1985 from the Permanent Mission of the Byelorussian SSR addressed to the Secretary-General (S/16966 and S/16986, *OR*, 40th yr., *Suppl. for Jan.-March 1985*); letters from the representative of India to the Secretary-General on behalf of the Movement of Non-Aligned Countries included those dated 6 March 1985 (S/17009, *OR*, 40th yr., *Suppl. for Jan.-March 1985*), 27 July 1985 (S/17367, *OR*, 40th yr., *Suppl. for July-Sept. 1985*) and 22 May 1986 (S/18089, *OR*, 41st yr., *Suppl. for April-June 1986*); note verbale dated 13 March 1985 from the representative of Mongolia addressed to the Secretary-General (S/17048, *OR*, 40th yr., *Suppl. for Jan.-March 1985*); note verbale dated 2 April 1985 from the representative of the German Democratic Republic addressed to the Secretary-General (S/17076, *OR*, 40th yr., *Suppl. for April-June 1985*); and letter dated 29 July 1985, from the representative of Burkina Faso, conveying an annex from the President of ANC addressed to the President of the Security Council (S/17374, *OR*, 40th yr., *Suppl. for July-Sept. 1985*) (regarding the call for the imposition of sanctions under Chapter VII against South Africa). See also note by the President of the Security Council dated 16 June 1986 (S/18160, *OR*, 41st yr., *Suppl. for April-June 1986*) (with regard to the Council's adoption of resolution 418 (1977) under Chapter VII of the Charter).

¹⁵⁹Letter dated 19 April 1985 from the representative of India, on behalf of the Movement of Non-Aligned Countries, addressed

to the President of the Security Council (S/17114, *OR*, 40th yr., *Suppl. for April-June 1985*); letter dated 30 April 1985 from the representative of the USSR addressed to the Secretary-General (S/17141, *OR*, 40th yr., *Suppl. for April-June 1985*); letter dated 10 June 1985 from the representative of Mongolia addressed to the Secretary-General (S/17253, *OR*, 40th yr., *Suppl. for April-June 1985*); note verbale from the Permanent Mission of the USSR addressed to the Secretary-General (S/17410, *OR*, 40th yr., *Suppl. for July-Sept. 1985*); letter dated 13 August 1986 from the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples addressed to the President of the Security Council, transmitting the text of a decision on the question of Namibia adopted by the Special Committee (S/18272; for the text of the decision see A/41/23, *Official Records of the General Assembly, 41st Session, Suppl. No. 23*, chap. VIII, para. 13); letter dated 5 June 1987 from the President of the United Nations Council for Namibia addressed to the Secretary-General, transmitting the text of an appeal issued by the Council (S/18900); letter dated 5 June 1987 from the President of the United Nations Council for Namibia addressed to the Secretary-General transmitting the text of the Luanda Declaration and Programme of Action, adopted by the Council at its 492nd meeting on 22 May 1987 (S/18901); letter dated 13 August 1987 from the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples addressed to the President of the Security Council transmitting the text of a consensus on the question of Namibia (S/19052; for the text of the consensus, see A/AC.109/926); letter dated 9 August 1988 from the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples addressed to the President of the Security Council, transmitting the text of a consensus on the question of Namibia (S/20110); letter dated 6 October 1988 from the representative of Zimbabwe addressed to the Secretary-General on behalf of the Movement of Non-Aligned Countries (S/20227, *OR*, 43rd yr., *Suppl. for Oct.-Dec. 1988*).

¹⁶⁰Letter dated 1 October 1985 from the representative of India, on behalf of the Movement of Non-Aligned Countries, addressed to the Secretary-General (S/17518, *OR*, 40th yr., *Suppl. for Oct.-Dec. 1985*); letter dated 12 June 1986 from the representative of Ghana addressed to the President of the Security Council (S/18152, *OR*, 41st yr., *Suppl. for April-June 1986*).

¹⁶¹Letter dated 20 June 1985 from the representative of Liberia transmitting, in an annex, the text of a letter of the same date from the President of ANC addressed to the President of the Security Council (S/17290, *OR*, 40th yr., *Suppl. for April-June 1985*).

¹⁶²Letter dated 1 October 1985 from the representative of India, on behalf of the Movement of Non-Aligned Countries, addressed to the Secretary-General (S/17518, *OR*, 40th yr., *Suppl. for Oct.-Dec. 1985*).

¹⁶³Letter from the representative of Kuwait addressed to the Secretary-General, transmitting a communiqué adopted by members of the Organization of the Islamic Conference (S/19439, *OR*, 43rd yr., *Suppl. for Jan.-March 1988*).

Chapter XII

CONSIDERATION OF THE PROVISIONS OF OTHER ARTICLES OF THE CHARTER

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INTRODUCTORY NOTE

Chapter XII covers the consideration by the Security Council of Articles of the Charter not dealt with in the preceding chapters.¹

Part I

CONSIDERATION OF THE PROVISIONS OF ARTICLE 1, PARAGRAPH 2, OF THE CHARTER

Article 1, paragraph 2

“To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace.”

NOTE

During the period under review, there was no explicit reference to Article 1, paragraph 2, of the Charter contained in any of the resolutions adopted by the Security Council. However, the significance of the Charter provision regarding the right of peoples to self-determination was reflected in some of the decisions and deliberations of the Council. The principle of self-determination was implicitly invoked in resolutions 560 (1985) of 12 March 1985, 569 (1985) of 26 July 1985 and 591 (1986) of 28 November 1986 regarding the question of South Africa; resolution 562 (1985) of 10 May 1985 regarding the letter dated 16 May 1985 from the representative of Nicaragua; resolutions 566 (1985) of 19 June 1985 and 601 (1987) of 30 October 1987 regarding the situation in Namibia; resolution 577 (1985) of 6 December 1985 in connection with a complaint by Angola against South Africa; resolution 581 (1986) of 13 February 1986 regarding the situation in southern Africa; resolution 605 (1987) of 22 December 1987 regarding the situation in the occupied Arab territories; and resolution 621 (1988) of 20 September 1988 in connection with the situation concerning Western Sahara. The Charter principle embodied in Article 1, paragraph 2, was also implicitly invoked in three statements² issued by the President on behalf of the members of the Council.

In two of these cases,³ there were references in the texts to General Assembly resolution 1514 (XV) of 14 December 1960, entitled “Declaration on the Granting of Independence to Colonial Countries and Peoples”. In three other cases,⁴ the text also contained references to the Uni-

versal Declaration of Human Rights. Furthermore, there were three cases⁵ in which the text also included references to “universal adult suffrage”. Finally, there was one case⁶ in which the text contained a reference to “a referendum” for self-determination.

On one occasion, when the Council adopted resolution 562 (1985), in connection with the letter dated 6 May 1985 from the representative of Nicaragua, there was what might be described as a constitutional discussion or a consideration as to whether the Charter principle was applicable to “people” or to “States”. A case history pertaining to this instance is included below.

The Council also considered three draft resolutions invoking the principle of self-determination, which were voted upon but failed to be adopted: two draft resolutions were submitted in connection with the situation in Namibia;⁷ and one in connection with the situation in southern Africa.⁸

¹Resolution 581 (1986), para. 7; S/18157 and S/18808 (presidential statements), respectively, *OR, 41st yr., Resolutions and Decisions of the Security Council, 1986*, and *OR, 42nd yr., Resolutions and Decisions of the Security Council, 1987*.

²Resolution 621 (1988), third preambular para.

³S/17633 and S/18785, respectively, *OR, 40th yr., Suppl. for Oct.-Dec. 1985* and *OR, 42nd yr., Suppl. for April-June 1987*. The first draft resolution was submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago and, at the 2629th meeting, failed to be adopted owing to the negative votes of two permanent members. The second draft resolution was submitted by Argentina, the Congo, Ghana, the United Arab Emirates and Zambia and, at the 2747th meeting, failed to be adopted owing to the negative votes of two permanent members. Both draft resolutions recalled General Assembly resolution 1514 (XV) (fifth preambular para.), while the second draft resolution (S/18785) further reaffirmed the inalienable rights of the people of Namibia to self-determination in accordance with the Charter of the United Nations and General Assembly resolution 1514 (XV) (sixth preambular para.).

⁴S/18087/Rev.1, *OR, 41st yr., Suppl. for April-June 1986*. This draft resolution was submitted by the Congo, Ghana, Madagascar, Trinidad and Tobago and the United Arab Emirates and, at the 2686th meeting, failed to be adopted owing to the negative votes of two permanent members. The draft resolution reaffirmed the legitimacy of the struggle of the South African people against apartheid in accordance with their inalienable rights as set forth in the Charter of the United Nations and in the Universal Declaration of Human Rights (fifteenth preambular para.).

¹For observations on the methods adopted in compilation of the chapter, see *Repertoire of the Practice of the Security Council, 1946-1951*, introductory note to chap. VIII, part II; and the arrangement of chaps. X-XII.

²S/18157 and S/18808 (in connection with the question of South Africa), respectively, *OR, 41st yr., Resolutions and Decisions of the Security Council, 1986*, and *OR, 42nd yr., Resolutions and Decisions of the Security Council, 1987*; and S/19068 (in connection with the situation in Namibia), *ibid.*

³Resolutions 566 (1985), fifth preambular para. and para. 7; and 601 (1987), fourth preambular para.

⁴Resolution 591 (1986), seventh preambular para.; resolution 605 (1987), second preambular para.; and S/18808 (presidential statement), *OR, 42nd yr., Resolutions and Decisions of the Security Council, 1987*, third para.

On one occasion, during the Council's deliberations on the situation in Cyprus, the discussion was briefly focused on the interpretation and application of the Charter principle of self-determination. On the one hand, it was maintained that the Turkish argument that the Turkish Cypriot community in the area could exercise separately the right to self-determination was untenable, since such an exercise would distort the principle of self-determination embodied in General Assembly resolution 1514 (XV), which was meant to be exercised by a people as a whole and not on the basis of factional, religious, communal or ethnic criteria. Moreover, it was stated, the Turkish Cypriots could not exercise such a right on an occupied part of the territory of Cyprus, on which they had all along been a minority of 18 per cent, while the majority of 82 per cent had recently been expelled and supplanted by Turks from Anatolia and the Turkish military occupying forces. It was further held that the "referendum" for a new "constitution" of the "Turkish Republic of Northern Cyprus" and the so-called presidential elections which had been carried out in the occupied territory of the Republic on the basis of the notion of a "Turkish Cypriot people" constituted a mockery of all democratic principles and a contempt of all internationally recognized concepts of human rights. The principle of self-determination could not be interpreted in such a way as to impair the unity of the people and the territorial integrity of any State. On the other hand, it was argued that the Turkish Republic of Northern Cyprus had come into being in November 1983 as a manifestation of the right to self-determination of the Turkish Cypriot people. Furthermore, it was contended that whatever rights existed in south Cyprus for the Greek Cypriots, the same rights existed in full in the north for the Turkish Cypriots and that, in the absence of a joint federal government, it was the inalienable right of the Turkish Cypriot people to be represented by the authorities and organs elected freely by themselves since they could not be expected to live in a political vacuum.⁹

In one instance, during the Council's deliberations on the question of South Africa, the Preamble of the Charter was explicitly invoked and the following part thereof, which appears to have a bearing on Article 1, paragraph 2, was quoted: "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women".¹⁰

On another occasion, also in connection with the deliberations on the question of South Africa, Article 1, paragraph 3, of the Charter was explicitly invoked in the context of "human rights" and "fundamental freedoms", principles embodied in the Charter provision of Article 1, paragraph 2.¹¹

During the Council's consideration of the letter dated 11 March 1988 from the Permanent Representative of Argentina to the United Nations addressed to the President of the Security Council, concerning the decision by

the United Kingdom Government to conduct military manoeuvres in the Falkland Islands (Islas Malvinas), the discussion appeared to touch upon whether the Charter provision regarding the self-determination of peoples was applicable to the situation of those islands. On the one hand, it was argued that the decision to hold military manoeuvres was intended to consolidate a colonial domination of the Falkland Islands (Islas Malvinas) and that the British attitude disregarded negotiations as a basis for the settlement of the dispute over sovereignty. There was a reiteration of the opposition to the attempts to apply General Assembly resolution 1514 (XV) to the problem of the Falkland Islands (Islas Malvinas) in a way irrelevant to its true purpose and spirit as well as to its interpretation in "arbitrary and manipulative" ways. Moreover, it was held that the Falkland Islands (Islas Malvinas) were a colonial enclave in foreign territory and that, therefore, the inhabitants who were subjects of the Crown did not have a legitimate right to self-determination. It was further stated that the International Court of Justice and the General Assembly had recognized that the principle of territorial integrity had primacy over the principle of self-determination in cases where colonial occupation had affected the territorial sovereignty of independent countries. It was also asserted that there could be no doubt that Argentina had historical and legal rights to claim its sovereignty over the Falkland Islands (Islas Malvinas), South Georgia and the South Sandwich Islands and that, therefore, it was imperative that those territories be restored to it through negotiations aimed at a peaceful and definitive solution. On the other hand, it was maintained that the invasion of the Falkland Islands (Islas Malvinas) on 2 April 1982 by Argentine troops had led to the determination on the part of the Government of the United Kingdom that no such catastrophe should happen again and that they should indeed be in dereliction of their duty under Article 73 of the Charter were they not to take the necessary steps to safeguard the security of the people of the islands. It was further stressed that, as long as the Argentine claim to the Falkland Islands (Islas Malvinas) remained, the United Kingdom must retain the capability of dealing with the unexpected and the Government of the United Kingdom was determined to fulfil its commitments to the people of the islands and to uphold their right to choose by whomsoever they wished to be governed. While the United Kingdom was obliged to do so by the Charter and the International Covenant on Civil and Political Rights, it was held, the call for negotiations on all aspects of the islands was a demand for negotiations on sovereignty which, the Argentine Government had made plain, could have as the only outcome the annexation of the islands by Argentina.¹² However, no draft resolution reflecting these constitutional arguments was submitted for the Council's consideration.

