

Department of Political and Security Council Affairs

**Repertoire
of the
Practice
of the
Security Council**

Supplement 1975-1980



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GENERAL INTRODUCTION

The present volume constitutes the eighth 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 1813th meeting, on 20 February 1975, to the 2261st meeting, on 19 December 1980. 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 eight 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 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 presentation 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 official records of the meetings of the Security Council are given in the following form:

Official Records: 2199th mtg., para. 49.

Documents of the Council are identified by the serial number in the S/ series. Where reference is given to a number in the S/ series, this indicates that the text is available as a mimeographed document only. Where the mimeographed document has been printed in the supplements to the *Official Records*, the reference is given as follows:

Example:

S/11659, OR, 30th yr., Suppl. for Jan.-March 1975.

For documents printed only in the *Official Records* of meetings, reference is given to the meeting and paragraph number.

Example:

S/12958, 2106th mtg., para. 7.

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 parentheses.

Example:

Resolution 373 (1975).

References to the *Official Records of the General Assembly* and their supplements are given in the following form:

GAOR, 32nd sess., plen. mtg., 3500th mtg., para. 3;

GAOR, 32nd sess., Suppl. No. 45 (A/32/45).

For resolutions of the General Assembly:

Resolution 3363 (XXX) for the period prior to 1976;
Resolution 31/159, under the system adopted in 1976.

References from one chapter of the *Repertoire* to another chapter are given in the following form:

See chapter XI, case 3.

References to cases in the same chapter are given in the following form:

See case 5.

The original volume of the *Repertoire* should be cited as *Repertoire of the Practice of the Security Council, 1946-1951*. The present volume should be cited as *Repertoire of the Practice of the Security Council, Supplement 1975-1980*.

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 1975-1980 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

Situation in Cyprus

Official title

The situation in Cyprus:
Letter dated 17 February 1975 from the Permanent Representative of Cyprus to the United Nations addressed to the President of the Security Council (S/11625)
Report of the Secretary-General on the United Nations Operation in Cyprus (S/11717)
Report of the Secretary-General on the United Nations Operation in Cyprus (S/11900 and Add.1)
Report of the Secretary-General on the United Nations Operation in Cyprus (S/12093)
Report of the Secretary-General on the United Nations Operation in Cyprus (S/12253 and Add.1)
Report of the Secretary-General on the United Nations Operation in Cyprus (S/12342 and Add.1)
Letter dated 26 August 1977 from the Permanent Representative of Cyprus to the United Nations addressed to the President of the Security Council (S/12387)
Report of the Secretary-General on the United Nations Operation in Cyprus (S/12463 and Add.1)
Report of the Secretary-General on the United Nations Operation in Cyprus (S/12723 and Add.1)
Letter dated 7 November 1978 from the Permanent Representative of Cyprus to the United Nations addressed to the President of the Security Council (S/12918)
Report of the Secretary-General on the United Nations Operation in Cyprus (S/12946 and Add.1)
Report of the Secretary-General on the United Nations Operation in Cyprus (S/13369 and Add.1)
Report of the Secretary-General on the United Nations Operation in Cyprus (S/13672 and Add.1)
Report of the Secretary-General on the United Nations Operation in Cyprus (S/13972 and Add.1)

<i>Short title</i>	<i>Official title</i>
Situation in Cyprus (<i>continued</i>)	Report of the Secretary-General on the United Nations Operation in Cyprus (S/14275 and Add.1)
Situation in the Middle East	The situation in the Middle East: Report of the Secretary-General on the United Nations Emergency Force (S/11670) Report of the Secretary-General on the United Nations Disengagement Observer Force (S/11694) Report of the Secretary-General on the United Nations Emergency Force (S/11758) Report of the Secretary-General on the United Nations Emergency Force (S/11849) Report of the Secretary-General on the United Nations Disengagement Observer Force (S/11883 and Add.1) (a) Letter dated 3 December 1975 from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council (S/11892) (b) Letter dated 3 December 1975 from the Permanent Representative of Egypt to the United Nations addressed to the President of the Security Council (S/11893) Report of the Secretary-General on the United Nations Disengagement Observer Force (S/12003 and Add.1) Report of the Secretary-General on the United Nations Emergency Force (S/12212) Report of the Secretary-General on the United Nations Disengagement Observer Force (S/12235) Report of the Secretary-General submitted 31/62 concerning the Peace Conference on the Middle East (S/12290 and Corr.1) Report of the Secretary-General on the United Nations Disengagement Observer Force (S/12333) Report of the Secretary-General on the United Nations Emergency Force (S/12453) Letter dated 17 March 1978 from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council (S/12606) Letter dated 17 March 1978 from the Permanent Representative of Israel to the United Nations addressed to the President of the Security Council (S/12607) Report of the Secretary-General on the implementation of Security Council resolution 425 (1978) (S/12611) Letter dated 1 May 1978 from the Secretary-General to the President of the Security Council (S/12673) Report of the Secretary-General on the United Nations Disengagement Observer Force (S/12710) Report of the Secretary-General on the United Nations Interim Force in Lebanon (S/12845) The situation in the Middle East ¹ Report of the Secretary-General on the United Nations Emergency Force (S/12897) Report of the Secretary-General on the United Nations Disengagement Observer Force (S/12934) Interim report of the Secretary-General under Security Council resolution 434 (1978) concerning the United Nations Interim Force in Lebanon (S/12929) Report of the Secretary-General on the United Nations Interim Force in Lebanon (S/13026 and Corr.1) Interim report of the Secretary-General under Security Council resolution 444 (1979) concerning the United Nations Interim Force in Lebanon (S/13258) Letter dated 25 April 1979 from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council (S/13270) Letter dated 7 May 1979 from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council (S/13301) Report of the Secretary-General on the United Nations Disengagement Observer Force (S/13350) Letter dated 30 May 1979 from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council (S/13356) Report of the Secretary-General on the United Nations Interim Force in Lebanon (S/13384) Letters dated 24 August 1979 and 28 August 1979 from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council (S/13516 and S/13520) Report of the Secretary-General on the United Nations Disengagement Observer Force (S/13637) Report of the Secretary-General on the United Nations Interim Force in Lebanon (S/13691) Letter dated 10 April 1980 from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council (S/13885) Special report of the Secretary-General on the United Nations Interim Force in Lebanon (S/13888 and Corr.1 and Add.1-3) Report of the Secretary-General on the United Nations Disengagement Observer Force (S/13957)

¹ The Council took up the item without including any documents in its agenda

Short title	Official title
Situation in the Middle East (<i>continued</i>)	<p>Report of the Secretary-General on the United Nations Interim Force in Lebanon (S/13994)</p> <p>Letter dated 28 May 1980 from the Acting Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council (S/13966)</p> <p>Letter dated 1 August 1980 from the Acting Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council (S/14084)</p> <p>Report of the Secretary-General on the United Nations Disengagement Observer Force (S/14263)</p>
Situation in Namibia	<p>Report of the Secretary-General on the United Nations Interim Force in Lebanon (S/14295)</p> <p>The situation in Namibia¹</p> <p>The situation in Namibia:</p> <p>Letter dated 16 December 1975 from the Secretary-General to the President of the Security Council (S/11918)</p> <p>Report of the Secretary-General submitted pursuant to paragraph 7 of Security Council resolution 431 (1978) (S/12827)</p> <p>Report of the Secretary-General submitted pursuant to paragraph 7 of Security Council resolution 435 (1978) (S/12903)</p> <p>Letter dated 24 October 1978 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council (S/12906)</p> <p>Letter dated 1 December 1978 from the Chargé d'affaires <i>ad hoc</i> of the Permanent Mission of the Congo to the United Nations addressed to the President of the Security Council (S/12945)</p>
Admission of new Members	<p>Admission of new Members to the United Nations:</p> <p>Application of the Republic of South Viet-Nam for admission to membership in the United Nations: note by the Secretary-General (S/11756)</p> <p>Application of the Democratic Republic of Viet Nam for admission to membership in the United Nations: note by the Secretary-General (S/11761)</p> <p>Report of the Security Council Committee on the Admission of New Members concerning the applications of the Republic of South Viet-Nam and the Democratic Republic of Viet-Nam for admission to membership in the United Nations (S/11794)</p> <p>Application of the Republic of Cape Verde for admission to membership in the United Nations: note by the Secretary-General (S/11800)</p> <p>Application of the Democratic Republic of Sao Tome and Principe for admission to membership in the United Nations: note by the Secretary-General (S/11804)</p> <p>Application of the People's Republic of Mozambique for admission to membership in the United Nations: note by the Secretary-General (S/11805)</p> <p>Report of the Security Council Committee on the Admission of New Members concerning the applications of the Republic of Cape Verde, the Democratic Republic of Sao Tome and Principe and the People's Republic of Mozambique for admission to membership in the United Nations (S/11806)</p> <p>Application of Papua New Guinea for admission to membership in the United Nations: note by the Secretary-General (S/11823)</p> <p>Letter dated 19 September 1975 from the President of the General Assembly to the President of the Security Council (S/11826)</p> <p>Report of the Security Council Committee on the Admission of New Members concerning the application of Papua New Guinea for admission to membership in the United Nations (S/11829)</p> <p>Application of the Comoros for admission to membership in the United Nations: note by the Secretary-General (S/11848)</p> <p>Report of the Security Council Committee on the Admission of New Members concerning the application of the Comoros for admission to membership in the United Nations (S/11850)</p> <p>Application of Suriname for admission to membership in the United Nations: note by the Secretary-General (S/11884)</p> <p>Report of the Security Council Committee on the Admission of New Members concerning the application of Suriname for admission to membership in the United Nations (S/11891)</p> <p>Application of the People's Republic of Angola for admission to membership in the United Nations: note by the Secretary-General (S/12064)</p> <p>Report of the Security Council Committee on the Admission of New Members concerning the application of the People's Republic of Angola for admission to membership in the United Nations (S/12109)</p> <p>Application of the Republic of Seychelles for admission to membership in the United Nations: note by the Secretary-General (S/12164)</p> <p>Report of the Security Council Committee on the Admission of New Members concerning the application of the Republic of Seychelles for admission to membership in the United Nations (S/12177)</p> <p>Application of the Socialist Republic of Viet-Nam for admission to membership in the United Nations: note by the Secretary-General (S/12183)</p>