In a number of cases, Article 1, paragraph 2, or Article 1 as a whole with reference to the principle of self-deter-

⁹For the texts of relevant statements, see S/PV.2591: Cyprus, p. 13; Mr. Koray, p. 38; and Turkey, pp. 44 and 45; and S/PV. 2635: Cyprus, p. 18.

¹⁰S/PV.2600: France, p. 7

¹¹S/PV.2736: Cuba, pp. 29-30.

¹²For the texts of relevant statements, see S/PV.2800: Argentina, p. 11; United Kingdom, pp. 16-18, S/PV.2801: Nicaragua, p. 26, Guatemala, pp. 42 and 43; Argentina, pp. 51 and 52; and United Kingdom, pp. 56 and 57.

mination was invoked without giving rise to a constitutional discussion.¹³

CASE I

Letter dated 6 May 1985 from the representative of Nicaragua

(In connection with a draft resolution sponsored by Nicaragua, voted upon and adopted on 10 May 1985, following a separate vote on each paragraph)

In the course of the separate vote on each paragraph of the draft resolution¹⁴ submitted by Nicaragua, the eighth preambular paragraph and operative paragraphs 1 and 2 of the draft resolution were not adopted. Following the unanimous adoption of the draft resolution as a whole and as amended, as resolution 562 (1985), the representative of the United Kingdom stated that his delegation upheld "the inalienable right freely to decide on political, economic and social systems", as referred to in paragraph 1 of the resolution as adopted. But, he added, his delegation must insist that it was a right which belonged to people, not to

¹³In connection with the question of South Africa, S/PV.2571: Chairman, Special Committee against Apartheid, pp. 22 and 23; S/PV.2600: South Africa, pp. 41 and 42; S/PV.2602: Yugoslavia, p. 33; S/PV.2690: Zaire, pp. 5 and 6; S/PV.2732: South Africa, p. 21; in connection with the situation in the Middle East, including the occupied Arab territories, S/PV.2572: Democratic Yemen, p. 48; S/PV.2573: Syrian Arab Republic, p. 61; S/PV.2605: Syrian Arab Republic, p. 32; Thailand, pp. 54 and 56; S/PV.2646: Egypt, p. 17; Mauritania, p. 41; Indonesia, pp. 47 and 48; S/PV.2649: Yugoslavia, p. 14; S/PV.2770: Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, p. 32; S/PV.2787: PLO, p. 98; Libyan Arab Jamahiriya, pp. 58-60; S/PV.2790: Czechoslovakia, p. 21; United Kingdom, p. 37; S/PV.2806: Mr. Maksoud of the Arab League; in connection with the letter dated 6 May 1985 from Nicaragua, S/PV.2578: Peru, p. 11; Brazil, p. 88; in connection with the situation in Namibia, S/PV.2583: Acting President of United Nations Council for Namibia, p. 18; South Africa, pp. 92-93; S/PV.2587: Panama, p. 48; S/PV.2589: Mr. Ebrahim of PAC, pp. 73-76; S/PV.2600, South Africa, pp. 41-42; in connection with the situation in southern Africa, S/PV.2660: Thailand, p. 41; S/PV.2686: Venezuela, pp. 31-33; in connection with the letter dated 27 June 1986 from Nicaragua, S/PV.2695: Syrian Arab Republic, p. 22.

¹⁴S/17172, OR, 40th yr., Suppl. for April-June 1985. For the request to put the draft resolution to the vote paragraph by paragraph and for the results of the votes thereof, see chap. VIII, part II, under the same heading.

States; and that was what was stated in the Charter of the United Nations, in both the International Covenants on Human Rights and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations.¹⁵ After emphasizing that that was what the fourth preambular paragraph of the resolution before the Council also said, he cited: (a) the reference in the Charter to "the principle of equal rights and self-determination of peoples"; (b) both of the International Covenants which, in their common article 1, stated: "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development"; and (c) the above-mentioned Declaration on Principles of International Law, which similarly held that, "... all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development". According to that Declaration, he emphasized, all States had the duty "to respect this right" and "to promote realization of the principle of equal rights and self-determination of peoples". Those basic instruments, as well as General Assembly resolution 38/10 of 11 November 1983 concerning the situation in Central America, which was quoted in the fourth preambular paragraph of Council resolution 562 (1985), made it clear that the right to self-determination was one that belonged to peoples and not to States. That was a fundamental distinction and the depiction of the principle in paragraph 1 of resolution 562 (1985) was a distortion.¹⁶ The resolution reads in part as follows:

The Security Council,

...
Recalling also General Assembly resolution 38/10, which reaffirms the inalienable right of all the peoples to decide on their own form of government and to choose their own economic, political and social system free from all foreign intervention, coercion or limitation,

...
 1. *Reaffirms* the sovereignty and inalienable right of Nicaragua and other States freely to decide their own political, economic and social systems, to develop their international relations according to their people's interests free from outside interference, subversion, direct or indirect coercion or threats of any kind;

¹⁵General Assembly resolution 2625 (XXV), annex.
¹⁶S/PV.2580, pp. 128-130.

Part II

CONSIDERATION OF THE PROVISIONS OF ARTICLE 2 OF THE CHARTER

A. Article 2, paragraph 4

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

NOTE

Two resolutions adopted by the Council during the period under review contained explicit references to Article 2, paragraph 4, of the Charter.¹⁷ On many other occasions, the de-

terminations and deliberations of the Council reflected the significance of the principles and obligations contained in this provision of the Charter. Five of the resolutions referring to Article 2, paragraph 4,¹⁸ used language taken from this

¹⁷Resolutions 573 (1985), fourth preambular para.; and 611 (1988), fourth preambular para.

¹⁸Resolutions 568 (1985), fourth preambular para.; 574 (1985), third preambular para.; 580 (1985), third preambular para.; 581 (1986), second preambular para.; and 588 (1986), fourth preambular para.

Charter provision and 17 resolutions contained other implicit references to it.¹⁹ Fifteen statements of the President on behalf of the Council also referred to Article 2, paragraph 4: five²⁰ used, at least in part, the language of the Charter, whereas the other 10²¹ contained other implicit references to the Article. Seven draft resolutions, which either failed to be adopted or were not put to the vote, also contained references to Article 2, paragraph 4: of these, three²² employed the language of the Charter; three²³ contained other implicit references to the Charter principle; and one²⁴ draft resolution recalled the Definition of Aggression, as contained in General Assembly resolution 3314 (XXIX) of 14 December 1974.

In one of the instances indicated above, the Council emphasized the principle of the inadmissibility of the acquisition of territory by force and deplored the initial acts which gave rise to conflict between two States.²⁵ In another instance, the Council, acting under Articles 39 and

40 of the Charter,²⁶ demanded, as a first step towards a negotiated settlement, the observance of an immediate ceasefire, an end to all military actions and withdrawal of all forces to internationally recognized boundaries.²⁷ In a number of instances,²⁸ the Council expressed alarm or concern over the continuation of attacks, called for restraint or cessation of hostilities, censured the prolongation or escalation of a conflict and called for respect or support for the territorial integrity, sovereignty and political independence of States. In other paragraphs,²⁹ the Council expressed grave concern at threats to perpetrate acts of aggression and condemned a State for such threats. In one case,³⁰ the Council reaffirmed the legitimacy of the struggle of a people against illegal occupation and called upon all States to increase moral and material assistance to that people.

References of the kind indicated above to the provisions of Article 2, paragraph 4, were frequent; but only seldom did the Council engage in what might be described as a constitutional discussion regarding this principle of the Charter. On several occasions,³¹ Article 2, paragraph 4, was explicitly invoked in the deliberations of the Council, usually without giving rise to a constitutional discussion.

Article 2, paragraph 4, was also invoked in communications in connection with the letters dated 15 April 1986 from the representatives of the Libyan Arab Jamahiriya, Burkina Faso, the Syrian Arab Republic and Oman,³² as

¹⁹Resolutions 561 (1985), para. 2; 564 (1985), para. 2; 567 (1985), second preambular para. and para. 3; 571 (1985), third preambular para. and para. 1; 575 (1985), para. 2; 577 (1985), sixth preambular para. and para. 4; 582 (1986), sixth preambular para.; 583 (1986), para. 2; 586 (1986), para. 2; 592 (1986), para. 2; 594 (1987), para. 2; 599 (1987), para. 2; 598 (1987), para. 1; 602 (1987), third preambular para. and para. 4; 606 (1987), third preambular para. and para. 1; 609 (1988), para. 2; and 617 (1988), para. 2.

²⁰S/17215, issued on 24 May 1985, regarding the situation in the Middle East, *OR, 40th yr., Resolutions and Decisions of the Security Council, 1985*; S/17486, read out at the 2607th meeting, on 20 September 1985, regarding the situation in Cyprus, *ibid.*; S/18691 and S/18756, issued, respectively, on 13 February and 19 March 1987, regarding the situation in the Middle East, *OR, 42nd yr., Resolutions and Decisions of the Security Council, 1987*; and S/19959, issued on 24 June 1988, regarding the incident of 20 June 1988 ("South Africa's latest attacks on the territory of Botswana"), *OR, 43rd yr., Resolutions and Decisions of the Security Council, 1988*.

²¹S/17004, S/17036 and S/17130, issued, respectively, on 5 and 15 March and 25 April 1985, regarding the situation between Iran and Iraq, *OR, 40th yr., Resolutions and Decisions of the Security Council, 1985*; S/17932 and S/18538, issued, respectively, on 21 March and 22 December 1986, regarding the situation between Iran and Iraq, *OR, 41st yr., Resolutions and Decisions of the Security Council, 1986*; S/18138, issued in June 1986, regarding the situation in the Middle East, *ibid.*; S/18610, issued on 16 January 1987, regarding the situation between Iran and Iraq, *OR, 42nd yr., Resolutions and Decisions of the Security Council, 1987*; S/19068, issued on 21 August 1987, regarding the situation in Namibia, *ibid.*; S/19626 and S/20096, read out, respectively, at the 2798th and at the 2823rd meetings, held on 16 March and 8 August 1988, regarding the situation between Iran and Iraq, *OR, 43rd yr., Resolutions and Decisions of the Security Council, 1988*.

²²In connection with the letters both dated 25 March 1986 from the representatives of Malta and the Union of Soviet Socialist Republics and letter dated 26 March 1986 from the representative of Iraq, draft resolution S/17954, second preambular para., *OR, 41st yr., Suppl. for Jan.-March 1986*. In connection with the letter dated 12 April 1986 from the representative of Malta, draft resolution S/17984, third preambular para., *ibid., Suppl. for April-June 1986*; and in connection with the situation in the Middle East, draft resolution S/19434, operative para. 3, *OR, 43rd yr., Suppl. for Jan.-March 1988*.

²³In connection with the situation in the Middle East, draft resolution S/17730/Rev.2, operative para. 3, *OR, 41st yr., Suppl. for Jan.-March 1986*; draft resolution S/19868, *OR, 43rd yr., Suppl. for Jan.-March 1988*; and in connection with the letter from the Syrian Arab Republic, draft resolution S/17796/Rev.1, operative paras. 1 and 2, *OR, 41st yr., Suppl. for Jan.-March 1986*.

²⁴In connection with letters dated 15 April 1986 from the representatives of Burkina Faso, the Libyan Arab Jamahiriya, Oman, the Syrian Arab Republic and the Sudan, draft resolution S/18016/Rev.1, *OR, 41st yr., Suppl. for April-June 1986*.

²⁵See resolution 582 (1986), sixth preambular para. and para. 1.

²⁶For the discussion regarding Articles 39 and 40 (Chapter VII of the Charter), see chap. XI of the present *Supplement*.

²⁷Resolution 598 (1987), para. 1.

²⁸Resolutions 564 (1985), para. 2; 567 (1985), para. 3; 571 (1985), para. 1; 575 (1985), para. 2; 577 (1985), sixth preambular para. and para. 4; 583 (1986), para. 2; 586 (1986), para. 2; 594 (1987), para. 2; 599 (1987), para. 2; 602 (1987), second and fourth preambular paras. and para. 1; 609 (1987), para. 2; and 617 (1988), para. 2. See also statements by the President of the Security Council on behalf of the members of the Council, S/17004, S/17036 and S/17130, issued, respectively, on 5 and 15 March and 25 April 1985, regarding the situation between Iran and Iraq, *OR, Resolutions and Decisions of the Security Council 1985*; S/17932 and S/18538, issued, respectively, on 21 March and 22 December 1986, *OR, Resolutions and Decisions of the Security Council, 1986*; S/19626 and S/20096, issued, respectively, on 16 March and 8 August 1988, *OR, Resolutions and Decisions of the Security Council, 1988*.

²⁹Resolution 581 (1986), tenth preambular para. and para. 1.

³⁰Resolution 566 (1985), para. 2.

³¹In connection with the letter dated 6 May 1985 from the representative of Nicaragua, S/PV.2578: United States of America, p. 29; in connection with the situation in Namibia, S/PV.2590: Afghanistan, p. 58; in connection with the complaint by Angola against South Africa, S/PV.2596: United Republic of Tanzania, p. 24; Pakistan, p. 44; S/PV.2631: United Kingdom, p. 33; in connection with the letter dated 17 June 1985 from the representative of Botswana, S/PV.2599: Swaziland, p. 62; United Kingdom, p. 78; in connection with the letter dated 1 October 1985 from the representative of Tunisia, S/PV.2611: Burkina Faso, p. 21; United Kingdom, pp. 39-41; in connection with the situation in the occupied Arab territories, S/PV.2786: Italy, pp. 61-62; in connection with the situation in Cyprus, S/PV.2635: Cyprus, p. 59; S/PV.2688: Cyprus, pp. 9-10; S/PV.2771: Cyprus, p. 26; in connection with the situation in southern Africa, S/PV.2658: Ghana, pp. 27 and 28; S/PV.2686: Libyan Arab Jamahiriya, pp. 116 and 117; in connection with the letters dated 25 March from the representatives of Malta and the USSR and the letter dated 26 March 1986 from the representative of Iraq, S/PV.2669: Poland, p. 17; United Kingdom, p. 36; in connection with the letter dated 27 June 1986 from the representative of Nicaragua, S/PV.2697: United Arab Emirates, p. 36. The implicit references are too numerous to be listed here.

³²S/17990 (letter dated 14 April 1986 from the representative of the United States of America), *OR, 41st yr., Suppl. for April-June 1986*.

well as in connection with the question concerning the situation in Cyprus;³³ and the situation between Iran and Iraq.³⁴

In one instance, in connection with the Council's discussion on the situation in Cyprus, following the adoption of resolution 578 (1985),³⁵ by which the Council extended the mandate of the United Nations Peacekeeping Force in Cyprus (UNFICYP), Article 2, paragraph 4, was explicitly referred to in the exchanges which touched on the Treaty of Guarantee. The supremacy of the Charter provision over other international agreements, specifically the Treaty of Guarantee, was underscored, in those exchanges, by an explicit invocation of Article 103 of the Charter.³⁶ On the one hand, the representatives of Cyprus and Greece maintained that the key to the solution of the Cyprus problem was the withdrawal of the Turkish occupation troops and that the Council's meeting to renew the mandate of UNFICYP was necessitated by Turkey's failure to withdraw its troops from Cyprus. On the other hand, the representative of Turkey contended that, as the late Archbishop Makarios had said to the Council in 1974,³⁷ Cyprus had been faced with "not a Turkish invasion, but a Greek invasion", and what had happened in 1974 had been a Turkish "intervention" within the framework of the Treaty of Guarantee. The representative of Cyprus responded to the contention by stating that, had the Treaty of Guarantee given such a right of "intervention", the Treaty itself would have negated the provisions of Article 2, paragraph 4, and that, clearly, Article 103 of the Charter of the United Nations did not allow for such contradiction.³⁸

CASE 2

Letter dated 1 October 1985 from the representative of Tunisia

(In connection with a draft resolution sponsored by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago, voted upon and adopted on 4 October 1985)

During the Council's deliberations regarding the incident whereby six Israeli military aircraft had dropped five bombs in the southern suburbs of Tunis, the discussions not only appeared focused on the provisions of Article 2, paragraph 4, but also led to frequent emphasis on the obligations on the part of Member States to observe the Charter principle in all its aspects. To a degree, the discussions also seemed to reveal what might be described as some tension between the Charter provisions of Article 2, paragraph 4, and those of Article 51 relating to "self-defence".³⁹ On the one hand, it was held that the Israeli raid

constituted a blatant act of aggression against Tunisia's territorial integrity, sovereignty and independence in flagrant violation of the rules and norms of international law and of the principles of the Charter of the United Nations. More specifically, it was stressed that the commitment to refrain from the use of force against the territorial integrity of any State, the failure to settle international disputes by peaceful means and, in particular, the resort to arbitrary and disproportionate violence—under any pretext, including retaliation—constituted an inadmissible failure to abide by Article 2, paragraph 4, of the Charter. On the other hand, it was maintained that, over the past year, the PLO headquarters in Tunisia had initiated, planned, organized and launched "hundreds of terrorist attacks" against Israel, against Israeli targets outside Israel and against Jews everywhere, and that Israel's forces had taken special care in targeting the PLO headquarters. With reference to the assertion that Israel's action had been an attack on a country which was not actively at war with Israel, it was argued that every State had a responsibility to prevent armed attacks from its territory and that no country would tolerate repeated attacks against its citizens by terrorists openly headquartered in and launched from another country. Moreover, sovereignty could not be separated from the responsibilities it entailed and a country which abdicated the fundamental responsibility of preventing a sovereign territory from being used as a launching ground for acts of aggression risked taking upon itself all the consequences of such dereliction of duty. It was further contended that the interest of a State in exercising protection over its nationals might take precedence over territorial sovereignty under the right to act in self-defence to curb armed attacks from other countries, in accordance with Article 51 of the Charter of the United Nations.⁴⁰

At the 2615th meeting, on 4 October 1985, the President drew the attention of the members of the Council to a six-Power draft resolution, which was voted upon at the same meeting and adopted as resolution 573 (1985).⁴¹ The resolution reads in part as follows:

The Security Council,

...

Considering that, in accordance with Article 2, paragraph 4, of the Charter of the United Nations, all States Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or acting in any other manner inconsistent with the purpose of the United Nations,

...

Considering that the Israeli Government claimed responsibility for the attack as soon as it had been carried out,

1. *Condemns vigorously* the act of armed aggression perpetrated by Israel against Tunisian territory in flagrant violation of the Charter of the United Nations, international law and norms of conduct;

³³S/18466 and S/19356 (letters dated, respectively, 29 November 1986 and 17 December 1987 from the representative of Cyprus), *OR, 41st yr., Suppl. for Oct.-Dec. 1986* and *OR, 42nd yr., Suppl. for Oct.-Dec. 1987*.

³⁴S/20001 (letter dated 9 July 1988 from the representative of Iraq), *OR, 43rd yr., Suppl. for July-Sept. 1988*.

³⁵For an account of the Council's proceedings in connection with the adoption of resolution 578 (1985), see chap. VIII, part II, under the same heading.

³⁶For the discussions pertaining to Article 103 of the Charter, see part VII of the present chapter.

³⁷See, under the same heading, *Repertoire, Suppl. for 1972-1974*, chap. VIII, part II.

³⁸For the texts of the relevant statements, see S/PV.2635: Cyprus, pp. 9-13, 57 (second intervention) and 59 (third intervention); Greece, pp. 26 and 27, 57 (second intervention); and Turkey, p. 58 (third intervention).

³⁹For the discussions pertaining to Article 51 of the Charter, see chap. XI of the present Supplement.

⁴⁰For the texts of relevant statements, see S/17509 (letter dated 1 October 1985 from Tunisia), *OR, 40th yr., Suppl. for Oct.-Dec. 1985*; S/PV.2610: Tunisia, pp. 8-11; India, pp. 23 and 24; S/PV.2611: France, p. 7; Denmark, p. 9; China, p. 11; Turkey, pp. 13-16; Australia, p. 21; Israel, pp. 22-26; United Kingdom, p. 41; Pakistan, p. 57; S/PV.2613: Burkina Faso, p. 21; Trinidad and Tobago, p. 42; Morocco, pp. 47 and 48; Jordan, pp. 53-56; Israel (second intervention), p. 63; S/PV.2615: Yugoslavia, pp. 12 and 13; Indonesia, p. 26; Nicaragua, p. 31; Bangladesh, pp. 53-56; Viet Nam, p. 68; Tunisia (second intervention), pp. 81 and 82; Israel (third intervention), pp. 87 and 88; and the President (United States of America), pp. 111 and 112.

⁴¹For the vote on the draft resolution (S/17535), see chap. VIII, part II, under the same heading.

2. *Demands* that Israel refrain from perpetrating such acts of aggression or from threatening to do so;

3. *Urges* Member States to take measures to dissuade Israel from resorting to such acts against the sovereignty and territorial integrity of all States;

5. *Requests* the Secretary-General to report to the Security Council on the implementation of the present resolution by 30 November 1985 at the latest;

In pursuance of paragraph 5 of resolution 573 (1985), the Secretary-General on 29 November 1985 submitted a report⁴² in which he included the replies received from Member States. The Government of Israel, in its reply, declared that it rejected all allegations that its action which had been directed against PLO headquarters in Tunisia had constituted an "act of aggression". Reference was made to the 1974 and 1970 General Assembly resolutions, containing, respectively, the Definition of Aggression and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,⁴³ in which the Assembly had clearly spelt out that an "act of aggression" occurred when a country failed to fulfil its "duty to refrain from organizing or encouraging the organization of irregular forces or armed bands, including mercenaries, for incursion into the territory of another State". Furthermore, in the said resolutions the Assembly required that a State must not acquiesce "in organized activities within its territory directed towards the commission of . . . [terrorist] acts"; Tunisia, by permitting the PLO to set up an extra-territorial base for the conduct of its operations, was in direct violation of both resolutions. Israel also contended that Security Council resolution 573 (1985) distorted both the principle of self-defence and the "very concept" of aggression, not only by denying Israel the right to defend itself but also by condemning it for having done so; Israel therefore viewed the content of the resolution as unacceptable and rejected, in particular, the improper use of the terms "acts of aggression" and "acts of armed aggression".

CASE 3

The situation between Iran and Iraq

(In connection with a draft resolution prepared as a result of consultations among the members of the Council and adopted on 24 February 1986)

The underlying theme for the Council's deliberations at the 2663rd to 2666th meetings, held between 18 and 24 February 1986, was outlined in the letter⁴⁴ dated 12 February 1986 from the representative of Iraq transmitting the text of a letter signed by the members of the Committee of Seven of the Council of the League of Arab States. The Committee of Seven had requested this series of the Council's meetings in view of the situation that had arisen following the "new large-scale armed aggression" by the Islamic Republic of Iran against the sovereignty and terri-

torial integrity of Iraq in the sector east of Basra and the sector of the Shatt al-Arab, which had begun on the night of 9/10 February 1986. The Committee of Seven had further requested the Security Council to discuss those developments and to take "serious . . . measures" to put an end to the war and to resolve the conflict by peaceful means in accordance with the Charter of the United Nations and international law.

At the 2666th meeting, on 24 February 1986, the draft resolution, which had been drawn up during consultations of the Council, was voted upon and adopted unanimously as resolution 582 (1986).⁴⁵ The resolution reads in part as follows:

The Security Council,

Deeply concerned about the prolongation of the conflict between the two countries resulting in heavy losses of human lives and considerable material damage and endangering peace and security,

Recalling the provisions of the Charter and in particular the obligation of all Member States to settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered,

Emphasizing the principle of the inadmissibility of the acquisition of territory by force,

1. *Deplores* the initial acts which gave rise to the conflict between the Islamic Republic of Iran and Iraq and deplores the continuation of the conflict;

2. *Also deplores* the escalation of the conflict, especially territorial incursions, the bombing of purely civilian population centres, attacks on neutral shipping or civilian aircraft, the violation of international humanitarian law and other laws of armed conflict and, in particular, the use of chemical weapons contrary to obligations under the 1925 Geneva Protocol;

3. *Calls upon* the Islamic Republic of Iran and Iraq to observe an immediate ceasefire, a cessation of all hostilities on land, at sea and in the air and withdrawal of all forces to the internationally recognized boundaries without delay;

5. *Calls upon* both parties to submit immediately all aspects of the conflict to mediation or to any other means of peaceful settlement of disputes;

As one of the principal parties to the situation which was the subject of resolution 582 (1986), the Islamic Republic of Iran had hitherto not only declined to participate in the Council's discussions on the question but had also dissociated itself from any action that had been taken by the Council.⁴⁶ However, following the adoption of resolution 582 (1986) on the situation between Iran and Iraq, the Iranian representative transmitted to the Secretary-General the statement⁴⁷ that had been released by the Ministry of Foreign Affairs of the Islamic Republic of Iran. In the statement it was stressed that the Security Council had finally come to realize that in order to resolve the whole matter of the war, in accordance with the provisions of the Charter of the United Nations, the Security Council should

⁴²S/17659/Rev.1 (annexes), *OR*, 40th yr., *Suppl. for Oct.-Dec. 1985*.