<i>Short title</i>	<i>Official title</i>
<i>Admission of new Members (continued)</i>	Report of the Security Council Committee on the Admission of New Members concerning the application of the Socialist Republic of Viet Nam for admission to membership in the United Nations (S/12225)
	Letter dated 13 November 1976 from the representatives of Benin, the Libyan Arab Republic and the United Republic of Tanzania addressed to the President of the Security Council (S/12230)
	Report of the Security Council Committee on the Admission of New Members concerning the application of the People's Republic of Angola for admission to membership in the United Nations (S/12234)
	Application of Western Samoa for admission to membership in the United Nations: note by the Secretary-General (S/12245)
	Report of the Security Council Committee on the Admission of New Members concerning the application of Western Samoa for admission to membership in the United Nations (S/12249)
	Application of the Republic of Djibouti for admission to membership in the United Nations: note by the Secretary-General (S/12357)
	Report of the Security Council Committee on the Admission of New Members concerning the application of the Republic of Djibouti for membership in the United Nations (S/12359)
	Application of the Socialist Republic of Viet-Nam for admission to membership in the United Nations: note by the Secretary-General (S/12183)
	Letter dated 7 December 1976 from the Secretary-General to the President of the Security Council (S/12252)
	Note by the Secretary-General (S/12361)
	Report of the Security Council Committee on the Admission of New Members concerning the application of the Socialist Republic of Viet-Nam for admission to membership in the United Nations (S/12367)
	Application of Solomon Islands for admission to membership in the United Nations: note by the Secretary-General (S/12801)
	Report of the Security Council Committee on the Admission of New Members concerning the application of Solomon Islands for admission to membership in the United Nations (S/12814)
	Application of the Commonwealth of Dominica for admission to membership in the United Nations: note by the Secretary-General (S/12942)
	Report of the Security Council Committee on the Admission of New Members concerning the application of the Commonwealth of Dominica for admission to membership in the United Nations (S/12956)
	Application of Saint Lucia for admission to membership in the United Nations: note by the Secretary-General (S/13330)
	Report of the Security Council Committee on the Admission of New Members concerning the application of Saint Lucia for admission to membership in the United Nations (S/13335)
	Application of Saint Vincent and the Grenadines for admission to membership in the United Nations: note by the Secretary-General (S/13784)
	Report of the Security Council Committee on the Admission of New Members concerning the application of Saint Vincent and the Grenadines for admission to membership in the United Nations (S/13805)
	Telegram dated 17 July 1980 from the Prime Minister of Zimbabwe to the Secretary-General (S/14064)
Report of the Security Council Committee on the Admission of New Members concerning the application of Zimbabwe for admission to membership in the United Nations (S/14076)	
<i>Consideration of the draft report of the Council to the General Assembly</i>	<i>Consideration of the draft report of the Security Council to the General Assembly¹</i>
<i>Situation concerning Western Sahara</i>	The situation concerning Western Sahara: Letter dated 18 October 1975 from the Permanent Representative of Spain to the United Nations addressed to the President of the Security Council (S/11851) (a) Report of the Secretary-General in pursuance of Security Council resolution 377 (1975) relating to the situation concerning Western Sahara (S/11863) (b) Letter dated 1 November 1975 from the Chargé d'affaires <i>a.i.</i> of the Permanent Mission of Spain to the United Nations addressed to the President of the Security Council (S/11864) The situation concerning Western Sahara ¹ Letter dated 6 November 1975 from the Charge d'affaires <i>a.i.</i> of the Permanent Mission of Spain to the United Nations addressed to the President of the Security Council (S/11867)
<i>Election of five members of the International Court of Justice</i>	Election of five members of the International Court of Justice (S/11801 and Corr. 1, S/11802 and Add. 1-10, S/11802/Rev. 1 and Add. 1 and 2 and S/11803) Election of five members of the International Court of Justice (S/12828 and Corr. 1, S/12829 and S/12829/Rev. 1 and Add. 1 and S/12830 and S/12830/Rev. 1)

¹ Every year the Council considers its draft report to the General Assembly in a private meeting. The draft does not carry a document symbol

Short title	Official title
Situation in Timor	The situation in Timor: Letter dated 7 December 1975 from the Permanent Representative of Portugal to the United Nations addressed to the President of the Security Council (S/11899) Report of the Secretary-General in pursuance of Security Council resolution 384 (1975) (S/12011)
Question submitted by Iceland	Question submitted by Iceland: Letter dated 12 December 1975 from the Permanent Representative of Iceland to the United Nations addressed to the President of the Security Council (S/11907)
Middle East problem including the Palestinian question	The Middle East problem including the Palestinian question ¹
Situation in the Comoros	The situation in the Comoros: (a) Telegram dated 28 January 1976 from the Head of State of the Comoros to the President of the Security Council (S/11953) (b) Letter dated 3 February 1976 from the Permanent Representative of Guinea-Bissau to the United Nations addressed to the President of the Security Council (S/11959)
Communications from France and Somalia concerning the incident of 4 February 1976	Communications from France and Somalia concerning the incident of 4 February 1976: (a) Letter dated 4 February 1976 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council (S/11961) (b) Letter dated 5 February 1976 from the Permanent Representative of Somalia to the United Nations addressed to the President of the Security Council (S/11969)
Request by Mozambique under Article 50 of the Charter	Request by Mozambique under Article 50 of the Charter of the United Nations in relation to the situation which has arisen as a result of its decision to impose sanctions against Southern Rhodesia in full implementation of the relevant decisions of the Security Council: Telegram dated 10 March 1976 from the Minister for Foreign Affairs of Mozambique addressed to the President of the Security Council (S/12009)
Request by the Libyan Arab Republic* and Pakistan for consideration of the serious situation arising from recent developments in the occupied Arab territories	Request by the Libyan Arab Republic and Pakistan for consideration of the serious situation arising from recent developments in the occupied Arab territories: Letter dated 19 March 1976 from the Permanent Representatives of the Libyan Arab Republic and Pakistan to the United Nations addressed to the President of the Security Council (S/12017)
Complaint by Kenya concerning aggression by South Africa against Angola	Complaint by Kenya, on behalf of the African Group of States at the United Nations, concerning the act of aggression committed by South Africa against the People's Republic of Angola: Letter dated 10 March 1976 from the Permanent Representative of Kenya to the United Nations addressed to the President of the Security Council (S/12007)
Situation in Southern Rhodesia	Question concerning the situation in Southern Rhodesia: Special report of the Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia on the expansion of sanctions against Southern Rhodesia (S/11913) Second special report of the Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia on the expansion of sanctions against Southern Rhodesia (S/12296) Letter dated 23 September 1977 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council (S/12402) Letter dated 1 March 1978 from the Chargé d'affaires <i>a.i.</i> of the Permanent Mission of Upper Volta to the United Nations addressed to the President of the Security Council (S/12578) Letter dated 6 October 1978 from the Permanent Representative of India to the United Nations addressed to the President of the Security Council (S/12885) Letter dated 28 February 1979 from the Permanent Representative of Equatorial Guinea to the United Nations addressed to the President of the Security Council (S/13121) Letter dated 26 April 1979 from the Chargé d'affaires <i>a.i.</i> of the Permanent Mission of Ivory Coast to the United Nations addressed to the President of the Security Council (S/13276) (a) Letter dated 12 December 1979 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council (S/13688) (b) Letter dated 14 December 1979 from the Permanent Representative of Madagascar to the United Nations addressed to the President of the Security Council (S/13693) (c) Letter dated 18 December 1979 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council (S/13698) Letter dated 25 January 1980 from the Chargé d'affaires <i>a.i.</i> of the Permanent Mission of Malawi to the United Nations addressed to the President of the Security Council (S/13764)

*Libyan Arab Jamahiriya as of 2 April 1977

Short title	Official title
Situation in the occupied Arab territories	<p>The situation in the occupied Arab territories:</p> <p>Letter dated 3 May 1976 from the Permanent Representative of Egypt to the United Nations addressed to the President of the Security Council (S/12066)</p> <p>Letter dated 20 October 1976 from the Permanent Representative of Egypt to the United Nations addressed to the President of the Security Council (S/12218)</p> <p>Letter dated 23 February 1979 from the Permanent Representative of Jordan to the United Nations addressed to the President of the Security Council (S/13115)</p> <p>Report of the Security Council Commission established under resolution 446 (1979) (S/13450 and Corr.1 and Add.1)</p> <p>(a) Letter dated 15 February 1980 from the Permanent Representative of Jordan to the United Nations addressed to the President of the Security Council (S/13801)</p> <p>(b) Letter dated 15 February 1980 from the Permanent Representative of Morocco to the United Nations addressed to the President of the Security Council (S/13802)</p> <p>Letter dated 6 May 1980 from the Permanent Representative of Tunisia to the United Nations addressed to the President of the Security Council (S/13926)</p> <p>Letter dated 16 May 1980 from the Permanent Representative of Jordan to the United Nations addressed to the President of the Security Council (S/13941)</p> <p>Letter dated 3 June 1980 from the Permanent Representative of Bahrain to the United Nations addressed to the President of the Security Council (S/13977)</p> <p>The situation in the occupied Arab territories¹</p>
Question of the exercise by the Palestinian people of its inalienable rights	<p>The question of the exercise by the Palestinian people of its inalienable rights:</p> <p>Report of the Committee established under General Assembly resolution 3376 (XXX) (S/12090)</p> <p>Letter dated 13 September 1977 from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People to the President of the Security Council (S/12399)</p> <p>Letters dated 13 March 1979 and 27 June 1979 from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People to the President of the Security Council (S/13164 and S/13418)</p> <p>Letter dated 6 March 1980 from the Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People to the President of the Security Council (S/13832)</p> <p>Letter dated 24 March 1980 from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People to the President of the Security Council (S/13853)</p>
Situation in South Africa	<p>Situation in South Africa: killings and violence by the <i>apartheid</i> régime in South Africa in Soweto and other areas:</p> <p>(a) Letter dated 18 June 1976 from the representatives of Benin, the Libyan Arab Republic and the United Republic of Tanzania to the President of the Security Council (S/12100)</p> <p>(b) Telegram dated 18 June 1976 from the President of the Democratic Republic of Madagascar to the Secretary-General (S/12101)</p>
Complaint by Mauritius, current Chairman of OAU, of the "act of aggression" by Israel against Uganda:	<p>Complaint by the Prime Minister of Mauritius, current Chairman of the Organization of African Unity, of the "act of aggression" by Israel against the Republic of Uganda:</p> <p>(a) Letter dated 6 July 1976 from the Assistant Executive Secretary of the Organization of African Unity to the United Nations addressed to the President of the Security Council (S/12126)</p> <p>(b) Letter dated 6 July 1976 from the Permanent Representative of Mauritania to the United Nations addressed to the President of the Security Council (S/12128)</p> <p>(c) Letter dated 4 July 1976 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (S/12123)</p> <p>(d) Letter dated 5 July 1976 from the Chargé d'affaires <i>a.i.</i> of the Permanent Mission of Uganda to the United Nations addressed to the President of the Security Council (S/12124)</p>
Complaint by Zambia against South Africa	<p>Complaint by Zambia against South Africa:</p> <p>Letter dated 19 July 1976 from the Chargé d'affaires <i>a.i.</i> of the Permanent Mission of Zambia to the United Nations addressed to the President of the Security Council (S/12147)</p> <p>Letter dated 8 April 1980 from the Permanent Representative of Zambia to the United Nations addressed to the President of the Security Council (S/13878)</p>
Complaint by Greece against Turkey	<p>Complaint by Greece against Turkey: Letter dated 10 August 1976 from the Permanent Representative of Greece to the United Nations addressed to the President of the Security Council (S/12167)</p>
Appointment of the Secretary-General	<p>Recommendation regarding the appointment of the Secretary-General of the United Nations¹</p>
Complaint by Lesotho against South Africa	<p>Complaint by Lesotho against South Africa:</p> <p>Letter dated 16 December 1976 from the Permanent Representative of Lesotho to the United Nations addressed to the President of the Security Council (S/12257)</p>

<i>Short title</i>	<i>Official title</i>
Situation in South-East Asia and its implications for international peace and security	The situation in South-East Asia and its implications for international peace and security: Letter dated 22 February 1979 from the representatives of Norway, Portugal, the United Kingdom of Great Britain and Northern Ireland and the United States of America to the President of the Security Council (S/13111)
Letters dated 13 and 15 June 1979 from the representative of Morocco	Letters dated 13 June 1979 and 15 June 1979 from the Permanent Representative of Morocco to the United Nations addressed to the President of the Security Council (S/13394 and S/13397)
Letter dated 25 November 1979 from the Secretary-General	Letter dated 25 November 1979 from the Secretary-General to the President of the Security Council (S/13646)
Letter dated 22 December 1979 from the representative of the United States	Letter dated 22 December 1979 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council (S/13705)
Letter dated 3 January 1980 from 52 Member States regarding Afghanistan	Letter dated 3 January 1980 addressed to the President of the Security Council by the representatives of Australia, the Bahamas, Bahrain, Bangladesh, Belgium, Canada, Chile, China, Colombia, Costa Rica, Denmark, the Dominican Republic, Ecuador, Egypt, El Salvador, Fiji, Germany, Federal Republic of, Greece, Haiti, Honduras, Iceland, Indonesia, Italy, Japan, Liberia, Luxembourg, Malaysia, the Netherlands, New Zealand, Norway, Oman, Pakistan, Panama, Papua New Guinea, the Philippines, Portugal, Saint Lucia, Samoa, Saudi Arabia, Senegal, Singapore, Somalia, Spain, Suriname, Sweden, Thailand, Turkey, Uganda, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay and Venezuela (S/13724 and Add.1 and 2)
Letter dated 1 September 1980 from the representative of Malta	Letter dated 1 September 1980 from the Permanent Representative of Malta to the United Nations addressed to the President of the Security Council (S/14140)
Situation between Iran and Iraq	The situation between Iran and Iraq ¹
Date of elections to fill two vacancies in the International Court of Justice	Date of elections to fill two vacancies in the International Court of Justice (S/14246)

Chapter I

PROVISIONAL RULES OF PROCEDURE OF THE SECURITY COUNCIL

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INTRODUCTORY NOTE

This chapter of the *Supplement* contains material pertaining to the practice of the Security Council in relation to all the provisional rules of procedure with the exception of those rules that are dealt with in other chapters as follows: chapter II: Agenda (rules 6-12); chapter III: Participation in the proceedings of the Council (rules 37-39); chapter VII: Admission of new Members (rules 58-60); chapter VI: Relations with other organs (rule 61). Material relating to the application of Article 27 (rule 40), Voting, is presented in chapter IV.