⁴³General Assembly resolutions 3314 (XXIX), annex; and 2625 (XXV), annex.

⁴⁴S/17821 (annex), *OR*, 41st yr., *Suppl. for Jan.-March 1986*. For the Council's proceedings pursuant to this request (2663rd to 2666th mtgs., between 18 and 24 February 1986), see chap. VIII, part I, under the same heading.

⁴⁵For the vote on the draft resolution (S/17859), see chap. VIII, part II, under the same heading.

⁴⁶For background information on Iran's position, see *Repertoire, Suppl. for 1981-1984*, chap. VIII, part II, under the same heading.

⁴⁷S/17864 and Corr.1 (letter dated 25 February 1986 from the representative of the Islamic Republic of Iran), *OR*, 41st yr., *Suppl. for Jan.-March 1986*.

consider the initial aggression by Iraq. Furthermore, while the portion of resolution 582 (1986) pertaining to the issue of the war and the termination of hostilities was unbalanced and inadequate, it was nevertheless a positive step towards the condemnation of Iraq as the aggressor and a just conclusion to the war. While the resolution referred to the need for the peaceful settlement of disputes, it did not mention, however, the blatant violation of this principle by Iraq and its resort to force through launching a year of aggression against the Islamic Republic of Iran.

CASE 4

Letter dated 25 March 1986 from the representative of Malta; letter dated 25 March 1986 from the representative of the Union of Soviet Socialist Republics; letter dated 26 March 1986 from the representative of Iraq

(In connection with a draft resolution sponsored by Bulgaria and the Soviet Union, not voted upon)

During the deliberations of the Council in connection with the situation that resulted from the claims and counter-claims involving the Gulf of Sidra in the southern Mediterranean, the discussions appeared somewhat focused, not so much on the interpretation of the Charter principle contained in Article 2, paragraph 4, but rather on its application. On one side, it was stressed that under Article 2, paragraph 4, Member States had the obligation to refrain in their international relations from the threat or use of force; and that the safeguarding of any rights under international law and practice, including the right of unhindered passage in international waters, could be fully undertaken within the framework of the principles and procedures laid down in Chapter VI of the Charter. The use of force or threats for the enforcement of claims in disputed waters could not be condoned, particularly so in the context of the case before the Council whereby a Member State sought to exercise what it considered its rights in international waters thousands of miles away from its territory. It was further emphasized that article 301 of the United Nations Convention on the Law of the Sea of 1982, which embodied the norm that "States Parties shall refrain from any threat or use of force against the territorial integrity or political independence of any State", signified that contemporary law of the sea reflected "one of the basic prerequisites" of the Charter of the United Nations. On the other side, it was held that the claim by the Libyan Arab Jamahiriya to control navigation and overflight in a vast area of the Mediterranean Sea had no basis in customary practice or international law, and that the Libyan attacks against naval units of the United States of America, which had been operating in international waters in the Gulf of Sidra, had constituted a breach of Libya's obligations under Article 2, paragraph 4, in response to which the United States forces had exercised their right of self-defence under Article 51 of the Charter.⁴⁸ In view of the grave challenge to freedom of navigation in international waters which had been posed by the Libyan actions, the Security Council should reaffirm the internationally accepted freedoms of navigation and overflight and condemn the nations that resorted to force to violate those norms. Moreover, the "first shots" had been fired by the Libyans against

⁴⁸For the discussions pertaining to Article 51 of the Charter ("self-defence"), see chap. XI of the present *Supplement*.

aircraft operating in international airspace over the high seas and the issue before the Council was not the means used by the United States to assert the right of freedom of navigation on the high seas in the Gulf of Sidra but rather the means used by the Libyan Arab Jamahiriya to assert its illegal claim to exclusive rights in the Gulf of Sidra.⁴⁹

At the 2671st meeting, on 31 March 1986, the President drew the attention of the members of the Council to a draft resolution⁵⁰ which had been submitted by Bulgaria and the USSR. Under the draft text, which was not put to the vote, the Council would have reaffirmed the obligation of all States Members of the United Nations to refrain from the threat or use of force, in accordance with the Charter, and condemned the act of armed aggression against the Libyan Arab Jamahiriya, which had constituted a blatant violation of the Charter of the United Nations and the norms of international law.

CASE 5

Letters dated 15 April 1986 from the representatives of the Libyan Arab Jamahiriya, Burkina Faso, the Syrian Arab Republic and Oman

(In connection with a draft resolution sponsored by the Congo, Ghana, Madagascar, Trinidad and Tobago, and the United Arab Emirates, revised, voted upon and not adopted on 21 April 1986)

During the Council's deliberations in connection with the complaints about the air strikes by United States military forces against specific targets in Tripoli and Benghazi in the Libyan Arab Jamahiriya, a considerable constitutional discussion arose regarding what might be described as a delineation of the distinction or tension between what was called the "general rule" as provided by Article 2, paragraph 4, and the exception to that—"the inherent right of self-defence"—as provided in Article 51 of the Charter.⁵¹ On one side, it was maintained that the general rule was the one set forth in Article 2, paragraph 4, which stated that all Member States "shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State". The inherent right of self-defence, as an exception to the general rule, must be interpreted "narrowly rather than broadly" in order not to permit violations of the general rule on the basis of arguments that the use of force was the legitimate recourse to the right of self-defence. In the strict "legal sense", it was held, the use of force after the cessation of the aggression was no longer in self-defence but in "mere retaliation". Furthermore, in international law, the concept of "pre-emptive self-defence" did not exist since

⁴⁹For the texts of the relevant statements, see S/PV.2668: USSR, pp. 7 and 8; Malta, pp. 12-14; United States, pp. 18-22; S/PV.2669: Poland, pp. 17 and 18; United Kingdom, pp. 32, 36 and 37; S/PV.2670: Ukrainian SSR, p. 8; Libyan Arab Jamahiriya, pp. 27-31; United States (second intervention), p. 66; USSR (second and third interventions), pp. 67, 68 and 74; United Kingdom (second and third interventions), pp. 72-74; and S/PV.2671: Democratic Yemen, p. 7; Libyan Arab Jamahiriya (second intervention), pp. 36 and 38; United States (third intervention), p. 38.

⁵⁰For the text of the draft resolution (S/17954), see *OR*, 41st yr., *Suppl. for Jan.-March 1986*.

⁵¹For the discussions pertaining to Article 51 of the Charter (self-defence), see chap. XI of the present *Supplement*, under the same heading.

invocation of such a right could give the pretext for all imaginable acts of armed aggression in violation of Article 2, paragraph 4, of the Charter. In any case, experts in international law had recognized that combating so-called terrorist acts never justified the use of force in violation of Article 2, paragraph 4.

On the other side, it was contended that, in exercise of the inherent right of self-defence recognized in Article 51 of the Charter, United States military forces had executed a series of carefully planned air strikes against terrorist-related targets in the Libyan Arab Jamahiriya. Those targets, which were part of that country's military infrastructure such as command and control systems, intelligence communications, logistics and training facilities, were the sites that were used to carry out the country's policy of international terrorism, including ongoing attacks against United States citizens and installations. It was further argued that the Libyan Arab Jamahiriya had not contented itself with merely threatening to use force, which in itself was a violation of the Charter, but had also followed through on those threats. With reference to paragraph 3 of the revised draft resolution⁵² before the Council, it was asserted that, while the paragraph began to reflect some awareness of the nature of the problem at hand, it did so in such general terms that it conveyed no idea of the magnitude of the threat posed by the activities of terrorists in general and by Libya's flagrant violations of Article 2, paragraph 4, of the Charter in particular. Moreover, the issue before the Council dealt not with the acts of individuals or groups, but rather with a State policy to use force by clandestine means. While terrorism could be attempted by any small group of determined or fanatical individuals, it did not require advanced technology or the resources of a large country and it was an even greater danger if it was backed by a State, such as the Libyan Arab Jamahiriya, in flagrant violation of Article 2, paragraph 4, of the Charter. Finally, the principles which the whole international community had accepted and which ought to be brought to the attention of the Libyan Arab Jamahiriya were those embodied in General Assembly resolution 40/61 of 9 December 1985,⁵³ calling upon all States "to fulfil their obligations under international law to refrain from organizing, instigating, assisting or participating in terrorist acts in other States, or acquiescing in activities within their territory directed towards the commission of such acts".⁵⁴

At the 2682nd meeting, held on 21 April 1986, the five-Power revised draft resolution was voted upon and not adopted owing to the negative vote of a permanent member.⁵⁵ Under

a preambular paragraph of the revised draft text, the Council would have recalled, *inter alia*, the Definition of Aggression.⁵⁶ Under the operative part of the revised draft resolution, the Council would have condemned the armed attack by the United States of America, condemned all terrorist activities, whether perpetrated by individuals, groups or States, and called upon all parties to refrain from resorting to force.

CASE 6

Letter dated 5 July 1988 from the representative of the Islamic Republic of Iran

(In connection with a draft resolution prepared in the course of the Council's consultations, voted upon and adopted on 20 July 1988)

During the Council's deliberations in connection with the incident in which a civilian airliner of Iran Air flight 655 was destroyed on 3 July 1988 by United States naval forces in the area of the Persian Gulf, considerable constitutional discussion arose regarding the interpretation of the provisions of Article 2, paragraph 4, of the Charter. It was held that, according to Article 2, paragraph 4, all Member States should refrain in their international relations not only from the threat or use of force against the territorial integrity or political independence of any State, but also from any measure that might endanger international peace and security. Therefore, the destruction of Iran Air flight 655 and the loss of life of 290 passengers and crew aboard the civil airliner in the airspace of the Islamic Republic of Iran and in the internationally established Amber 59 airway was a clear violation of the principle of non-use of force in international relations as well as a manifestation of disregard for the inviolability of the territorial integrity of a State Member of the United Nations. Moreover, the act of shooting down the civil airliner was a typical example of aggression, as had been stipulated in article 3 (b) of the 1974 Definition of Aggression,⁵⁶ according to which the use of armed force by a State against the territorial integrity of another State was considered an act of aggression. Paragraph 4 of General Assembly resolution 3314 (XXIX) provided that the Security Council should take account of that Definition in accordance with the Charter of the United Nations. Furthermore, the United States action was a violation of the 1944 Chicago Convention⁵⁷ which guaranteed the safety and regularity of international civil aviation including the safety of passengers and crew. Annex II to the Chicago Convention enjoyed universal acceptance as it underlined the imperative of safeguarding international civil aviation, particularly the "absolute prohibition" of recourse to force against it. Despite the clarity of relevant rules, the Council and the General Assembly of the International Civil Aviation Organization (ICAO) had further studied the issue and had suggested measures to promote the existing rules and regulations in order to prevent any possible misinterpretation of the customary international law protecting civil aviation. The result of those efforts by ICAO had been the adoption by consensus of an additional amendment in the form of a separate protocol at an extraordinary session of the General Assembly of ICAO on 10 May 1984. Para-

⁵²For the full text of revised draft resolution S/18016/Rev.1, see *OR, 41st yr., Suppl. for April-June 1986*.

⁵³General Assembly resolution 40/61, para. 6.

⁵⁴For the texts of the relevant statements, see S/PV.2674: Libyan Arab Jamahiriya, pp. 7-12; United States, pp. 13-19; S/PV.2675: Bulgaria, p. 33; S/PV.2676: Ukrainian SSR, p. 14; Australia, p. 18; S/PV.2677: Qatar, pp. 5-10; Hungary, p. 32; Viet Nam, p. 36; Libyan Arab Jamahiriya (second intervention), pp. 50 and 51; S/PV.2678: Sudan, pp. 27-31; S/PV.2679: United Kingdom, pp. 14-16 and 26-31; S/PV.2680: Nicaragua, p. 48; S/PV.2682: United States (third intervention), pp. 26-31; Australia (second intervention), pp. 33 and 34; S/PV.2683: United States (fourth intervention), pp. 45 and 46; United Kingdom (second intervention), pp. 56-58. See also S/17990 (letter dated 14 April 1986 from the representative of the United States of America), *OR, 41st yr., Suppl. for April-June 1986*.

⁵⁵For the text of the revised draft resolution (S/18016/Rev.1), see note 52, above; for the vote on the revised draft resolution, see S/PV.2682, p. 43. See also chap. VIII, under the same heading.

⁵⁶General Assembly resolution 3314 (XXIX), annex.

⁵⁷United Nations, *Treaty Series*, vol. 15, No. 102.

graph 1 of the "new article" of that Protocol had stated: "The contracting States recognize that every State must refrain from resorting to the use of weapons against civil aircraft in flight and that, in case of interception, the lives of persons on board and the safety of aircraft must not be endangered." Furthermore, under Article 51,⁵⁸ the Charter of the United Nations recognized that acts of self-defence could be initiated only in response to prior armed attack, and not in response to other breaches of international law. Pre-emptive measures before the occurrence of an armed attack could not be justified as acts of self-defence; such measures could rather be considered only as a breach of the principle of the non-use of force in international relations.⁵⁹

At the 2821st meeting, on 20 July 1988, the draft resolution which had been prepared in the course of the Coun-

cil's consultations was voted upon and adopted unanimously as resolution 616 (1988).⁶⁰ The resolution reads in part as follows:

The Security Council,

...
Deeply distressed that a civil aircraft of Iran Air—scheduled international flight 655—was destroyed in flight over the Strait of Hormuz by a missile fired from the United States warship *USS Vincennes*,

...
 4. *Urges* all parties to the Convention on International Civil Aviation, signed at Chicago in 1944, to observe to the fullest extent, in all circumstances, the international rules and practices concerning the safety of civil aviation, in particular those of the annexes to that Convention, in order to prevent the recurrence of incidents of the same nature;

...
 of a full and rapid implementation of Security Council resolution 598 (1987) of 20 July 1987, see chap. VIII, part II, under the same heading. See also part IV of this chapter for the consideration regarding implementation of Council resolution 598 (1987) (Article 25 of the Charter).

⁶⁰For the vote on the draft resolution (S/20038), see 2821st mtg. (PV), pp. 10 and 11.

⁵⁸For discussion pertaining to Article 51 of the Charter (self-defence), see chap. XI of the present *Supplement*, under the same heading.

⁵⁹For the text of the relevant statements, see S/PV.2818: Islamic Republic of Iran, pp. 32-38. For the counter-arguments, which seemed primarily focused on the need to settle the wider conflict in the area between the Islamic Republic of Iran and Iraq on the basis

****B. Article 2, paragraph 5**

C. Article 2, paragraph 6

"The Organization shall ensure that States which are not Members of the United Nations act in accordance with these principles as far as may be necessary for the maintenance of international peace and security."

NOTE

During the period under review, there was no constitutional discussion that arose in connection with Article 2, paragraph 6, of the Charter. In one instance, in connection with the question of South Africa, the resolution⁶¹ adopted by the Council contained provisions that might be construed as implicit reference to the principle in paragraph 6 of Article 2. The Council also considered one draft resolution,⁶² in connection with the situation in Namibia, which was voted upon but not adopted. The draft resolution explicitly referred to "the principles stated in Article 2 of the Charter" as a whole, but specifically urged States not Members of the United Nations "to act in accordance with the provisions" of the draft text. There were no explicit references to the Charter provisions of Article 2, paragraph 6, during the Council's deliberations.

D. Article 2, paragraph 7

"Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII."

⁶¹Resolution 591 (1986), para. 12.

⁶²S/17631, revised and reissued as S/17633, *OR*, 40th yr., *Suppl. for Oct.-Dec. 1986*.

NOTE

During the period under review, none of the resolutions adopted by the Council contained an explicit reference to Article 2, paragraph 7, of the Charter. In one instance, however, in connection with the letter dated 6 May 1985 from

the representative of Nicaragua, in the resolution⁶³ adopted by the Security Council recalled, *inter alia*: (a) General

⁶³Resolution 562 (1985), respectively, fourth and sixth preambular paragraphs.

Assembly resolution 38/10 of 11 November 1983, in which the Assembly reaffirmed the inalienable right of all the peoples to decide on their own form of government and to choose their own economic, political and social system "free from all foreign intervention, coercion or limitation"; and (b) General Assembly resolution 2625 (XXV),⁶⁴ which proclaimed the principle that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it "the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind". Furthermore, the same resolution of the Council⁶⁵ contained another implicit reference to the provisions of Article 2, paragraph 7, where it reaffirmed the sovereignty and inalienable rights of States freely to decide their own political, economic and social systems and to develop their international relations "free from outside interference, subversion, direct or indirect coercion or threats of any kind". The Council also considered two draft resolutions⁶⁶ which contained implicit references to Article 2, paragraph 7, but were either not put to the vote or were voted upon and not adopted. Under one of the draft resolutions,⁶⁷ the Council would have, *inter alia*, regretted the trade embargo and other coercive economic measures as "inconsistent with the principle of non-interference in the internal affairs of States" and called for an immediate end to those measures.

The significance of the Charter provision regarding the principle of non-interference in domestic affairs was also reflected on a number of occasions in the proceedings of the Council. In one instance, after the adoption of Security Council resolution 569 (1985) and a statement⁶⁸ by the President on behalf of the members of the Council in connection with the question of South Africa, demanding the lifting of the state of emergency in the 36 districts in which it had been imposed and calling upon the South African Government to set free all political prisoners and detainees, the principle of non-interference in internal affairs was implicitly invoked by the representative of South Africa in a letter⁶⁹ addressed to the United Nations. In it the South African Government rejected both the resolution and the statement by the President of the Council as "illegal and unacceptable", inasmuch as they violated the principle of non-interference in the internal affairs of a Member State, as enshrined in the Charter of the United Nations. Furthermore, it was held, the resolution and the presidential statement set a "dangerous precedent" whereby the Council purported to prescribe to a sovereign State a particular course of domestic action.

⁶⁴General Assembly resolution 2625 (XXV), annex, entitled "Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations".

⁶⁵Resolution 562 (1985), para. 1.

⁶⁶S/17172, in connection with the letter dated 6 May 1985 from the representative of Nicaragua, para. 1, voted upon but not adopted, owing to a negative vote by a permanent member of the Council, during a separate vote on each paragraph, *OR, 40th yr., Suppl. for April-June 1985*; and S/17522, in connection with the complaint by Angola against South Africa, fourth preambular para. and para. 4, not voted upon, *ibid., Suppl. for Oct.-Dec. 1985*. See also case 7 below.

⁶⁷S/17172 (see note 66 above), para. 1. See also chap. VIII, part II, under the same heading.

⁶⁸S/17413; see S/PV.2603. See also *OR, 40th yr., Resolutions and Decisions of the Security Council, 1985*, p. 9.

⁶⁹S/17426, *OR, 40th yr., Suppl. for June-August 1985*.

In another instance, also in connection with the Council's consideration of the question of South Africa, the principle of non-interference in internal matters of States was frequently invoked implicitly. On the one hand, it was often argued that the Council's meeting to consider the subject matter was an abuse of the powers of the Security Council, the convening of which had been irregular and in contravention of the Charter of the United Nations, which "clearly and unambiguously" precluded intervention in the domestic affairs of a Member State. On the other hand, while it was conceded that under both the Charter of the United Nations and the Charter of the Organization of African Unity (OAU), as well as international law, no State—and much less the United Nations—had any right "to interfere or intervene" in the internal affairs of another State "except under restricted circumstances", it was maintained that apartheid had been rejected and declared "a crime against humanity" and therefore any acts of commission or omission in the furtherance of apartheid were not and could not be an internal matter for South Africa.⁷⁰

During the Council's deliberation on the complaint by Angola against South Africa, Article 2, paragraph 7, was implicitly invoked giving rise to what might be described as a constitutional discussion which is included in case 7 below.

Article 2, paragraph 7, was referred to both explicitly and implicitly in a number of other instances during the Council's deliberations,⁷¹ and in several communications⁷² from Member States addressed to the United Nations.

CASE 7

Complaint by Angola against South Africa

(In connection with a draft resolution submitted by South Africa, not voted upon)

In the course of the deliberations of the Council on Angola's complaint⁷³ of aggression by South Africa, the representative of South Africa contended that the Soviet Union and Cuba had expanded their role in the "civil war" in Angola by taking advantage of Security Council resolution 571 (1985),⁷⁴ particularly paragraph 5 thereof, in

⁷⁰For the texts of the relevant statements, see S/PV.2571: South Africa, p. 62; S/PV.2600: France, p. 7; Australia, p. 21; South Africa, p. 38; Kenya, pp. 86 and 87; and S/PV.2732: South Africa, p. 21; and Angola, p. 24.

⁷¹In connection with the situation in the Middle East, S/PV.2582; Lebanon, p. 12; Syrian Arab Republic, p. 36 (explicit); in connection with the situation in southern Africa, S/PV.2652: Togo, pp. 12 and 13; Sudan, p. 41; S/PV.2654: Zimbabwe, pp. 16 and 17; S/PV.2657: United Republic of Tanzania, pp. 7 and 8; Denmark, pp. 28 and 29; S/PV.2658: Algeria, p. 9; Islamic Republic of Iran, pp. 41 and 42; and S/PV.2660: Egypt, p. 12; in connection with the complaint by Angola against South Africa, S/PV.2691: South Africa, pp. 22-25; and S/PV.2693: Ghana, p. 31.

⁷²S/17656 (letter dated 27 November 1985 from the representative of India), *OR, 40th yr., Suppl. for Oct.-Dec. 1985*; S/17779 (letter dated 30 January 1986 from the representative of India), *OR, 41st yr., Suppl. for Jan.-March 1986*; S/17921 (letter dated 14 March 1986 from the representatives of Angola, Cuba and the USSR), *ibid.*; S/17931 (letter dated 18 March 1986 from the representative of Angola), *ibid.*; S/17975 (letter dated 7 April 1986 from the representative of Ghana), *ibid., Suppl. April-June 1986*; and S/19240 (letter dated 29 October 1987 from the representative of South Africa), *OR, 42nd yr., Suppl. for Oct.-Dec. 1987*.

⁷³S/17510 (letter dated 1 October 1985 from the representative of Angola), *OR, 40th yr., Suppl. for Oct.-Dec. 1985*.

⁷⁴For the Council's proceedings in connection with the adoption of resolution 571 (1985), see chapter VIII, part II, under the same heading.

which the Council had requested Member States to extend all necessary assistance to the "MPLA regime" in Luanda. After suggesting that, if the Council wished to discover what support the União Nacional para a Independência Total de Angola (UNITA) enjoyed in Angola, the Council should send a fact-finding mission to southern Angola, he challenged the MPLA Government of the People's Republic of Angola to hold free elections and to allow the people of Angola to determine their future by peaceful means rather than by destroying one another in an endless civil war which had been instigated by foreign Powers. If the MPLA chose to continue the civil war, there was no reason why it should be the only party entitled to call on assistance; the United States Congress, by repealing the Clark Amendment, had already recognized the admissibility of aiding UNITA. Furthermore, South Africa was committed to peace and stability in southern Africa, but this could not be achieved while foreign interests dictated developments in the subcontinent and while foreign Powers "abused" the countries of southern Africa for the furtherance of global aims.⁷⁵ At the 2614th meeting of the Council, on 4 October 1985, the President of the Council drew the attention of the Members to a draft resolution⁷⁶ submitted by South

Africa. Under the fourth preambular paragraph of the draft resolution, the Council would have declared itself "conscious" of the need and desire of the Angolan people to determine their own future free from any foreign interference. Under operative paragraph 3, the Council would have requested the "various factions" within Angola to settle their differences through peaceful negotiation and in a spirit of national reconciliation. And, under operative paragraph 4 of the draft text, the Council would have requested Member States to refrain from intervening in the domestic affairs of Angola so that self-determination could at last be achieved in that country. However, the draft resolution, which had been submitted by South Africa under rule 38 of the provisional rules of procedure of the Security Council, was not put to a vote.⁷⁷

On the other hand, it was held, with reference to the same draft resolution submitted by South Africa, that the Council dealt with issues affecting international peace and security, which were brought before it in accordance with Articles 34 and 35⁷⁸ of the Charter, and that domestic and national issues were neither the concern of the Security Council nor did they involve anyone outside the borders of Angola.⁷⁹

⁷⁵S/PV.2612: South Africa, pp. 11-13.

⁷⁶S/17522, OR, 40th yr., Suppl. for Oct.-Dec. 1985.

⁷⁷S/PV.2612, p. 16.

⁷⁸For the discussion pertaining to Articles 34 and 35 of the Charter, see chap. X of the present *Supplement*.

⁷⁹S/PV.2617: Angola, pp. 55 and 56.

Part III

CONSIDERATION OF THE PROVISIONS OF ARTICLE 24 OF THE CHARTER

Article 24

"1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

"2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII and XII.

"3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration."