The major headings under which the material is entered in this chapter follow the classification previously adopted for the *Repertoire*. 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 Council did not consider the adoption or amendment of rules of procedure. Consequently, the case histories entered in respect of each rule are confined entirely to those proceedings of the Council in which a question arose regarding the application of the rule, especially where discussion took place regarding a temporary variation from the usual practice. As was noted in the previous volumes, the case histories in this chapter do not constitute cumulative evidence of the practice of the Council, but are indicative of special problems that arose in the proceedings of the Council under its provisional rules.

Part I

MEETINGS (RULES 1-5)

NOTE

During the period under review, there were no special instances of application of rules 2-5.

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

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

Rule 1

CASE 1

At the 2190th meeting, on 7 January 1980, in connection with the letter dated 3 January 1980 from 52 Member States regarding Afghanistan, the President (France), after observing that it had been suggested that the meeting

be suspended, proceeded to do so, stating that the meeting would be reconvened after consultation. The meeting was resumed on 9 January 1980.¹

CASE 2

At the 2191st meeting, on 11 January 1980, in connection with the letter dated 22 December 1979 from the representative of the United States, the President (France), after informing the Council that in the absence of any objection he would suspend the meeting immediately, proceeded to do so, stating that the "meeting is suspended until 6 p.m. tomorrow". The meeting was resumed on 13 January 1980.²

¹See 2190th mtg. and Corr.1 and Add.1, para. 141.

²See 2191st mtg. and Add.1, para. 9.

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 Council have been circulated to the delegations of all Council members, 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 are designated. This practice was followed during the period under review.

In one instance during the period under review, objections were raised to the inclusion in the agenda of a request for a meeting of the Council on the ground that it constituted an interference in the internal affairs of a Member State. The Council, having heard the objections, extended an invitation to the delegation of the party requesting the meeting and suspended its meeting in order to enable the Secretary-General to examine the credentials of the representatives appointed in accordance with rule 14 of the provisional rules of procedure. Following the resumption of the meeting, the Council approved the report of the Secretary-General submitted in accordance with rule 15 of the provisional rules of procedure (case 3).

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

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

Rule 13

CASE 3

At the 2108th meeting, on 11 January 1979, item 2 on the provisional agenda read as follows:

Telegram dated 3 January 1979 from the Deputy Prime Minister in charge of Foreign Affairs of Democratic Kampuchea to the President of the Security Council (S/13003).

At the outset, the representative of the Union of Soviet Socialist Republics objected to the inclusion of the item in the agenda, stating that the régime of Mr. Pol Pot had fallen on 1 January 1979 and did not represent the Kampuchean people. A new Government of Democratic Kampuchea had been formed headed by Mr. Heng Samrin, and his Government had not requested a meeting of the Council; to the contrary, the new Government had sent an official communication³ to the President of the Council objecting to the Council's impending consideration of the item as interference in the internal affairs of Democratic Kampuchea.

The representative of China stated that an armed aggression had been launched by Viet Nam against Democratic Kampuchea with Soviet support, seriously violating the independence, sovereignty and territorial integrity of Democratic Kampuchea and causing a grave threat to international peace and security. Under the Charter, any Member State had the right to ask for a meeting of the

³S/13013, *OR*, 34th yr., *Suppl. for Jan.-March 1979*.

Council to consider any issues threatening international peace and security. The Government of Democratic Kampuchea had been recognized by the United Nations and its credentials accepted by the General Assembly at its thirty-third session. Attempts to oppose the meeting of the Council on the ground that Phnom Penh had fallen to Vietnamese troops were preposterous. Temporary setbacks on the battlefield and the temporary loss of the capital in no way affected the legal status of the Government of Democratic Kampuchea.

The President then stated that the question of holding the meeting and the question of the agenda had been discussed during informal consultations of the Council and in the light of those consultations and the views expressed by some members at the current meeting he would consider the agenda adopted.⁴

After further statements by the representatives of the USSR and Czechoslovakia objecting to the participation of the delegation of Democratic Kampuchea in the Council meeting and by Bangladesh, China, Kuwait and the United States supporting it, the President stated that he was suspending the meeting briefly, in accordance with rule 15 of the provisional rules of procedure, in order to enable the Secretary-General to examine the credentials of the appointed representatives of Democratic Kampuchea in accordance with rule 14 and to issue a report. After resumption of the meeting, the President drew the attention of members to the report of the Secretary-General.⁵

⁴For the texts of the relevant statements, see 2108th mtg.: President (Jamaica), paras. 28-30, 67 and 68; Bangladesh, paras. 63-65; China, paras. 16-22 and 46-52; Czechoslovakia, paras. 54 and 55; USSR, paras. 34, 35 and 40-43; and United States, paras. 56-59.

⁵S/13021, *OR*, 34th yr., *Suppl. for Jan.-March 1979*.

Part III

PRESIDENCY (RULES 18-20)

NOTE

Part III of this chapter is confined to proceedings of the Council directly related to the office of the President.

During the period under review, there was one case of special interpretation of rule 20 on the temporary cession of the chair.

The Council continued to resort to informal consultations as a procedure for facilitating the reaching of its decisions. Agreements or consensus resulting from such consultations were, in some instances, presented to the Council by the President in the form of a statement of consensus⁶ or a draft resolution,⁷ which the Council, at its formal meeting, then approved without further debate. In other instances, such agreements or consensus were

announced by the President in notes or letters circulated as Council documents.⁸

Material relevant to the exercise by the President of his functions in connection with the agenda is dealt with in chapter II. The exercise of the President's functions in the conduct of a meeting is reflected in the material included in part V of this chapter.

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

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

Rule 20

CASE 4

At the 1866th meeting, on 16 December 1975, in connection with a question submitted by Iceland, the President, after quoting rule 20 of the provisional rules

⁶For the texts of such statements, see, for example, 2010th mtg., paras. 1 and 2; 2035th mtg., paras. 2-5; 2051st mtg., paras. 1 and 2; 2079th mtg., para. 3; 2106th mtg., paras. 7 and 8; 2140th mtg., para. 24; 2151st mtg., para. 8; S/13616, *OR*, 34th yr., *Suppl. for Oct.-Dec. 1979*, p. 61; 2172nd mtg., paras. 13-17; and *Resolutions and Decisions of the Security Council, 1980*, pp. 23 and 24.

⁷For the texts of such resolutions see, for example, S/11858, adopted without change as resolution 377 (1975); S/11865, adopted without change as resolution 379 (1975); S/11870, adopted without change as resolution 380 (1975); S/12103, adopted without change as resolution 392 (1976); S/12260, adopted without change as resolution 402 (1976); S/12282/Rev.1, adopted without change as resolution 404 (1977); S/12322, adopted without change as resolution 405 (1977); S/12793, adopted without change as resolution 432 (1978); S/12940, adopted without change as resolution 440 (1978); and S/13645, adopted without change as resolution 455 (1979).

⁸For the texts of such notes or letters, see, for example, S/11595, *OR*, 30th yr., *Suppl. for Jan.-March 1975*; S/11750, *ibid.*, *Suppl. for July-Sept. 1975*; S/11768, *ibid.*; S/11808, *ibid.*; S/12089, *ibid.*, 31st yr., *Suppl. for April-June 1976*; S/12104, *ibid.*; S/12274, *ibid.*, 32nd yr., *Suppl. for Jan.-March 1977*; S/12411, *ibid.*, *Suppl. for Oct.-Dec. 1977*; S/13196, *ibid.*, 34th yr., *Suppl. for Jan.-March 1979*; S/13281, *ibid.*, *Suppl. for April-June 1979*; S/13364, *ibid.*; S/13586, *ibid.*, *Suppl. for Oct.-Dec. 1979*; S/13669, *ibid.*; S/13755, *ibid.*, 35th yr., *Suppl. for Jan.-March 1980*; S/14166, *ibid.*, *Suppl. for July-Sept. 1980*; and S/14309, *ibid.*, *Suppl. for Oct.-Dec. 1980*.

of procedure, stated that the rule placed the matter of temporary cession of the chair entirely within the discretion of the President. Having looked at precedents that might apply to the particular occasion, he had gathered that Presidents had not customarily vacated their chair when the Council was considering questions with which their Governments were directly concerned. In fact, the only precedent for such action in the past 20 years or more had been the decision by his predecessor in May 1968 to vacate the chair in connection with the question of Southern Rhodesia. After fully

considering the circumstances of the current case, however, he had decided to follow his predecessor's example and to exercise the discretion provided to him under rule 20. He would consequently vacate the chair and would invite the representative of the United Republic of Cameroon to occupy the presidential chair for the purpose of the consideration of the question on the Council's agenda. The representative of the United Republic of Cameroon then took the chair.¹⁹

¹⁹For the text of the relevant statement, see: 1866th mtg., paras. 2-8.

Part IV

SECRETARIAT (RULES 21-26)

NOTE

This part 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.

Within the period under review, the Secretary-General was requested or authorized: (a) to continue and intensify his consultations with the parties concerned with respect to the question of Western Sahara and to report to the Council as soon as possible;¹⁰ (b) to organize, in collaboration with the appropriate organizations of the United Nations system, all forms of financial, technical and material assistance to Mozambique and Lesotho in order to enable them to overcome the economic difficulties arising from their application of economic sanctions against South Africa;¹¹ (c) to give the matter of assistance to Botswana his continued attention;¹² (d) to appoint a representative to enter into discussions with the British Resident Commissioner designate and with all the parties concerning the military and associated arrangements necessary to effect the transition to majority rule in Southern Rhodesia;¹³ (e) to provide necessary assistance to the Special Mission of the Council being sent to Benin to investigate the events of 16 January 1977 at Cotonou;¹⁴ (f) to appoint a Special Representative for Namibia to ensure the early independence of Namibia through free elections under United Nations supervision;¹⁵ (g) to continue to take all effective measures necessary in accordance with the approved guidelines and terms of reference of the United Nations Interim Force in Lebanon;¹⁶ (h) to provide necessary facilities to the Commission of the Council established to examine the situation relating to settlements in the occupied Arab territories;¹⁷ (i) to assist in the implementation of paragraph 5 of resolution 460 (1979) of 21 December 1979;¹⁸ (j) to obtain available information from the People's Republic of Angola on the human casualties and material and other damage resulting from repeated acts of aggression committed by South Africa;¹⁹ (k) to report on his

good offices efforts in connection with the Iran "hostage" situation;²⁰ (l) to convene a meeting of the Israel-Lebanon Mixed Armistice Commission to agree on precise recommendations and to reactivate the General Armistice Agreement;²¹ and (m) to take the necessary measures to intensify discussions among all the parties concerned so that the United Nations Interim Force in Lebanon might complete its mandate.²²

In a number of instances the Secretary-General was also requested to follow the implementation of resolutions or to keep certain questions under review, reporting on their developments to the Council as requested by the Council.²³ Furthermore, the Secretary-General, when appropriate, submitted reports on developments relating to

¹⁰Resolution 447 (1979) of 28 March 1979.

¹¹Resolution 461 (1979) of 31 December 1979.

¹²Resolution 467 (1980) of 24 April 1980.

¹³Resolution 483 (1980) of 17 December 1980.

¹⁴In connection with the situation in Namibia, resolution 431 (1978) of 27 July 1978, resolution 435 (1978) of 29 September 1978 and resolution 439 (1978) of 13 November 1978; in connection with the question of Timor, resolution 384 (1975) of 22 December 1975 and resolution 389 (1976) of 22 April 1976; in connection with the complaint by Kenya concerning the aggression by South Africa against Angola, resolution 387 (1976) of 31 March 1976, in connection with the complaint by Lesotho against South Africa, resolution 402 (1976) of 22 December 1976; in connection with the question of South Africa, resolution 407 (1977) of 25 May 1977, resolution 418 (1977) of 4 November 1977 and resolution 473 (1980) of 13 June 1980; in connection with the situation in Southern Rhodesia, resolution 415 (1977) of 29 September 1977 and resolution 423 (1978) of 14 March 1978; in connection with the complaint by Benin, resolution 405 (1977) of 14 April 1977 and resolution 419 (1977) of 24 November 1977; in connection with the situation in the Middle East, resolution 368 (1975) of 17 April 1975, resolution 369 (1975) of 28 May 1975, resolution 371 (1975) of 24 July 1975, resolution 378 (1975) of 23 October 1975, resolution 381 (1975) of 30 November 1975, resolution 390 (1976) of 28 May 1976, resolution 396 (1976) of 22 October 1976, resolution 398 (1976) of 30 November 1976, resolution 416 (1977) of 21 October 1977, resolution 425 (1978) of 19 March 1978, resolution 429 (1978) of 31 May 1978, resolution 434 (1978) of 18 September 1978, resolution 436 (1978) of 6 October 1978, resolution 438 (1978) of 23 October 1978, resolution 449 (1979) of 30 May 1979, resolution 456 (1979) of 30 November 1979, resolution 468 (1980) of 8 May 1980, resolution 469 (1980) of 20 May 1980, resolution 470 (1980) of 30 May 1980, resolution 478 (1980) of 20 August 1980, resolution 481 (1980) of 26 November 1980 and resolution 483 (1980) of 17 December 1980, in connection with the situation in Cyprus, resolution 367 (1975) of 12 March 1975, 370 (1975) of 13 June 1975, resolution 383 (1975) of 13 December 1975, resolution 391 (1976) of 15 June 1976, resolution 401 (1976) of 14 December 1976, resolution 410 (1977) of 15 June 1977, resolution 414 (1977) of 15 September 1977, resolution 422 (1977) of 15 December 1977, resolution 430 (1978) of 16 June 1978, resolution 440 (1978) of 27 November 1978, resolution 443 (1978) of 14 December 1978, resolution 451 (1979) of 15 June 1979, resolution 458 (1979) of 14 December 1979, resolution 472 (1980) of 13 June 1980 and resolution 482 (1980) of 11 December 1980; and in connection with the situation between Iran and Iraq, resolution 479 (1980) of 28 September 1980.

¹⁵Resolution 417 (1978) of 22 October 1978.

¹⁶Resolution 386 (1976) of 17 March 1976, resolution 402 (1976) of 22 December 1976, resolution 407 (1977) of 28 May 1977, and resolution 411 (1977) of 30 June 1977.

¹⁷Resolution 406 (1977) of 25 May 1977.

¹⁸Resolution 415 (1977) of 29 September 1977.

¹⁹Resolution 404 (1977) of 8 February 1977.

²⁰Resolution 431 (1978) of 27 July 1978.

²¹Resolution 444 (1979) of 19 January 1979 and resolution 459 (1979) of 19 December 1979.

²²Resolution 446 (1979) of 22 March 1979.

²³Resolution 460 (1979) of 21 December 1979.

the maintenance of international peace and security in response to the Council's requests contained in resolutions or during meetings.

****A. CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 21-26**

B. SPECIAL CASES CONCERNING THE APPLICATION OF RULES 21-26

Rule 21

CASE 5

At its 1830th meeting, on 13 June 1975, in connection with the situation in Cyprus, the Council adopted resolution 370 (1975), which, under paragraph 6, requested the Secretary-General to continue his mission of good offices. The Secretary-General, taking note of the draft resolution, assured the Council of his best efforts to achieve progress but expressed concern at the absence of progress on the substance of the problem.²⁴

CASE 6

At the 1854th meeting, on 6 November 1975, in connection with the situation concerning Western Sahara, the Secretary-General informed the Council that pursuant to resolution 379 (1975) he had been in constant touch with the parties concerned and had made several oral reports during his consultations with the members of the Council. He assured the Council of his continuing efforts to bring about a peaceful solution of the problem.²⁵

CASE 7

At the 2035th meeting, on 21 October 1977, in connection with the situation in the Middle East, the Secretary-General made a statement with regard to his report on the United Nations Emergency Force. Following the Secretary-General's statement, a draft resolution²⁶ was adopted extending the mandate of the Force. After the adoption of the draft resolution the representative of the USSR made the following statement:

In consenting to a renewal of the mandate of the United Nations Emergency Force, the Soviet delegation acts in the belief that the Secretariat of the United Nations and the Command of the Force will make persistent efforts to see to it that the troops are maintained as economically as possible. In this connection, we have drawn attention to the assurance in the report of the Secretary-General that he and his

²⁴1830th mtg., paras. 10-12.

²⁵1854th mtg., paras. 8 and 9.

²⁶Resolution 416 (1977) of 21 October 1977.

staff will constantly take into account the need for maximum economy in the use of the funds for the maintenance of the Force. The delegation of the Soviet Union considers that, in the present circumstances, it would be possible to carry out certain reductions in the strength of the Force without any detriment to the performance of its functions. Such a step would make it possible to reduce expenses in the maintenance of the Force and would relieve the burden of expense on Member States.²⁷

CASE 8

At the 2172nd meeting, convened at the request²⁸ of the Secretary-General on 27 November 1979 in connection with the letter dated 25 November 1979 from the Secretary-General, he made the following statement, which reads, *inter alia*, as follows:

As members of the Council are aware, within the past three weeks I have been continuously involved in efforts to find means of resolving this very serious problem. Similar efforts have been made by you, Mr. President, as well as by many Governments. I take this opportunity to express my sincere appreciation for these efforts.

We all know the basic elements of the problem before us. The Government of the United States is deeply concerned at the seizure of its embassy at Teheran and the detention of its diplomatic personnel, in violation of the relevant international conventions. The Government of Iran seeks redress for injustices and abuse of human rights which, in its view, were committed by the previous régime.

A major concern, of course, must be for the fate of the individuals involved. But apart from the humanitarian, legal and psychological aspects of the problem there can be no question that the international community has become increasingly disturbed at the dangerous level of tension arising from this situation. This threatens the peace and stability of the region and could well have very grave consequences for the entire world. In the prevailing circumstances it became clear to me that the efforts I have mentioned, which were conducted with good faith and determination, could not for the time being overcome the very difficult obstacles with which we were faced. Although at times in the past few days agreement seemed close, in the end the gap appeared to be too wide to be bridged at this stage.

It was in the light of these developments and of the escalation of tension that I concluded that the present crisis poses a serious threat to international peace and security. Accordingly, in the exercise of my responsibility under the Charter, I asked for the urgent convening of the Security Council. I may mention here that this move was supported and welcomed by the Governments of Iran and the United States. As you are aware, Mr. President, it was also unanimously supported by the members of the Council in the consultations which took place yesterday. I earnestly hope that the Council can be of assistance in helping the parties to find ways and means to reconcile their differences. In this connection, I was pleased to have confirmation today that the Foreign Minister of Iran will come to New York to participate in our deliberations.

²⁷For the texts of the relevant statements, see 2035th mtg.: Secretary-General, paras. 6-8; and USSR, para. 41.

²⁸2172nd mtg., paras. 6-9.

Part V

CONDUCT OF BUSINESS (RULES 27-36)

NOTE

Part V sets out the cases bearing on rules 27-36. Cases relating to rules 37-39 are contained in chapter III, "Participation in the proceedings of the Security Council". Chapter V, which deals with the subsidiary organs of the Council, should be consulted in connection with rule 28. During the period under review, there were no special instances of the application of rules 29, 32 and 34-36.

As in the previous volumes of the *Repertoire*, the cases assembled in this part 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 the following points:

Rule 27

The order of intervention in the debate (cases 5-9) and on limiting statements in the exercise of right of reply.

Rule 30

The extent to which the President would rule on a point of order (cases 10-12). There were a number of instances

during the period under review in which representatives, having requested to be recognized on a point of order, made statements on matters on which no ruling was required. Such instances are not included in the study.

Rule 31

The requirement of written submission for proposed resolutions, amendments and substantive motions (cases 13 and 14).

Rule 33

On suspension and adjournment of meetings (case 15).

Rule 34

On proposing a draft resolution without need to be seconded (cases 16 and 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 5

At the 1885th meeting, on 30 January 1976, in connection with the situation in Namibia, the President (United Republic of Tanzania), after the conclusion of the debate on the item, informed the Council that he had received a telegram from the Head of State of the Comoros protesting a planned referendum in Mayotte by France and requesting an urgent meeting of the Council. The President then gave the floor to the representative of the Libyan Arab Republic, who, while proceeding to make a substantive statement on the request by the Head of State of the Comoros, was called to order by the President stating that since the item was not on the Council's agenda, it was not appropriate to go into the details of the question. The representative of the Libyan Arab Republic replied that he was not going into the details of the question but merely trying to explain why the Council ought to take urgent action.

The representative of France raised a formal objection to the statement by the representative of the Libyan Arab Republic, stating that while he could request a meeting of the Council he could not discuss a question until it was put on the Council's agenda. The representative of the Libyan Arab Republic then attempted to continue his statement and the representative of France again raised a point of order, repeating his objection. When the President again appealed to the representative of the Libyan Arab Republic not to make a statement on the question, he replied that he was not making a statement but merely pointing out the urgency of the question and that a meeting should be held the following day or the day after that. The President assured him that, in the consultations that the Council President would undertake, the specific suggestions of the representative of the Libyan Arab Republic would be taken into account.²⁹

CASE 6

At the conclusion of the 2017th meeting, on 29 June 1977, the President (Canada) informed the Council that

²⁹For the texts of the relevant statements, see 1885th mtg.: President (United Republic of Tanzania), paras. 125, 126, 129, 131, 133, 135, 137, 140 and 142; France, paras. 132 and 138; Libyan Arab Republic, paras. 127, 128, 130, 134, 136, 139 and 141.

there was a list of speakers for both the morning and afternoon meetings the following day and that the speakers inscribed on the lists wished to speak before the vote. The representative of Mauritius asked the President whether the speakers would speak on the substance of the issue or in explanation of vote before the vote as it was his understanding that when inscribing their names on the list of speakers, the representatives indicated whether they wished to speak on the substance of the issue or in explanation of vote. The representative of the United Kingdom stated that in his understanding the speakers were entitled to speak both on the substance and in explanation of vote before the vote. The President, agreeing with the representative of the United Kingdom, stated that "we have now reached an understanding of the situation".³⁰

CASE 7

At the 2054th meeting, on 15 December 1977, in connection with the question of Cyprus, the President (Mauritius) informed the Council that Mr. Vedat A. Çelik, who had been invited under rule 39 of the provisional rules of procedure, was leaving the following day. In order to enable him to speak it was his suggestion that Mr. Çelik and the representatives of Cyprus, Greece and Turkey be given priority to speak after the conclusion of the voting on the draft resolution before the Council and that members forego making their statements in explanation of vote. Members could hand their statements to the President who would then hand them to the Secretary-General to be bound in one volume and considered an official document of the Council.