NOTE

During the period under review, none of the resolutions adopted by the Council contained an explicit reference to Article 24 of the Charter. However, the Charter provision by which the Members conferred on the Security Council primary responsibility for the maintenance of international peace and security was reflected in a number of the decisions and on several occasions in the proceedings of the Council. On one occasion, in connection with a statement made by the President (United Kingdom) on behalf of the members of the Council, the deliberations on the item entitled "United Nations for a better world and the responsibility of the Security Council in maintaining international peace and security" gave rise to what might be viewed as

considerable constitutional discussion regarding Article 24 of the Charter, which is included in case history 8 below.

In connection with the situation in Namibia, the Council adopted resolution 566 (1985) of 19 June 1985, which contained what might be construed as an implicit reference to Article 24 in its preambular part.⁸⁰ The consideration and adoption of that resolution, however, did not give rise to a constitutional discussion.

In another instance, in connection with the situation in the Middle East, the Council adopted resolution 587 (1986) of 23 September 1986, which contained an implicit

⁸⁰Resolution 566 (1985), ninth preambular para.

reference to Article 24 in its preambular part,⁸¹ also without giving rise to a constitutional discussion.

In a third instance, in connection with the situation between Iran and Iraq, the Council adopted resolution 588 (1986) of 8 October 1986, which contained a distinct, albeit implicit, reference to Article 24 in its preambular part.⁸² However, the consideration and adoption of that resolution gave rise to no constitutional discussion.

In a fourth instance, in connection with the question of South Africa, the Council adopted resolution 591 (1986) of 28 November 1986, which implicitly referred to Article 24 in its preambular part.⁸³ However, the consideration and adoption of that resolution did not give rise to a constitutional discussion.

A number of statements⁸⁴ were made by the President, on behalf of the members of the Council, containing implicit references to Article 24. One of these instances was occasioned by the fortieth anniversary of the first meeting of the Security Council and the inauguration on 1 January 1986 of the International Year of Peace. Prior to the adoption of the agenda for the 2642nd meeting,⁸⁵ on 17 January 1986, the President stated that the members of the Security Council wished to reaffirm their commitment to the Charter of the United Nations, which had conferred upon the Council the primary responsibility for the maintenance of international peace and security. He further stated that, at the first meeting of the Council in London 40 years earlier, the members had assumed the special responsibility in the conviction that it would prove a new beginning of the continuing quest for lasting peace and security.⁸⁶

During the period under review, there were a number of explicit references to Article 24 during the course of the deliberations of the Council, but no constitutional discussion ensued in nearly all those instances.⁸⁷

⁸¹Resolution 587 (1986), tenth preambular para.

⁸²Resolution 588 (1986), sixth preambular para.

⁸³Resolution 591 (1986), tenth preambular para.

⁸⁴In connection with the situation in Namibia: S/17151, *OR*, 40th yr., *Resolutions and Decisions of the Security Council*, 1985; S/19068, *OR*, 42nd yr., *Resolutions and Decisions of the Security Council*, 1987; S/20208, *OR*, 43rd yr., *Resolutions and Decisions of the Security Council*, 1988; in connection with the United Nations for a better world and the responsibility of the Security Council in maintaining international peace and security: S/17501, *OR*, 40th yr., *Resolutions and Decisions of the Security Council*, 1985 (see also case 7); in connection with the fortieth anniversary of the first meeting of the Security Council and the inauguration on 1 January 1986 of the International Year of Peace: S/17745, *OR*, 41st yr., *Resolutions and Decisions of the Security Council*, 1986; and in connection with the situation between Iran and Iraq: S/18610, *OR*, 42nd yr., *Resolutions and Decisions of the Security Council*, 1987.

⁸⁵The agenda for the 2642nd meeting, held on 17 January 1986, was: the situation in the Middle East.

⁸⁶For the full text of the presidential statement, see S/17745, *OR*, 41st yr., *Resolutions and Decisions of the Security Council*, 1986; see also note 84 above.

⁸⁷In connection with the complaint by Angola against South Africa, see S/PV.2606: Angola, p. 12; S/PV.2765: Zambia, pp. 13 and 16; in connection with the United Nations for a better world and the responsibility of the Security Council in maintaining international peace and security, see S/PV.2608: Ukrainian SSR, p. 23; the President (United Kingdom), p. 121; in connection with the situation between Iran and Iraq, see S/PV.2663: Iraq, p. 36; S/PV.2709: Iraq, p. 18; in connection with letters dated 15 April 1986 from, respectively, the Libyan Arab Jamahiriya, Burkina Faso, the Syrian Arab Republic and Oman, see S/PV.2680: Byelorussian SSR, p. 6; in connection with the letter dated 27 June 1986 from Nicaragua, see S/PV.2698: Guyana, p. 14; and in connection with the letter dated 11 March 1988 from Argentina, see S/PV.2800: Costa Rica, p. 58. Implicit references to Article 24 are too numerous to be listed here.

During the Council's consideration of the situation between Iran and Iraq, Article 24 of the Charter was invoked implicitly and in a manner that might be considered to have given rise to what might be described as a constitutional discussion. On the one hand, it was contended by the representative of the Libyan Arab Jamahiriya that, as a result of "the stalemate" in the Security Council, many peoples and countries including his own were no longer looking to the Council as a body capable of accomplishing its task; that they had lost confidence in and respect for the Council; and that they had lost hope that the Council would play its role in maintaining international peace and security. On the other hand, the representatives of France, the United Kingdom and the United States maintained that the Council could not accept a situation in which representatives of Member States spoke in a way that contradicted the commitments their Governments fully and freely had undertaken in adhering to the Charter of the United Nations. The representative of the United Kingdom further submitted, without pretending that the Council was a court of law, that a court of law was protected by rules about contempt of court; that a parliament was protected by rules about contempt of parliament; and that the Council should build up a body of practice which protected it against "contempt of Council". As the central body in the eyes of the world dealing with great international issues of peace and security, the Council should insist—whatever the political problems before it—that the problems should be dealt with in a mannerly, orderly and respectful way.⁸⁸

On another occasion, when the Council considered the complaint by Angola against South Africa, the representative of Ghana, while introducing a draft resolution,⁸⁹ stated that the delegations which had participated in the debate had all acknowledged that South Africa's aggressive policies could, if unchecked, undermine the very foundations of the Charter; and that it had also been reaffirmed that the Council had a clear obligation to preserve "the principle of civilized behaviour" in international relations.⁹⁰

In one instance, during the Council's deliberations on the letter dated 11 March 1988 from the representative of Argentina, the observation was made that, in principle, the Security Council was not the most appropriate forum for a discussion of military exercises per se.⁹¹

Article 24, paragraph 3, was explicitly referred to in a note⁹² by the President of the Security Council on behalf of its members, regarding a decision of the Council to further change the format of the Council's annual report to the General Assembly.

⁸⁸For the texts of the relevant statements, see S/PV.2665: Libyan Arab Jamahiriya, pp. 37 and 38; United States, p. 41; and S/PV.2666 (before the adoption of the agenda): France, pp. 2-5; and United Kingdom, p. 6.

⁸⁹Draft resolution S/19291 sponsored by Argentina, the Congo, Ghana, the United Arab Emirates and Zambia, subsequently adopted as resolution 602 (1987) of 25 November 1987.

⁹⁰S/PV.2767: Ghana, pp. 24 and 25.

⁹¹S/PV.2801: United States, p. 48.

⁹²S/16913 (note dated 29 January 1985 by the President of the Council on behalf of its members, concerning the format of the annual report of the Council to the General Assembly), *OR*, 40th yr., *Resolutions and Decisions of the Security Council*, 1985.

CASE 8

United Nations for a better world and the responsibility of the Security Council in maintaining international peace and security

(In connection with the statement made by the President, on behalf of the members of the Council, on 26 September 1985)

During the Council's discussion at the commemorative meeting⁹³ on the fortieth anniversary of the United Nations, all the speakers were unanimous in emphasizing the significance of the Council's responsibility in maintaining international peace and security, but the reflections on its performance over the past four decades appeared diverse and embraced a broad range of proposals on ways and means of strengthening its effectiveness in fulfilling the primary role conferred upon it under Article 24 of the Charter. It was recalled from a statement at the Council's first meeting in 1946 that the responsibility of the Security Council was not to create the conditions for peace—a task for other bodies of the United Nations system—but to see that peace was kept in fact; this, it was said, remained to be the contribution required from the Security Council for a better world. All the speakers stressed, in varying degrees, that it was essential for the international community to have in the Security Council a just, effective and determined guardian of the peace which it could respect and rely upon. On the one hand, it was stated that the strength of the Organization depended upon the balance between the Security Council and the General Assembly. Furthermore, the Security Council was more action-oriented at the behest of the Charter and by virtue of its composition and the rules governing its procedures, while the deliberative function of the General Assembly was "dominated" by the principles of universality and equal voting rights; and any weakening of the Council endangered that balance and was therefore prejudicial to the effectiveness and credibility of the Organization. Maintaining international peace and security was the "first purpose" of the United Nations, and the primary responsibility for that was conferred upon the Security Council which, through its composition and its operating rules, remained the organ best suited for the exercise of that responsibility. Thus, institutional reforms were not the path to take and that what was lacking was not the means or tools but rather the political will.

On the other hand, it was stated that the Charter of the United Nations had been conceived in another era and those who had drawn up the Charter had made it forward-looking in order to ensure its dynamism and effectiveness. It was therefore in the interest of all nations to be certain that the Charter, as the history of nations in movement and not "a remnant of history", was capable of transforming itself the better to deal with developing concerns. If the Security Council had so far been only marginally effective,

that was because some of its structures were "somewhat out of step" with the course of history; and therefore the Council could fully discharge its primary responsibility for the maintenance of international peace and security only if certain of its structures were reformed constructively. One such reform was the enlargement of the Council's membership for the same reasons that had prevailed in 1963 when Article 23 was amended to increase the membership of the Council from 11 to 15. Another area that needed review and rectification was the "right to veto", which no longer accorded with collective expectations and which, conceivably, could be allocated according to "geographical distribution" among the members of the Security Council. Furthermore, many speakers stressed that, for the Council to fulfil its role as the organ entrusted with the primary responsibility for the maintenance of international peace and security, the Council should: (a) strengthen its preventive capacity either through an agreed procedure for fact-finding under Article 34 or by authorizing the Secretary-General to gather information by all means to enable him to exercise his authority under Article 99 of the Charter; (b) hold regular periodic meetings under Article 28, paragraph 2, of the Charter; (c) address itself to the crucial issue of the regulation of armaments, in which the Council was given a "leading role" under Article 26 of the Charter; and (d) ensure implementation of its resolutions by means of enforcement measures under Chapter VII of the Charter.⁹⁴

At the conclusion of the 2608th meeting, held on 26 September 1985 at the level of Foreign Ministers, to celebrate the fortieth anniversary of the Organization, the President of the Council (United Kingdom) made a statement⁹⁵ on behalf of the members of the Council. The statement reads in part as follows:

...
The members of the Council were cognizant of the primary responsibility for the maintenance of international peace and security conferred by the Charter on the Security Council and of the special rights and responsibilities of its permanent members. They stressed that a collegial approach within the Council was desirable to facilitate considered and concerted action by the Council as the main instrument for international peace. They acknowledged that the high hopes placed in the Organization by the international community had not been fully met and undertook to fulfil their individual and collective responsibility for the prevention and removal of threats to the peace with renewed dedication and determination. They agreed to employ appropriate measures available under the Charter when considering international disputes, threats to the peace, breaches of the peace and acts of aggression. They recognized the valuable contribution made on many occasions by the United Nations peacekeeping forces. They called again upon the entire membership of the United Nations to abide by their obligations under the Charter to accept and carry out decisions of the Security Council.

...

⁹³For the decision to hold a commemorative meeting of the Council at the level of Foreign Ministers and for the formulation of the agenda for that meeting, see chap. VIII, part II, under the same heading.

⁹⁴For the text of the relevant statements, see S/PV.2608, pp. 7-11 (the Secretary-General); pp. 18 and 19 (USSR); pp. 23 and 24 (Ukrainian SSR); pp. 27, 28 and 32-34 (Trinidad and Tobago); pp. 41 and 42 (Thailand); pp. 50-53 (Peru); pp. 58-61 (Madagascar); pp. 65-68 (India); pp. 71-74 (France); pp. 81-86 (Egypt); pp. 90-91 (Denmark); pp. 95-97 (China); pp. 104-107 (Burkina Faso); p. 112 (Australia); p. 117 (United States); and pp. 121-123 (President, United Kingdom).

⁹⁵For the full text of the presidential statement, see S/17501, *OR, 40th yr., Resolutions and Decisions of the Security Council, 1985*. Also incorporated in the records of the 2608th mtg., held on 26 September 1985 (see S/PV.2608). See also chap. VIII, part II, under the same heading.

Part IV

CONSIDERATION OF THE PROVISIONS OF ARTICLE 25 OF THE CHARTER

Article 25

“The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.”