The representative of Benin stated that the President had deviated from the understanding reached during consultations to have the voting at the current meeting and hear explanations of vote the following day. His delegation intended to have its say in a sovereign manner in the debate and not to submit a written document to the Secretariat.

The representative of Canada, supported by the representatives of France and Panama, suggested that Mr. Çelik be allowed to speak at the current meeting and defer until the following day statements to be made by members of the Council in explanation of vote. The Council would be put in an awkward position if parties invited under rule 37 or 39 were allowed to speak and members were prevented from doing so and their statements simply circulated.

The President said he would suspend the meeting for five minutes to enable members to meet in his office. He had an important communication to impart to them that would render Canada's suggestion unacceptable although *prima facie* it seemed acceptable.

After the resumption of the meeting, the draft resolution was put to the vote and statements were made by the representatives of Cyprus and Greece, followed by statements by Mr. Çelik and the representative of Turkey.³¹

CASE 8

At the 2109th meeting, on 12 January 1979, in connection with the telegram dated 3 January 1979 from the Deputy Prime Minister in charge of Foreign Affairs of Democratic Kampuchea, the representative of Cuba made a statement in exercise of the right of reply following a

³⁰For the texts of the relevant statements, see 2017th mtg.: President (Canada), paras. 90, 92 and 96; Mauritius, paras. 91 and 93; and United Kingdom, para. 95.

³¹For the texts of the relevant statements, see 2054th mtg.: President (Mauritius), paras. 3-5; Benin, para. 10; Canada, para. 12; France, para. 13; and Panama, paras. 14-16.

statement in right of reply by the representative of Democratic Kampuchea. After the representative of Cuba had spoken, the representative of Democratic Kampuchea again asked to make another statement in right of reply. The representative of the USSR, on a point of order, stated that the representative of Democratic Kampuchea should not be permitted to take the floor again as his statement "would be detrimental to the dignity of the Security Council". The President (Jamaica) stated that representatives invited under rule 37 were entitled to speak in right of reply. The representative of Kuwait, on a point of order, appealed to the representative of Democratic Kampuchea not to exercise his right of reply for the present "in order to preserve the dignity of the Council". The President, stating that the view expressed by the representative of Kuwait "should command the Council's attention", urged the Council to "accept the notion" put forward by him. The representative of Democratic Kampuchea did not then insist on the right of reply.¹²

CASE 9

At the 2248th meeting, on 28 September 1980, in connection with the situation between Iran and Iraq, following the voting on a draft resolution before the Council, the representative of Iraq asked the President if his understanding was correct that his delegation had been invited in accordance with the provisions of the Charter and the provisional rules of procedure of the Council to participate, without vote, in the deliberations of the Council. If so, he would like to draw the attention of the Council to something of extreme importance.

The President (Tunisia) replied that the request by the representative of Iraq to speak had been inscribed and he would be given the floor in due course.

When the representative of Iraq was given the floor in accordance with the list of speakers, he stated that, as the President would recall, he had asked to speak before the adoption of the resolution. There had been an understanding on that point and he regretted that the President, in his wisdom, "saw fit to go back on the understanding you gave me that you would give me that opportunity". He then quoted his statement at the 2247th meeting, wherein he had requested that, before embarking on any substantive discussions of the conflict and consideration of any draft resolutions, the Council give his Government an opportunity to present its case in full through its Foreign Minister, who was willing and ready to come to New York to address the Council as soon as he was informed that the council was proceeding to a substantive debate. Now that the Council had indeed embarked on a substantive debate and had already adopted a resolution, his delegation regretted that its requests had not been heeded.

The President stated that he had only followed the customary procedure of the Council in conducting the current meeting of the Council and he had done so after consultations with the members of the Council. The consensus in the Council was that the Foreign Minister of Iraq would participate in the debate.¹³

Rule 30

CASE 10

At the 1889th meeting, on 18 February 1976, in connection with the communications from France and

Somalia concerning the incident of 4 February 1976, the representative of Somalia had the floor when the representative of France raised a point of order. He said that the item on the agenda concerned the incident on the border between the French Territory of the Afars and the Issas and Somalia and requested the representative of Somalia to confine himself to that subject and not to enter into considerations of France's policy pertaining to that Territory.

The representative of Somalia stated that the border incident could not be isolated from its basic cause and therefore he was within his rights and within the scope of the item on the agenda.

The representative of France, disagreeing with the representative of Somalia, stated that the question of the French Territory was a matter of domestic policy of the Territory and fell under the global question of decolonization. That question was not on the agenda of the current meeting and therefore should not be raised at the current time.

The President (United States) stated that while a certain latitude was permitted in the debates of the Council, the item on the agenda was confined to the border incident, as was the communication from the representative of Somalia to the Council. He therefore requested the representative of Somalia to attempt to keep within the framework of the agenda.

The representative of Somalia said that his statement fell within the wider context of the item under discussion, and he reiterated that he was speaking within the framework of the item on the agenda.

The President ruled that since there was a certain latitude in the debates of the Council, the representative of Somalia could proceed with his statement without prejudice to the agreed agenda.

The representative of Somalia resumed his statement but the representative of France again raised a point of order objecting to the deviation by the representative of Somalia from the item under discussion.

The representative of the United Republic of Tanzania stated that the President's ruling was wise and that the representative of Somalia should be allowed to make his statement without prejudice to the item on the agenda. The President again stated his ruling that the representative of Somalia was free to continue his statement. The representative of Somalia thanked the President for his ruling and observed that it was very difficult to separate an aggression from the cause of the aggression and that it was necessary to provide the Council with the background of the aggression. Before he could resume his statement, however, the representative of France again urged the representative of Somalia to remain within the limits of the latitude accorded in Council debates, failing which he would "reserve any right to react to what he says".

The President, pointing out that the representative of Somalia was reading from a prepared text, observed that he should be allowed to finish reading the text. The representative of France, or any other member of the Council, of course had the right to reply in as much detail as he desired. He then again urged the representative of Somalia to resume his statement, which he proceeded to do without further interruption.¹⁴

¹²For the texts of the relevant statements, see 2109th mtg.: President (Jamaica), paras. 124, 125, 127-129 and 131; Cuba, paras. 117-123; Democratic Kampuchea, paras. 96-115; Kuwait, para. 130; and USSR, para. 126.

¹³For the texts of the relevant statements, see 2248th mtg.: President (Tunisia), paras. 16-18 and 130-133; and Iraq, paras. 13, 15 and 120-125.

¹⁴For the texts of the relevant statements, see 1889th mtg.: President (United States), paras. 45, 47, 49, 51, 54, 55, 58, 68, 69, 73, 76, 77, 103 and 104; France, paras. 46, 50, 59, 61, 74 and 75; Somalia, paras. 48, 52, 56, 57, 70, 71, 72, 78-97, 102 and 105; and the United Republic of Tanzania, paras. 64-67.

CASE 11

At the 2055th meeting, on 16 December 1977, in connection with the situation in Cyprus, the President (Mauritius), at the request of the representative of Turkey, gave the floor to Mr. Nail Atalay under rule 39 of the provisional rules of procedure. When Mr. Atalay, in the course of his statement, referred to the Permanent Representative of Cyprus to the United Nations by his name rather than his title, the latter raised a point of order and requested the President to "inform the person appearing here now under rule 39 of the provisional rules of procedure" that he should address himself to all representatives of Member States by their proper titles and not "affix to them titles imposed by others".

The representative of Turkey, on a point of order, stated that all representatives and persons speaking in the Council had the right to address other representatives as they wished. That had been an established practice in the United Nations for a long time and he recalled that there had been a time when a certain representative was described as "this gentleman who represents only himself". Mr. Atalay was therefore within his rights to address "the representative who presumes to speak on behalf of Cyprus" in the manner that he did.

The representative of Cyprus stated that while the representatives could address any other representative in whichever way they saw fit, that was not in the "proper order" of the United Nations and, in any case, "the person regarding whom I made the objection" was not a representative of a Member State.

The President stated that he had noted the objection raised by the representative of Cyprus and called upon Mr. Atalay to proceed with his statement.³⁵

CASE 12

At the 1940th meeting, on 12 July 1976, in connection with the complaint by Mauritius, current Chairman of OAU, of the "act of aggression" by Israel against Uganda, the representative of the Libyan Arab Republic, speaking on a point of order, proceeded to make a substantive statement. The representative of Israel then requested the floor on a point of order and asked the President (Italy) "when is a point of order a point of order?". The President stated that all he could do to reply to the representative of Israel was to read out rule 30 of the provisional rules of procedure.³⁶

Rule 31

CASE 13

Towards the conclusion of the 1929th meeting, on 18 June 1976, in connection with the situation in South Africa, the President (Guyana) announced that the sponsors of the draft resolution³⁷ before the Council had made some additions to the text. He then proceeded to read the revised text orally.³⁸

CASE 14

At the 2090th meeting, on 10 October 1978, in connection with the situation in Southern Rhodesia, the President (France), stating that certain delegations had expressed a desire to submit amendments to the draft

³⁵For the texts of the relevant statements, see 2055th mtg.: President (Mauritius), paras. 166, 167, 179 and 180; Cyprus, paras. 174 and 178; and Turkey, para. 176.

³⁶For the texts of the relevant statements, see 1940th mtg.: President (Italy), para. 16, Israel, para. 15, and Libyan Arab Republic, paras. 6-12.

³⁷S/12103.

³⁸1929th mtg., para. 161.

resolution before the Council, suspended the meeting for 10 minutes to consider the amendments. After the resumption of the meeting, the President read the revised text orally.³⁹

Rule 33

CASE 15

At the 2045th meeting, on 31 October 1977, in connection with the question of South Africa, the representative of Canada made a proposal to adjourn the meeting until the following day under rule 33 of the provisional rules of procedure. The representative of Mauritius supported the proposal to adjourn the meeting but requested that the date for the next meeting of the Council be fixed by the new President after due consultations with members of the Council. The representative of the Libyan Arab Jamahiriya proposed that the Council vote on the two proposals—one for adjournment and the other for the date of the next meeting.

The President (India) stated that since the representatives of the Libyan Arab Jamahiriya and Mauritius had proposed the adjournment of the meeting, that proposal would take precedence over the Canadian proposal to adjourn the meeting to a certain day under rule 33.

The representative of the United Kingdom stated that the representatives of the Libyan Arab Jamahiriya and Mauritius had been allowed to speak contrary to the rules to make their proposal for adjournment. Under the rules of procedure, the Canadian motion should have been decided upon without further debate.

After further debate, the representative of Canada said that, on the understanding that there would be informal consultations by the Council the following day with the view to holding an early formal meeting, he would withdraw his motion.⁴⁰

Rule 34

CASE 16

At the 1941st meeting, on 12 July 1976, in connection with the complaint by Mauritius, current Chairman of OAU, of the "act of aggression" by Israel against Uganda, the representative of the Libyan Arab Republic, exercising his right of reply, criticized the representative of the United Kingdom for the "hasty introduction" of a draft resolution, without appropriate consultations, "in order to detract the Council from the agreed agenda". The "counter-draft resolution" was designed to sabotage the sincere and delicate efforts of the African States that had prepared a working paper and were engaged in informal consultations to arrive at an agreed text. He expressed deep concern at that departure by the representative of the United Kingdom from established practice and from the normal procedure of the Council.

The representative of the United Kingdom rejected the contention that he had departed from any rule of procedure of the Council.⁴¹

CASE 17

At the 1942nd meeting, on 13 July 1976, in connection with the complaint by Mauritius, current Chairman

³⁹2090th mtg., paras. 1-4.

⁴⁰For the texts of the relevant statements, see 2045th mtg.: President (India), paras. 75, 76, 78 and 79; Canada, paras. 66 and 84; Libyan Arab Jamahiriya, paras. 72-74; Mauritius, paras. 67-69; and United Kingdom, para. 77.

⁴¹For the texts of the relevant statements, see 1941st mtg.: Libyan Arab Republic, paras. 179-187; and United Kingdom, paras. 188-191.

of OAU, of the "act of aggression" by Israel against Uganda, the representative of Mauritius, raising a point of order, objected that the debate was proceeding to a discussion of issues that were extraneous and irrelevant to the item on the agenda. The draft resolution presented by the representatives of the United Kingdom and the United States was itself irrelevant to the issue being discussed and therefore the question arose whether that draft resolution was even "receivable" by the Council. He requested a ruling by the President on that point.

The President (Italy) replied that the point raised had already been settled at a previous meeting and it was out of respect for the representative of Mauritius that he had

not called him out of order in raising a matter that had previously been settled.

The representative of the Libyan Arab Republic, supporting the representative of Mauritius, stated that the question was not of the right of delegations to submit a draft resolution but whether it was relevant or irrelevant to the issue being considered.

The President appealed to members of the Council not to raise procedural questions that had already been settled and to proceed with the debate.⁴¹

⁴¹For the texts of the relevant statements, see 1942nd mtg.: President (Italy), para. 63; Libyan Arab Republic, paras. 66-68; and Mauritius, paras. 60-62.

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 the General Assembly, under which voting may not be interrupted once it is in progress except for reasons relating to the actual conduct of the voting.

On certain other occasions, members of the Council were recorded, as in the past, as not participating in the vote on resolutions declared to have been adopted.

At the 1888th meeting, on 6 February 1976, in connection with the situation in the Comoros, after the Council had rejected a draft resolution⁴¹ by a vote of 11 in favour, 1 against (France) and 3 abstentions, the representative of Benin questioned the right of France, as a party to the dispute, to participate in the vote. He said that he was not challenging the vote but simply raising a question as to its propriety. The representative of the Libyan Arab Republic also expressed his "most explicit reservations" concerning the vote, and stated that he would like to place on record his delegation's view that in accordance with Article 27, paragraph 3, of the Charter, France was not entitled to vote as a party to the dispute.

The representative of France stated that the situation in the Comoros was parallel to the situation in the Panama Canal Zone and when the Council had discussed the matter in Panama in 1973, no one had questioned the right to vote of Panama or of the United States, both of which had been parties to the dispute. During the past 25 years, the Council had on several occasions been confronted with similar situations, where States directly or indirectly concerned in the matter had not been prevented from casting their vote, as they would undoubtedly have exercised their vote if the matter had been considered

in the context of Chapter VII of the Charter. To have acted in any other manner would have been tantamount to encouraging those States members of the Council, on measures contemplated in Article 39, to ensure that their right to vote was not challenged.

The representative of Panama stated that he could not agree with the attempts of the representative of France to draw a comparison between the current situation in the Comoros and the situation prevailing in Panama in March 1973. When the Council had visited Panama, it had done so to hold a series of special meetings in order to consider matters relating to the maintenance and strengthening of peace in Latin America as a whole; it had not visited Panama to consider a dispute. Moreover, in Panama no representative had questioned the right of the United States to vote; one could not therefore conclude that that instance constituted a precedent, as the representative of France had done. He also questioned the right of the representative of France to vote.

The representative of France replied that it had been the agenda of the Panama meetings that had dealt with the overall problem of Latin America; however, the draft resolution that had been voted on on 21 March 1973 dealt solely with the problem that at that time existed between the United States and Panama.

The representative of Panama stated that during the Council's meetings in Panama, no representative had questioned the right of the concerned parties to vote under Article 27, paragraph 3, of the Charter and at no time had any Council member requested the President to take a stand on that point. At the current meeting, however, the delegations of Benin and the Libyan Arab Republic and his own were drawing attention to the right of France to vote under Article 27, paragraph 3. He said that the record of the current meeting should reflect the serious doubts harboured by many Council members regarding the right of the representative of France to vote.

The President (United States) stated that had the question of the right of France to vote been raised at the appropriate time and prior to the vote, he believed that the right of France to participate in the voting would have been sustained.

The representative of Panama thanked the President for expressing "to us a point of view that we had not sought from you".

The representative of the United Republic of Tanzania stated that he took it that the President's statement, that the position of France on the right to vote would have been sustained had a ruling been sought, was a personal

⁴¹S. 11967, OR, 31st yr., Suppl. for Jan.-March 1976

view and not that of the President of the Council; had it been the belief of the President, he would have been asked first to give a ruling, which he had not.

The President stated that since no question as to the propriety of France to vote had been raised in advance of the vote, the "overwhelming" presumption of the proceedings of the current meeting must be that it was

proper and "no shadow of impropriety falls on the specific action".⁴⁴

⁴⁴For the texts of the relevant statements, see 1888th mtg.: President (United States), paras. 292, 293, 295, 297, 310 and 313; Benin, paras. 264-267, 274 and 275; France, paras. 270-273, 281, 282, 285-287 and 289; Libyan Arab Republic, paras. 268, 269, 291 and 294; and Panama, paras. 276-280, 283, 286, 290, 296 and 298.

****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 of the 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 eight private meetings;⁴⁵ at the close of each, it

issued a communiqué through the Secretary-General in accordance with rule 55 of the provisional rules of procedure.

****A. CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 48-57**

B. SPECIAL CASES CONCERNING THE APPLICATION OF RULES 48-57

Rule 51

CASE 18

At the 1853rd meeting, on 6 November 1975, held in private, in connection with the situation in Western Sahara, the President pointed out that although rule 51 provided for the issuance of the record of the meeting in single copy, the Council could follow an alternative course and decide that the verbatim record of the meeting would not be confidential but would be published in the same way as the record of a public meeting. It was so decided.⁴⁶

⁴⁵1840th meeting, 22 September 1975, adoption of the Council's draft report to the General Assembly; 1853rd meeting, 6 November 1975, the situation in Western Sahara; 1965th meeting, 28 October 1976, adoption of the Council's draft report to the Assembly; 1978th meeting, 7 December 1976, election of the Secretary-General; 2050th meeting, 25 November 1977, adoption of the Council's draft report to the Assembly; 2102nd meeting, 30 November 1978, adoption of the Council's draft report to the Assembly; 2173rd meeting, 29 November 1979, adoption of the Council's draft report to the Assembly; and 2249th meeting, 14 October 1980, adoption of the Council's draft report to the Assembly.

⁴⁶1853rd mtg., paras. 133, 134 and 136.

****Part IX**

****APPENDIX TO PROVISIONAL RULES OF PROCEDURE**

Chapter II

AGENDA

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INTRODUCTORY NOTE

The present chapter relates to material concerning rules 6-11, inclusive, 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; 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 6-12.

Part II provides information concerning the preparation of the provisional agenda (rule 7). No material was found for treatment under the subheadings "Rule 6: Circulation of communications by the Secretary-General", "Rule 8: Communication of the provisional agenda" and "Rule 12: Communication of the provisional agenda of periodic meetings".

Part III contains material on the procedure and practice of the Council in connection with the adoption of the agenda. Section A includes under subheading 1, two entries concerning votes taken in adopting the agenda. Section B presents, under subheading 1, case histories setting forth discussion in the Council of the requirements for the inclusion of an item on the agenda. No material was found for treatment under the subheading 2 concerning the effect of the inclusion of an item on the agenda. Section C deals with other questions that were discussed in connection with the adoption of the agenda, such as the order of discussion of items on the agenda and the phrasing of items on 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 any matter 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. Communications 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 one instance involving the manner of preparing the provisional agenda (case 1).

**A. RULE 6: CIRCULATION OF COMMUNICATIONS BY THE SECRETARY-GENERAL

B. RULE 7: PREPARATION OF THE PROVISIONAL AGENDA

CASE I

At the 1993rd meeting, on 25 March 1977, in connection with the situation in the Middle East, item 2 of the provisional agenda¹ read as follows:

"2. The situation in the Middle East:

"Report of the Secretary-General submitted under General Assembly resolution 31/62 concerning the Peace Conference on the Middle East (S/12290 and Corr.1)."

Before the adoption of the agenda, the President (United States) informed the Council that further to the consultations on 15 March 1977 in which it had been agreed that the Council would take up consideration of the report of the Secretary-General on the Peace Conference on the Middle East at an appropriate time, he had received a letter² dated 23 March 1977 from the representative of Egypt requesting a meeting of the Council on the Secretary-General's report on 25 March 1977 and that the request was now before the Council. In the absence of any objection, the President declared the agenda adopted.³

**C. RULE 8: COMMUNICATION OF THE PROVISIONAL AGENDA

**D. RULE 12: COMMUNICATION OF THE PROVISIONAL AGENDA OF PERIODIC MEETINGS

¹S/Agenda/1993.

²S/12306, OR, 32nd yr., Suppl. for Jan.-March 1977.

³1993rd mtg., preceding para. 1.

Part III

ADOPTION OF THE AGENDA (RULE 9)

NOTE

Under rule 9, the first item on the provisional agenda for each meeting of the 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 amendment.

During the period under review, the Council included 32 new issues in its agenda, an unprecedented number of new items, which in some cases dealt with specific incidents or aspects of more general questions. There were very few instances when objections were raised to the inclusion of an item in the agenda or a vote was requested regarding such objections (see cases 4, 5 and 7). This reflects the growing practice in the Council of meeting informally in consultations prior to holding a formal meeting.

Not all requests from Member States for the consideration of issues led to formal meetings of the Council.

As in previous volumes of the *Repertoire*, part III is devoted to the proceedings of the Council on those occasions when objection was raised to the adoption of the agenda or other discussion on the adoption of the agenda took place.

Section A deals with the procedure of the Council in voting on the adoption of the agenda (cases 2 and 3).

Section B deals with two instances when objections were raised to the adoption of the agenda relating to the requirements for the inclusion of an item in the agenda (cases 4 and 5). No material was found for treatment under subheading 2 concerning the effect of the inclusion of an item on the agenda.

Section C deals with other questions of procedure that are related to the adoption of the agenda, such as the order of discussion of items on the agenda (cases 6 and 7) and the phrasing of items on the agenda (case 8).

During the period under review, 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

CASE 2

At the 1834th meeting, on 6 August 1975, the provisional agenda⁴ read as follows:

- "1. Adoption of the agenda
- "2. Note by the Secretary-General transmitting the text of a telegram dated 15 July 1975 from the President of the Provisional Revolutionary Government of the Republic of South Viet Nam (S/11756)
- "3. Note by the Secretary-General transmitting the text of a telegram dated 16 July 1975 from the Prime Minister of the Government of the Democratic Republic of Viet-Nam (S/11761)

"4. Note by the Secretary-General transmitting a letter dated 30 July 1975 from the Permanent Observer of the Republic of Korea to the United Nations and the text of a telegram dated 29 July 1975 from the Minister of Foreign Affairs of the Republic of Korea (S/11783)"

At the outset, the President (Japan), referring to prior consultations, put to the vote the inclusion of each item listed as items 2, 3 and 4 of the provisional agenda. After the vote, which resulted in the approval of the inclusion of items 2 and 3 and the rejection of the inclusion of item 4, the President stated that he would then put to the vote the provisional agenda, as amended, as a whole.

The representative of the USSR, speaking on a point of order, stated that in accordance with past practice there was no need to vote on the adoption of the agenda as a whole after individual items of the agenda had been separately adopted, more so since agreement on the procedure outlined by the President had not existed during prior consultations; to the contrary, it had been agreed that each individual item should be voted on separately, the rationale being that the applications of the Republic of South Viet-Nam and the Democratic Republic of Viet-Nam should be considered separately and independently, without being linked in any way to the consideration of the application of the Republic of Korea.

The President then stated that since a challenge had been submitted to the Chair's ruling, he would put the challenge to vote. The representative of the USSR replied that he had not submitted a challenge but only an explanation as to why it was not advisable to vote on the adoption of the agenda as a whole at that stage.