NOTE

During the period under review, none of the resolutions adopted by the Council explicitly invoked Article 25 of the Charter. However, Article 25 was explicitly referred to in two draft resolutions, both of which were voted upon and not adopted.⁹⁶

Several resolutions⁹⁷ and two draft resolutions,⁹⁸ which were voted upon and not adopted, contained paragraphs that might be construed as implicit references to Article 25. There were also a number of statements⁹⁹ by the President, on behalf of the members of the Council, which contained passages that might be considered as implicit references to Article 25, often calling upon parties concerned or upon the entire membership of the United Nations to abide by their obligations to accept and carry out decisions of the Security Council.

During the debates in the Council, there were explicit references to Article 25, usually in connection with decisions previously taken by the Council.¹⁰⁰ Nevertheless, there was no occasion whereby the Council engaged in any constitutional discussion concerning Article 25 that went beyond upholding long-established views about its significance, interpretation and application.

⁹⁶In connection with the situation in Namibia, draft resolution S/17631, revised and replaced by S/17633, twelfth preambular para. and para. 9, *OR, 40th yr., Suppl. for Oct.-Dec. 1985*; also in connection with the situation in Namibia, draft resolution S/18785, seventeenth preambular para. and para. 9, *OR, 42nd yr., Suppl. for April-June 1987*; both voted upon and not adopted owing to the negative vote of a permanent member.

⁹⁷In connection with the situation in the Middle East, including the situation in the occupied Arab territories, resolutions 563 (1985), para. (a); 564 (1985), para. 4; 576 (1985), para. (a); 584 (1986), para. (a); 590 (1986), para. (a); 596 (1987), para. (a); 603 (1987), para. (a); 613 (1988), para. (a); 624 (1988), para. (a); in connection with the situation in Namibia, resolutions 566 (1985), paras. 3, 9 and 12; and 601 (1987), para. 1; in connection with the complaint by Angola, resolution 571 (1985), para. 4; in connection with the situation between Iran and Iraq, resolutions 588 (1986), para. 1; and 598 (1987), paras. 4 and 5; in connection with the question of South Africa, resolution 591 (1986), paras. 10, 11 and 12; in connection with the letter dated 19 April 1988 from Tunisia, resolution 611 (1988), para. 3; and in connection with the letter dated 5 July 1988 from the Islamic Republic of Iran, resolution 616 (1988), para. 5.

⁹⁸In connection with the situation in the Middle East, S/19434, para. 4, *OR, 43rd yr., Suppl. for Jan.-March 1988*; and S/20322, paras. 4 and 5, *ibid., Suppl. for Oct.-Dec. 1988*; both draft resolutions voted upon and not adopted owing to a negative vote by a permanent member.

⁹⁹In connection with the question of South Africa: S/17413, para. 2, statement dated 21 August 1985 by the President on behalf of the Council (*OR, 40th yr., Resolutions and Decisions of the Security Council, 1985*); in connection with the agenda item entitled “United Nations for a better world and the responsibility of the Security Council in maintaining international peace and security” (fortieth anniversary of the United Nations): S/17501, para. 5, statement dated 26 September 1985 by the President on behalf of the Council (*ibid.*); S/17745, para. 2, statement dated 17 January 1986 by the President on the occasion of the fortieth anniversary of the first meeting of the Security Council and the inauguration on 1 January 1986 of the International Year of Peace (*OR, 41st yr., Resolutions and Decisions of the Security Council, 1986*); in connection with the situation between Iran and Iraq: S/17932, para. 6, statement dated 21 March 1986 by the President on behalf of the Council (*ibid.*); S/18538, para. 2 (*ibid.*); S/19382, paras. 1, 2 and 5, statement dated 24 December 1987 by the President on behalf of the Council (*OR, 42nd yr., Resolutions and Decisions of the Security Council, 1987*); and S/19626, paras. 4, 7 and 9, statement dated 16 March 1988 by the President on behalf of the Council (*OR, 43rd yr., Resolutions and Decisions of the Security Council, 1988*); and in connection with the situation in Namibia: S/19068, para. 6, statement dated 21 August 1987 by the President on behalf of the Council (*OR, 42nd yr., Resolutions and Decisions of the Security Council, 1987*); and S/20208, statement dated 29 September 1988 by the President on behalf of the Council (*OR, 43rd yr., Resolutions and Decisions of the Security Council, 1988*).

¹⁰⁰In connection with the complaint by Angola against South Africa, S/PV.2606: Angola, p. 12; in connection with the letter dated 1 October 1985 from Tunisia, S/PV.2611: USSR, p. 37; in connection with the situation in southern Africa, S/PV.2658: Ghana, pp. 29-30; in connection with the situation between Iran and Iraq, S/PV.2663: Iraq, pp. 26 and 37; S/PV.2664: Jordan, pp. 8-10; S/PV.2666: France, p. 38; in connection with the situation in Namibia, S/PV.2743: Pakistan, p. 71; and in connection with the situation in the occupied Arab territories, S/PV.2786: PLO, p. 7 (language of Article 25).

Article 25 was implicitly invoked in three communications¹⁰¹ from Member States addressed to the United Nations, often in the context of urging or calling upon the Council to take appropriate measures under the Charter with a view to ensuring compliance with previously adopted resolutions of the Council.

Part V

CONSIDERATION OF THE PROVISIONS OF CHAPTER VIII OF THE CHARTER

Article 52

"1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

"2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.

"3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the States concerned or by reference from the Security Council.

"4. This Article in no way impairs the application of Articles 34 and 35."

Article 53

"1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy State, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such State, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a State.

"2. The term enemy State as used in paragraph 1 of this Article applies to any State which during the Second World War has been an enemy of any signatory of the present Charter."

Article 54

"The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security."

¹⁰¹S/17009, OR, 40th yr., Suppl. for Jan.-March 1985 (letter from India to the Secretary-General); S/17114, *ibid.*, Suppl. for April-June 1985 (letter from India to the President of the Council); S/17141, *ibid.* (letter from USSR to the Secretary-General); and S/20227, OR, 43rd yr., Suppl. for Oct.-Dec. 1988 (letter from Zimbabwe to the Secretary-General)

NOTE

In consequence of the obligations placed by the Charter upon Members of the United Nations and upon regional arrangements or agencies, the attention of the Council was drawn during the period from 1985 to 1988 to the following communications, which were circulated by the Secretary-General to the representatives on the Council, but were not included in the provisional agenda.

**A. COMMUNICATIONS FROM THE SECRETARY-GENERAL OF THE ORGANIZATION OF AFRICAN UNITY

**B. COMMUNICATIONS FROM THE SECRETARY-GENERAL OF THE ORGANIZATION OF AMERICAN STATES

C. COMMUNICATIONS FROM STATES PARTIES TO DISPUTES OR SITUATIONS

- (i) Dated 31 May 1985: Argentina, transmitting the text of the resolution adopted on 30 May by the Permanent Council of OAS, concerning the situation in the region of the Falkland Islands (Islas Malvinas).¹⁰²
- (ii) Dated 20 September 1985: Somalia, charging that Ethiopia attacked, by air and land forces, populated areas of Somalia on 15 and 16 September 1985 and that Ethiopia would be responsible for the consequences that might follow.¹⁰³
- (iii) Dated 25 September 1985: Ethiopia, rejecting the charges by Somalia as a baseless manoeuvre to divert world attention from its internal civil war; and pointing out that only adherence to the principles of the Charter of the United Nations and the Charter of the Organization of African Unity could enhance international and regional security.¹⁰⁴
- (iv) Dated 14 February 1986: Chad, charging that the Libyan Arab Jamahiriya had committed further acts of aggression against Chad, that it had occupied Chadian territory in violation of the Charters of OAU and the Charter of the United Nations, and informing that Chad had requested the Secretary-General of OAU to include the question of the conflict between Chad and the Libyan Arab Jamahiriya in the agenda of the next meeting of the OAU Council of Ministers.¹⁰⁵
- (v) Dated 18 February 1986: Chad, describing the war situation that the Libyan Arab Jamahiriya had imposed upon Chad in violation of the resolutions and declarations adopted by OAU and the United Nations on the dispute between Chad and Libya; and informing that Chad had exercised its right under Article 51, and that the aggression had been repelled with military intervention by France alongside Chadian forces.¹⁰⁶
- (vi) Dated 13 November 1986: Argentina, transmitting the text of a resolution adopted on 11 November 1986 by the Permanent Council of OAS regarding the Declaration on fisheries in the south-west Atlantic issued by the Government of the United Kingdom on 29 October 1986.¹⁰⁷
- (vii) Dated 21 November 1986: the United Kingdom, offering an explanation about the nature and extent of the declaration of 29 October by the United Kingdom regarding the fishery limits to which the Falkland Islands were entitled under international law.¹⁰⁸

- (viii) Dated 12 November 1987: Chile, asserting that there was no territorial or boundary problem pending between Bolivia and Chile as claimed by Bolivia in the documents of the General Assembly (A/42/348 and A/42/662).¹⁰⁹
- (ix) Dated 26 November 1987: Bolivia, emphasizing that the American and international communities were convinced that a serious problem existed between Bolivia and Chile and that, since 1979, OAS had been adopting resolutions reiterating that it was in the interests of the hemisphere to find an equitable solution which would give Bolivia "sovereign and effective" access to the Pacific Ocean.¹¹⁰
- (x) Dated 27 November 1987: Chad, conveying the text of a message dated 25 November 1987 from the President of the Republic of Chad addressed to the Chairman of the Ad Hoc Committee of the OAU, concerning the dispute between Chad and the Libyan Arab Jamahiriya and charging that Libya had attacked Chad from Sudanese territory in violation of the ceasefire arranged under the auspices of OAU.¹¹¹
- (xi) Dated 3 December 1987: Libyan Arab Jamahiriya, conveying the text of a letter from the leader of the Libyan Arab Jamahiriya addressed to the Chairman of the OAU Ad Hoc Committee investigating the claims made by Chad against Libya, rejecting the allegations as baseless.¹¹²

D. COMMUNICATIONS FROM OTHER STATES CONCERNING MATTERS BEFORE REGIONAL ORGANIZATIONS

- (i) Dated 30 January 1985: Malaysia, transmitting the text of a statement concerning the situation in Kampuchea issued on 9 January 1985 by the current Chairman of the Standing Committee of ASEAN.¹¹³
- (ii) Dated 31 January 1985: Italy, transmitting the text of the Declaration on Kampuchea adopted at the Meeting on European Political Cooperation of the European Community, held at Rome on 23 January.¹¹⁴
- (iii) Dated 22 February 1985: Malaysia, transmitting the text of the Joint Statement issued on 11 February by the ASEAN Ministers for Foreign Affairs.¹¹⁵
- (iv) Dated 17 July 1985: Philippines, transmitting the texts of the following documents relating to the situation in Kampuchea: (a) the joint statement by the ASEAN Ministers for Foreign Affairs issued on 8 July; and (b) the ASEAN joint communiqué issued on 9 July 1985.¹¹⁶

¹⁰²S/17233, OR, 40th yr., Suppl. for April-June 1985.

¹⁰³S/17484, *ibid.*, Suppl. for July-Sept. 1985.

¹⁰⁴S/17495, *ibid.*

¹⁰⁵S/17842, OR, 41st yr., Suppl. for Jan.-March 1986.

¹⁰⁶S/17837, *ibid.*

¹⁰⁷S/18457, *ibid.*, Suppl. for Oct.-Dec., 1986; see also letters dated 30 October and 3 November 1986 (respectively, S/18438 and S/18441) from Argentina, *ibid.*

¹⁰⁸S/18473, *ibid.*

¹⁰⁹S/19265, annex, OR, 42nd yr., Suppl. for Oct.-Dec. 1987.

¹¹⁰S/19308, *ibid.*

¹¹¹S/19305, *ibid.*

¹¹²S/19317, *ibid.*

¹¹³S/16917, *ibid.*, 40th yr., Suppl. for Jan.-March 1985.

¹¹⁴S/16945, *ibid.*

¹¹⁵S/16981, *ibid.*

¹¹⁶(a) and (b), respectively, S/17344 and S/17345, *ibid.*, Suppl. for June-Aug. 1985.