The President, after requesting the representative of the USSR not to insist on his position, stated that he would like to put to the vote "the proposal the Chair made that the provisional agenda as a whole shall be put to the vote". After the proposal was adopted unanimously, the President stated in error that "the agenda, as amended, is adopted", but then added "the Chair was wrong. It is decided that the Chair's proposal is now put to the vote".

At that point several representatives, including that of the USSR, stated that it was their understanding that the last voting had been conducted for the purpose of voting on the provisional agenda, as amended, and not on whether the Chair's ruling be put to the vote, specially since the representative of the USSR had not submitted a challenge to the Chair's ruling. The representatives of the United Kingdom and the United States, however, stated that their understanding was that they were voting on whether or not the Chair's ruling should be upheld and not on the adoption of the agenda as amended.

Following a lengthy procedural debate, during which a motion to suspend the meeting in order to listen to the transcript to clear up the misunderstanding on the voting had been rejected, the President stated:

It seems to me that the confusion started immediately after the Council had voted on item 4. As a result of that vote, item 4 has been rejected. I should make it clear that there should be no misunderstanding about my intention that the affirmative votes on items 2 and 3 would lead to their inclusion in the provisional agenda. The Council having thus voted, I now propose to put the provisional agenda, as amended—with only items 2 and 3—to the vote for adoption as a whole. If I hear no objection, I shall proceed.

⁴S/Agenda/1834

The agenda as a whole, as amended, was then adopted.⁵

CASE 3

At its 1842nd meeting, on 26 September 1975, the Council had before it a provisional agenda⁶ that read as follows:

"1. Adoption of the agenda

"2. Letter dated 19 September 1975 from the President of the General Assembly addressed to the President of the Security Council (S/11826)

"3. Note by the Secretary-General transmitting a letter dated 21 September 1975 from the Minister for Foreign Affairs of the Republic of Korea addressed to the Secretary-General (S/11828)"

At the outset of the meeting, the President (Mauritania) stated that the provisional agenda had been drawn up in accordance with the provisions of rule 7 of the provisional rules of procedure and the wishes expressed by some members during prior consultations. He was aware, however, that the provisional agenda was not entirely in accordance with the wishes of every member of the Council, and would therefore suggest that the Council vote separately on items 2 and 3 of the provisional agenda.

The representative of the United Kingdom, speaking on a point of order, wished the President to clarify whether after the voting on items 2 and 3, there would be yet another vote on the adoption of the agenda, if amended, as a whole.

The President, stating that it was his intention to proceed accordingly, put items 2 and 3 to the vote separately. Item 3 was deleted and the agenda, as amended, was adopted.⁷

**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

For relevant developments, see cases 2 and 3 above.

B. CONSIDERATION OF:

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

CASE 4

At the 2108th meeting, on 11 January 1979, the provisional agenda⁸ read as follows:

"1. Adoption of the agenda

"2. Telegram dated 3 January 1979 from the Deputy Prime Minister in charge of Foreign Affairs of Democratic Kampuchea to the President of the Security Council (S/13003)"

The representatives of Czechoslovakia and the USSR objected to the inclusion of item 2 in the agenda, asserting that the Council was being asked to intervene in the internal affairs of Democratic Kampuchea on the basis of documents provided by persons who did not represent the people of Democratic Kampuchea, contrary to the wishes of the genuine Government of Democratic Kampuchea expressed in its communication dated 8 January

1979.⁹ The representative of China, on the other hand, urged the Council to adopt the agenda immediately, stating that it was entirely just for the Government of Democratic Kampuchea, a State Member of the United Nations, to ask for an urgent meeting of the Council to adopt effective measures to condemn and halt aggression by Viet Nam, since he stressed that temporary set-backs on the battlefield and the temporary loss of the capital did not affect the legal status of Democratic Kampuchea.

The President (Jamaica) stated that he had taken note of the views of the representatives who had just spoken and that in the light of consultations that had previously taken place he took it that the agenda could be adopted. In absence of any objection, it was so decided.¹⁰

CASE 5

At its 2185th meeting, on 5 January 1980, in connection with the letter dated 3 January 1980 from 52 Member States regarding Afghanistan, the Council had before it a provisional agenda¹¹ that read as follows:

"1. Adoption of the agenda

"2. Letter dated 3 January 1980 addressed to the President of the Security Council by the representatives of Australia, the Bahamas, Bahrain, Bangladesh, Belgium, Canada, Chile, China, Colombia, Costa Rica, Denmark, the Dominican Republic, Ecuador, Egypt, El Salvador, Fiji, Germany, Federal Republic of, Greece, Haiti, Honduras, Iceland, Indonesia, Italy, Japan, Liberia, Luxembourg, Malaysia, the Netherlands, New Zealand, Norway, Oman, Pakistan, Panama, Papua New Guinea, the Philippines, Portugal, Saint Lucia, Saudi Arabia, Senegal, Singapore, Spain, Suriname, Sweden, Thailand, Turkey, Uganda, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay and Venezuela (S/13724 and Add.1)"

The representative of the USSR objected to the consideration of the "so-called question of the situation in Afghanistan" and drew attention to a telegram¹² dated 3 January 1980 addressed to the President of the Council protesting against the proposal for the consideration by the Council of the question, describing such consideration as direct and clear interference in the internal affairs of Afghanistan. He stated that the limited military assistance provided by the USSR to Afghanistan was in keeping with the provisions of the Afghanistan-Soviet treaty of 1978 and with the right of States to individual or collective self-defence contained in the Charter of the United Nations.

The representative of the German Democratic Republic objected to the discussion of the proposed agenda item on similar grounds. The representative of Bangladesh, supported by the representative of Norway, stated that recent developments in Afghanistan posed a threat to international peace and security and that he considered the discussion of the question most urgent and necessary.

The representative of China stated that the "invasion of Afghanistan by the Soviet Union" had been an act of aggression and urged the Council to proceed immediately with the consideration of the question before it.

The President (France) stated that in the light of consultations among members of the Council on the matter

⁵For the texts of the relevant statements, see 1834th mtg., paras. 2-7, 14, 16, 18, 20, 21, 30, 42, 41, 45, 46, 48, 50, 52, 55 and 84-86.

⁶S/Agenda/1842

⁷For the texts of the relevant statements, see 1842nd mtg., paras. 1-9.

⁸S/Agenda/2108

⁹S/13013, annex II, OR, 34th yr., Suppl. for Jan.-March 1979

¹⁰For the texts of the relevant statements, 2108th mtg.: President (Jamaica), paras. 28-30; China, paras. 16-22; Czechoslovakia, paras. 23-27; and USSR, paras. 5-15.

¹¹S/Agenda/2185

¹²S/13725, OR, 35th yr., Suppl. for Jan.-March 1980

and the views just expressed in the Council he would take it that the agenda was adopted. It was so decided.¹¹

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

C. OTHER DISCUSSION ON THE ADOPTION OF THE AGENDA

1. Order of discussion of items on the agenda

CASE 6

At the 1837th meeting, on 18 August 1975, the Council had before it a provisional agenda¹² that read as follows:

- "1. Adoption of the agenda
- "2. Application of the Republic of Cape Verde for admission to membership in the United Nations: note by the Secretary-General (S/11800)
- "3. Application of the Democratic Republic of Sao Tome and Principe for admission to membership in the United Nations: note by the Secretary-General (S/11804)
- "4. Application of the People's Republic of Mozambique for admission to membership in the United Nations: note by the Secretary-General (S/11805)"

Prior to the adoption of the agenda, the President (Japan) pointed out that the provisional agenda had been revised following the receipt of the application listed as its item 4. It appeared to him that such a procedure would correspond to the wishes expressed in the course of the informal consultations among members of the Council that had taken place previously. In the absence of objection, he declared the agenda adopted.¹³

CASE 7

At its 2114th meeting, on 23 February 1979, the Council had before it a provisional agenda¹⁴ that read as follows:

- "1. Adoption of the agenda
- "2. The situation in South-East Asia and its implications for international peace and security. (Letter dated 22 February 1979 from the representatives of Norway, Portugal, the United Kingdom of Great Britain and Northern Ireland and the United States of America addressed to the President of the Security Council (S/13111))"

At the outset of the meeting, the representative of the USSR, referring to the incursion of Chinese troops into Viet Nam, objected to agenda item 2, and stated that the consideration of the question of South-East Asia would divert the attention of the Council from "Chinese aggression".

The representative of China stated that "Vietnamese aggression" against, and the occupation of, Democratic

Kampuchea was the root cause of the threat to stability and peace in South-East Asia, and added that it should be considered with priority as a separate item. He would not insist on the point, however, and would not oppose the current item since under that item the question of aggression against and occupation of Democratic Kampuchea would be considered anyhow.

The representative of Czechoslovakia stated that "the act of aggression by China" against Viet Nam should be clearly spelled out in the wording of the current agenda item with the sole aim of calling for the cessation of "Chinese aggression" and the withdrawal of Chinese troops from the territory of Viet Nam.

The President (Kuwait) stated that he believed the provisional agenda commanded the consent of the general majority of the members of the Council and that if there were no objections he would take it that the majority was in favour of such a formulation. The agenda was then adopted without objection.¹⁵

****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

CASE 8

By a telegram¹⁶ dated 4 July 1976 addressed to the President of the Council, the Prime Minister of Mauritius, the current Chairman of OAU, stated that on 4 July, the Assembly of Heads of State and Government of OAU, meeting in Mauritius, had received information concerning the invasion of Uganda by Israeli commandos carried out at 1 a.m. on that day. Calling the invasion "an unprecedented act of aggression against Uganda by Israel", the telegram stated that the OAU Heads of State and Government were requesting the Council to meet urgently to consider "that wanton act of aggression" against a State Member of the United Nations.

At its 1939th meeting, on 9 July 1976, the Council included the complaint by the Prime Minister of Mauritius in its provisional agenda¹⁷ as item 2, which read as follows:

- "2. Complaint by the Prime Minister of Mauritius, current Chairman of the Organization of African Unity, of the 'act of aggression' by Israel against the Republic of Uganda"

Before the adoption of the agenda, the representative of the USSR referred to the phrasing of the agenda item and stated that it was the understanding of his delegation that the words "act of aggression" were taken directly from the telegram of the Prime Minister of Mauritius, which had referred to this "unprecedented aggression against Uganda by Israel".¹⁸

¹¹For the texts of the relevant statements, see 2185th mtg., President (France), para. 38; Bangladesh, paras. 34 and 35; China, para. 37; German Democratic Republic, paras. 21-31; and USSR, paras. 6-20.

¹²S/Agenda/1837/Rev.1

¹³1837th mtg., para. 1

¹⁴S/Agenda/2114

¹⁵For the texts of the relevant statements, see 2114th mtg., President (Kuwait), paras. 18 and 19; China, para. 11; Czechoslovakia, para. 13; and USSR, paras. 3-9.

¹⁶S/12126, OR, 31st yr., Suppl. for July-Sept. 1976.