- (v) Dated 15 January 1986: United Arab Emirates, transmitting the text of a resolution concerning relations between the Libyan Arab Jamahiriya and the United States of America, adopted on 4 January by the League of Arab States.¹¹⁷
- (vi) Dated 27 May 1986: Netherlands, transmitting the text of a joint statement of the European Community concerning the situation in Kampuchea.¹¹⁸
- (vii) Dated 8 July 1986: Guyana, transmitting the text of the Declaration concerning the situation in southern Africa adopted on 3 July by the Seventh Meeting of Heads of Government of the Caribbean Community.¹¹⁹
- (viii) Dated 8 July 1986: Singapore, transmitting the text of the ASEAN joint communiqué issued on 24 June concerning the situation in Kampuchea.¹²⁰
- (ix) Dated 22 May 1987: Singapore, transmitting the text of a statement on the situation in Kampuchea issued on 11 May 1987 by the Chairman of the ASEAN Standing Committee.¹²¹
- (x) Dated 8 June 1987: Belgium, transmitting the text of a statement of 3 June 1987 by the Ministers for Foreign Affairs of the European Community concerning relations between Mozambique and South Africa.¹²²
- (xi) Dated 15 July 1987: Denmark, transmitting the text of a declaration on the situation in and around Afghanistan adopted on 13 July by the Ministers for Foreign Affairs of the European Community.¹²³
- (xii) Dated 13 August 1987: Thailand, transmitting the texts of excerpts from the Joint Communiqué of the Twentieth Ministerial Meeting of ASEAN, held at Singapore on 15 and 16 June 1987, the Joint Statement issued on 14 June 1987 by the ASEAN Ministers for Foreign Affairs on Indo-Chinese refugees and the Joint Statement issued on 16 June 1987 by the ASEAN Ministers for Foreign Affairs on the situation in southern Africa.¹²⁴
- (xiii) Dated 28 September 1987: Thailand, transmitting the text of an explanatory note on the situation in Kampuchea, issued on the same date by ASEAN.¹²⁵
- (xiv) Dated 29 October 1987: United Arab Emirates, transmitting the text of a communiqué concerning relations between Kuwait and the Islamic Republic of Iran, issued on 25 October 1987 by the Ministerial Council of the Gulf Cooperation Council.¹²⁶
- (xv) Dated 7 December 1987: Denmark, transmitting the text of a declaration on the situation in and around Afghanistan, issued by the Heads of State and Government of the European Community.¹²⁷
- (xvi) Dated 24 December 1987: Thailand, transmitting the text of the Manila Declaration of 1987 on the situation in Kampuchea, issued on 15 December 1987 at Manila, at the conclusion of the Meeting of the ASEAN Heads of Government.¹²⁸
- (xvii) Dated 4 August 1988: Brunei Darussalam, transmitting the text of excerpts from the Joint Communiqué of the Twenty-First Ministerial Meeting of ASEAN, concerning the situation in Kampuchea.¹²⁹

In addition to circulating these communications to the representatives on the Council, it has been the practice to include a listing of them, under various headings, in the annual reports of the Council to the General Assembly.¹³⁰

During the period under review, none of the resolutions adopted by the Council, nor the statements by the President on behalf of the Council, contained references to the provisions of Chapter VIII of the Charter. However, the significance of the provisions of Chapter VIII was reflected on a few occasions during the Council's discussions on various questions.

On one occasion, during the Council's deliberations on the letter dated 6 May 1985 from the representative of Nicaragua, the provisions of Chapter VIII in general were implicitly invoked by representatives arguing against or in support of the decision by the United States of America to impose a trade embargo and other economic measures against Nicaragua. On the one hand, it was charged that the United States, by adopting internationally coercive economic measures, had violated not only the Charter of the United Nations but also, *inter alia*, the Charter of the Organization of American States (OAS), article 19 of which stated: "No State may use or encourage the use of coercive measures of an economic or political character in order to force the sovereign will of another State and to obtain from it advantages of any kind."

On the other hand, it was held that Nicaragua's "campaign of subversion and destabilization" in Central America had violated Article 2, paragraph 4, of the Charter of the United Nations, articles 3, 18, 20 and 21 of the revised Charter of the Organization of American States, and article 1 of the Rio Treaty. While customary international law did not oblige a State to trade with any other State, common sense suggested—and international practice confirmed—that in general a State was free to choose its trading partners. It was further maintained that, while the Charter of the United Nations in no way precluded action by individual States in pursuance of their customary and sovereign rights to safeguard their security, the trade embargo by the United States against Nicaragua was not only consistent with the Charter of the Organization of American States but also furthered its purposes.¹³¹

¹¹⁷S/19385, *ibid.*

¹¹⁸S/20091, *OR*, 43rd yr., *Suppl. for July-Sept. 1988.*

¹³⁰See under part IV of the report of the Security Council to the General Assembly, 1984/85 (*GAOR*, 40th sess., *Suppl. No. 2*), pp. 96 and 115; 1985/86 (*GAOR*, 41st sess., *Suppl. No. 2*), pp. 187, 189, 204 and 225; 1986/87 (*GAOR*, 42nd sess., *Suppl. No. 2*), pp. 98, 108, 110 and 106; 1987/88 (*GAOR*, 43rd sess., *Suppl. No. 2*), pp. 134, 136, 152, 155-156 and 173.

¹³¹For the texts of the relevant statements, see S/PV.2577: Nicaragua, pp. 26-28; S/PV.2578: Peru, p. 11; United States, pp. 26-31 and 89 (second intervention); Mexico, pp. 36 and 37; Brazil, p. 88, and Nicaragua, pp. 97-101. For the discussion regarding Article 2, paragraph 4, see part II, A, above.

¹¹⁷S/17742, *OR*, 41st yr., *Suppl. for Jan.-March 1986.*

¹¹⁸S/18110, *ibid.*, *Suppl. for April-June 1986.*

¹¹⁹S/18211, *ibid.*, *Suppl. for July-Sept. 1986.*

¹²⁰S/18215, *ibid.*

¹²¹S/18877, *OR*, 42nd yr., *Suppl. for April-June 1987.*

¹²²S/18905, *ibid.*

¹²³S/18980, *ibid.*, *Suppl. for July-Sept. 1987.*

¹²⁴S/19048, *ibid.*

¹²⁵S/19159, *ibid.*

¹²⁶S/19241, *ibid.*, *Suppl. for Oct.-Dec. 1987.*

¹²⁷S/19323, *ibid.*

On a second occasion, when the Council considered the situation in the Middle East at the request of the representative of Egypt¹³² concerning the conflict "in and around Beirut between . . . the Palestinians and the Lebanese", there was an explicit reference to Article 52. Following the adoption of resolution 564 (1985)¹³³ at the beginning of the 2582nd meeting, held on 31 May 1985, the representative of Lebanon stated that his Government had previously made it clear that Lebanon opposed the Security Council's dealing with "the situation in and around the Palestinian camps", which, he said, were located on Lebanese territory. He then enumerated five reasons for his Government's objection to the consideration of the question by the Council. The fifth reason he gave was that it was not useful for the Council to consider internal situations that were being dealt with on both the regional and the internal level; and that, on the contrary, the Council must encourage all efforts in keeping with Article 52 of the Charter of the United Nations.¹³⁴

On a third occasion, during the Council's deliberations on the letter dated 13 November 1986 from the representative of Chad, concerning the expansion of the occupied territory of northern Chad following a fresh military offensive by the Libyan Arab Jamahiriya, the provisions of Chapter VIII were frequently referred to by nearly all the representatives who participated in the discussion. On one side, the representative of Chad reaffirmed his Government's readiness to cooperate with the Ad-Hoc Committee on the Chad-Libya dispute which had been set up in 1977 by OAU, but which, he said, had been obstructed since its inception by Libya. It was further stressed, by the representative of the Congo, that there was a broad consensus in respect of the question of Chad within OAU, the foremost institutional body competent to deal with the issue; and that it was time to reaffirm that the OAU Charter, to which both Chad and the Libyan Arab Jamahiriya adhered, advocated respect for the principles concerning the

peaceful settlement of disputes among Member States. Moreover, the African charter prescribed, in harmony with respect for universal law, recourse in case of conflict to negotiation, mediation, conciliation or arbitration. It was in that spirit, he said, that the twenty-second summit of OAU had urged the continuance of efforts aimed at reactivating the Ad Hoc Committee on the Libyan-Chad conflict, since the settlement of the question lent itself "exceptionally well" to a regional initiative within the framework of OAU. It was therefore urged that the Security Council, in conformity with the relevant provisions of the Charter of the United Nations, should take due account of that factor and encourage OAU in its initiatives and efforts aimed at enabling Chad to regain peace, national unity and territorial integrity. On the other side, it was maintained that the problem of Chad was an internal problem which was before OAU which, in turn, had entrusted the President of the People's Republic of the Congo with the task of seeking national reconciliation among the contending Chadian parties; and that, therefore, while the Security Council meeting was groundless, the encouragement given to the "Habre group" had been designed only to hamper the endeavours of OAU.¹³⁵

In addition to those mentioned above, there were also many instances in which the provisions of Chapter VIII were invoked, both explicitly and implicitly, in the Council's deliberations,¹³⁶ and in a few communications from Member States addressed to the United Nations.¹³⁷

¹³²The letter dated 30 May 1985 from the representative of Egypt, addressed to the President of the Council, S/17228, was included in the Council's agenda. For the text of the letter, see *OR, 40th yr., Suppl. for April-June 1985*.

¹³³For the adoption of resolution 564 (1985) and the Council's general proceedings on the question, see chap. VIII, part II, under the same heading.

¹³⁴For the text of the relevant statement, see S/PV.2582: Lebanon, p. 12. For the other four reasons given by Lebanon, see chap. VIII, part II, under the same heading. See also S/PV.2582, p. 11.

¹³⁵For the texts of the relevant statements, see S/PV.2721: Chad, p. 8; Congo, pp. 11-13; Zaire, pp. 16-19; United States, p. 23; Libyan Arab Jamahiriya, pp. 28, 31, 33 and 36; and USSR, pp. 41 and 43.

¹³⁶In connection with the situation in Namibia, S/PV.2587: Poland, p. 51; in connection with the complaint by Angola against South Africa, S/PV.2596: United Republic of Tanzania, pp. 29-30; in connection with the question of South Africa, S/PV.2600: Kenya, p. 86; in connection with the agenda item entitled "United Nations for a better world and the responsibility of the Security Council in maintaining international peace and security", S/PV.2608: Madagascar, p. 61 (explicit); in connection with the letter dated 11 March 1988 from the representative of Argentina, S/PV.2800: Argentina, pp. 11 and 12; Uruguay, pp. 24-25; Peru, pp. 38 and 39; Mexico, p. 52; Ecuador, p. 62; and S/PV.2801: Algeria, p. 7; Nepal, pp. 8 and 9; China, p. 21; and Guatemala, p. 42.

¹³⁷S/18554 (letter dated 2 January 1987 from the representative of the Libyan Arab Jamahiriya), *OR, 42nd yr., Suppl. for Jan.-March 1987*; S/18603 and S/18619 (letter and note verbale dated, respectively, 14 and 16 January 1987 from the representative of Chad), *ibid.*

****Part VI**

****CONSIDERATION OF THE PROVISIONS OF CHAPTER XII OF THE CHARTER**

Part VII

CONSIDERATION OF THE PROVISIONS OF CHAPTER XVI OF THE CHARTER

Article 102

"1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

"2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations."

Article 103

"In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail."

NOTE

During the period under review, there were two instances in which the principle of Article 103 was explicitly invoked, both times in connection with the situation in Cyprus.

At the 2635th meeting, on 12 December 1985, the representatives of Greece and Cyprus stressed, the latter with explicit reference to Article 103, that the Treaty of Guarantee did not give the right of military intervention in Cyprus and that, if the Treaty had given such a right, it would have been against the provisions of Article 2, paragraph 4, of the Charter, but that such contradiction was prohibited under Article 103.¹³⁸

On the second occasion, at the 2771st meeting of the Council, on 14 December 1987, the representative of Cy-

prus stated that the Turkish allegation that Turkish troops had invaded Cyprus and remained there in accordance with the Treaty of Guarantee was absurd. He recalled Article 2, paragraph 4, which called upon all Member States to refrain from the use of force in international relations, and stressed that any interpretation to the effect that the Treaty of Guarantee had given the right to any guarantor to use force would have rendered the Treaty provision contrary to Article 2, paragraph 4, of the Charter and would thus have been *ipso facto* null and void, as was clearly stipulated by Article 103 of the Charter of the United Nations.¹³⁹

Other than the two instances mentioned above, Article 103 of the Charter of the United Nations was also referred to explicitly in a letter dated 19 November 1986 from the representative of Cyprus addressed to the Secretary-General.¹⁴⁰

¹³⁸S/PV.2635: Greece, p. 59 (fourth intervention); Cyprus, p. 59 (fourth intervention). For Turkey's view, see *ibid.*, p. 58. See also part II, A, under Article 2, paragraph 4.

¹³⁹S/PV.2771: Cyprus, pp. 24-26; for the position of Turkey, see *ibid.*, pp. 52-55. For discussion regarding Article 2, paragraph 4, of the Charter, see part II, A.

¹⁴⁰S/18466, *OR*, 41st yr., *Suppl. for Oct.-Dec. 1986*; for Turkey's response, see S/18495 (letter dated 3 December 1986 from the representative of Turkey), *ibid.*

****Part VIII**

****CONSIDERATION OF THE PROVISIONS OF CHAPTER XVII OF THE CHARTER**