¹⁷S/Agenda/1939

¹⁸1939th mtg., para. 4

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 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.²¹

²¹ The following resolutions contained provisions according to which the Council decided to maintain the item on the agenda or to remain seized of the matter: resolution 367 (1975) of 12 March 1975, para. 10, adopted in connection with the situation in Cyprus; resolution 384 (1975) of 22 December 1975, para. 7, in connection with the situation in Timor; resolutions 385 (1976) of 30 January 1976, para. 12, and 432 (1978) of 27 July 1978, para. 4, in connection with the situation in Namibia; resolution 392 (1976) of 19 June 1976, para. 6, in connection with the situation in South Africa; resolutions 402 (1976) of 22 December 1976, para. 9, and 407 (1977) of 25 May 1977, para. 9, in connection with the complaint by Lesotho against South Africa; resolutions 403 (1977) of 14 January 1977, para. 9, and 406 (1977) of 25 May 1977, para. 9, in connection with the complaint by Botswana; resolutions 418 (1977) of 4 November 1977, para. 7, and 473 (1980) of 13 June 1980, para. 13, in connection with the question of South Africa; resolutions 409 (1977) of 27 May 1977, para. 3, 445 (1979) of 8 March 1979, para. 9, 460 (1979) of 21 December 1979, para. 9, and 463 (1980) of 2 February 1980, para. 10, in connection with the situation in Southern Rhodesia; resolution 411 (1977) of 30 June 1977, para. 14, in connection with the complaint by Mozambique; resolutions 404 (1977) of 8 February 1977, para. 5, 405 (1977) of 14 April 1977, para. 12, and 419 (1977) of 24 November 1977, para. 8, in connection with the complaint by Benin; resolutions 444 (1979) of 19 January 1979, para. 8, 446 (1979) of 22 March 1979, para. 7, 450 (1979) of 14 June 1979, para. 10, 452 (1979) of 20 July 1979, para. 4, 465 (1980) of 1 March 1980, para. 9, 474 (1980) of 17 June 1980, para. 7, and 478 (1980) of 20 August 1980, para. 7, in connection with the situation in the Middle East; resolutions 447 (1979) of 28 March 1979, para. 7, 454 (1979) of 2 November 1979, para. 6, and 475 (1980) of 27 June 1980, para. 8, in connection with the complaint by Angola against South Africa; resolutions 455 (1979) of 23 November 1979, para. 8, and 466 (1980) of 11 April 1980, para. 5, in connection with the complaint by Zambia; and resolutions 457 (1979) of 4 December 1979, para. 5, and 461 (1979) of 31 December 1979, para. 6, in connection with the letter dated 22 December 1979 from the representative of the United States.

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.²²

The tabulation appearing in section B.1 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.

**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 tabulation supplements those appearing in the *Repertoire*, 1946-1951, the *Supplement*, 1952-1955, pp. 33-40, the *Supplement*, 1956-1958, pp. 38-45, the *Supplement*, 1959-1963, pp. 49-61, the *Supplement*, 1964-1965, pp. 29-41, the *Supplement*, 1966-1968, pp. 40-54, the *Supplement*, 1969-1971, pp. 27-29 and the *Supplement*, 1972-1974, pp. 26-28. Part 1 indicates items added to the list of matters of which the Council was seized during the period 1975-1980, part 2 indicates items appearing on previous lists concerning which new information was included in the summary statements during that period and part 3 indicates items that were deleted from the list during the same period. The titles used are those occurring in the summary statements except for some abridgements.

The deletion of items, as listed in part 3, 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.

²² See, for example, 1866th mtg., para. 37.

C. ITEMS ADDED TO THE LIST OF MATTERS OF WHICH THE SECURITY COUNCIL WAS SEIZED DURING THE PERIOD 1975-1980

Item	First inclusion in the agenda	First entry in summary statement	Last action of the Council as of 31 December 1980	Final entry in summary statement as of 31 December 1980
Situation concerning Western Sahara	1849th meeting, 20 October 1975	S/11593 Add.42	Adopted resolution 380 (1975), 1854th meeting, 6 November 1975	
Situation in Timor	1864th meeting, 15 December 1975	S/11593 Add.50	Adopted resolution 389 (1976), 1914th meeting, 22 April 1976	
Question submitted by Iceland	1866th meeting, 16 December 1975	S/11593 Add.50	Adopted agenda and heard statements by the representatives of Iceland and the United Kingdom, 1866th meeting, 16 December 1975	

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as of 31 December 1980</i>	<i>Final entry in summary statement as of 31 December 1980</i>
Middle East problem including the Palestinian question	1870th meeting, 12 January 1976	S/11935/Add.2	Failed to adopt draft resolution (S/11940), 1879th meeting, 26 January 1976	
Situation in the Comoros	1886th meeting, 4 February 1976	S/11935/Add.5	Failed to adopt draft resolution (S/11967), 1888th meeting, 6 February 1976	
Communications from France and Somalia concerning the incident of 4 February 1976	1889th meeting, 18 February 1976	S/11935/Add.7	Adjourned meeting after hearing statements by the representatives of France and Somalia, 1889th meeting, 18 February 1976	
Request by Mozambique under Article 50 of the Charter	1890th meeting, 16 March 1976	S/11935/Add.11	Adopted resolution 186 (1976), 1892nd meeting, 17 March 1976	S/13737, 11 January 1980
Request by the Libyan Arab Republic and Pakistan for consideration of the situation arising from developments in the occupied Arab territories	1893rd meeting, 22 March 1976	S/11935/Add.12	Failed to adopt draft resolution (S/12022), 1899th meeting, 25 March 1976	
Complaint by Kenya, concerning the aggression by South Africa against Angola	1900th meeting, 26 March 1976	S/11935/Add.12	Adopted resolution 387 (1976), 1906th meeting, 31 March 1976	
Situation in the occupied Arab territories	1916th meeting, 4 May 1976	S/11935/Add.18	Adopted resolution 484 (1980), 2260th meeting, 19 December 1980	
Question of the exercise by the Palestinian people of its inalienable rights	1924th meeting, 9 June 1976	S/11935/Add.23	Failed to adopt draft resolution (S/13911), 2220th meeting, 30 April 1980	
Situation in South Africa	1929th meeting, 18 June 1976	S/11935/Add.24	Adopted resolution 392 (1976), 1930th meeting, 19 June 1976	
Complaint by Mauritius, current Chairman of OAU, of the "act of aggression" by Israel against Uganda	1939th meeting, 9 July 1976	S/11935/Add.27	Failed to adopt draft resolution (S/12138), 1943rd meeting, 14 July 1976	
Complaint by Zambia against South Africa	1944th meeting, 27 July 1976	S/11935/Add.30	Adopted resolution 466 (1980), 2211th meeting, 11 April 1980	
Complaint by Greece against Turkey	1949th meeting, 12 August 1976	S/11935/Add.32	Adopted resolution 395 (1976), 1953rd meeting, 25 August 1976	
Complaint by Lesotho against South Africa	1981st meeting, 21 December 1976	S/11935/Add.51	Adopted resolution 407 (1977), 2009th meeting, 25 May 1977	
Complaint by Botswana	1983rd meeting, 12 January 1977	S/12269/Add.2	Adopted resolution 406 (1977), 2008th meeting, 25 May 1977	
Complaint by Benin	1986th meeting, 7 February 1977	S/12269/Add.6	Adopted resolution 419 (1977), 2049th meeting, 24 November 1977	
Question of South Africa	1988th meeting, 21 March 1977	S/12269/Add.12	Adopted resolution 473 (1980), 2231st meeting, 13 June 1980	
Complaint by Mozambique	2014th meeting, 28 June 1977	S/12269/Add.26	Adopted resolution 411 (1977), 2019th meeting, 30 June 1977	
Complaint by Chad	2060th meeting, 1 February 1978	S/12520/Add.6	The Council heard statements by the representatives of Chad and the Libyan Arab Jamahiriya	S/12520/Add.6, 21 February 1978

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as of 31 December 1980</i>	<i>Final entry in summary statement as of 31 December 1980</i>
Complaint by Angola against South Africa	2077th meeting, 5 May 1978	S/12520/Add.17	Adopted resolution 457 (1980), 2240th meeting, 27 June 1980	
Telegram dated 3 January 1979 from the Deputy Prime Minister in charge of Foreign Affairs of Democratic Kampuchea	2108th meeting, 11 January 1979	S/13033/Add.1	Failed to adopt draft resolution (S/13027), 2112nd meeting, 15 January 1979	
Situation in South-East Asia and its implications for international peace and security	2114th meeting, 23 February 1979	S/13033/Add.7	Failed to adopt draft resolution (S/13162), 2129th meeting, 16 March 1979	
Letters dated 13 June 1979 and 15 June 1979 from the Permanent Representative of Morocco to the United Nations addressed to the President of the Security Council	2151st meeting, 20 June 1979	S/13033/Add.24	Postponed further consideration of the item, 2154th meeting, 25 June 1979	
Letter dated 25 November 1979 from the Secretary-General addressed to the President of the Security Council	2172nd meeting, 27 November 1979	S/13033/Add.48	Adopted resolution 457 (1979), 2178th meeting, 4 December 1979	
Letter dated 22 December 1979 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council	2182nd meeting, 29 December 1979	S/13033/Add.50	Failed to adopt draft resolution (S/13735), 2191st meeting, 13 January 1980	
Letter dated 3 January 1980 from 52 Member States regarding Afghanistan	2185th meeting, 5 January 1980	S/13737	Adopted resolution 462 (1980), resumed 2190th meeting, 9 January 1980	
Letter dated 1 September 1980 from the representative of Malta	2246th meeting, 4 September 1980	S/13737/Add.35	Deferred further consideration of the item pending consultation with members of the Council, 2246th meeting, 4 September 1980	
Situation between Iran and Iraq	2247th meeting, 26 September 1980	S/13737/Add.38	President issued a statement (S/14244), 5 November 1980	
Admission of new Members:				
Republic of South Viet-Nam	1834th meeting, 6 August 1975	S/11593/Add.31	Failed to adopt draft resolution (S/11832), 1846th meeting, 30 September 1975	S/11593/Add.39, 10 October 1975
Democratic Republic of Viet-Nam	1834th meeting, 6 August 1975	S/11593/Add.31	Failed to adopt draft resolution (S/11833), 1846th meeting, 30 September 1975	S/11593/Add.39, 10 October 1975
Cape Verde	1837th meeting, 18 August 1975	S/11593/Add.33	Recommended, 1838th meeting, 18 August 1975	S/11593/Add.33, 25 August 1975
Sao Tome and Principe	1837th meeting, 18 August 1975	S/11593/Add.33	Recommended, 1838th meeting, 18 August 1975	S/11593/Add.33, 25 August 1975
Mozambique	1837th meeting, 18 August 1975	S/11593/Add.33	Recommended, 1838th meeting, 18 August 1975	S/11593/Add.33, 25 August 1975
Papua New Guinea	1839th meeting, 22 September 1975	S/11593/Add.38	Recommended, 1841st meeting, 22 September 1975	S/11593/Add.38, 2 October 1975
Comoros	1847th meeting, 17 October 1975	S/11593/Add.41	Recommended, 1848th meeting, 17 October 1975	S/11593/Add.41, 22 October 1975
Surinam	1857th meeting, 1 December 1975	S/11593/Add.48	Recommended, 1858th meeting, 1 December 1975	S/11593/Add.48, 11 December 1975
Angola	1931st meeting, 22 June 1976	S/11935/Add.25	Recommended, 1974th meeting, 22 November 1976	S/11935/Add.47, 3 December 1976

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as of 31 December 1980</i>	<i>Final entry in summary statement as of 31 December 1980</i>
Seychelles	1951st meeting, 16 August 1976	S/11935/Add.33	Recommended, 1952nd meeting, 16 August 1976	S/11935/Add.33, 26 August 1976
Socialist Republic of Viet Nam	1955th meeting, 10 September 1976	S/11935/Add.36	Recommended, 2025th meeting, 20 July 1977	S/12269/Add.29, 25 July 1977
Western Samoa	1976th meeting, 1 December 1976	S/11935/Add.48	Recommended 1977th meeting, 1 December 1976	S/11935/Add.48, 9 December 1976
Djibouti	2020th meeting, 7 July 1977	S/12269/Add.27	Recommended, 2021st meeting, 7 July 1977	S/12269/Add.27, 15 July 1977
Solomon Islands	2083rd meeting, 16 August 1978	S/12520/Add.32	Recommended, 2084th meeting, 17 August 1978	S/12520/Add.32, 21 August 1978
Dominica	2104th meeting, 5 December 1978	S/12520/Add.48	Recommended, 2105th meeting, 6 December 1978	S/12520/Add.48, 18 December 1978
Saint Lucia	2166th meeting, 12 September 1979	S/13033/Add.36	Recommended, 2167th meeting, 12 September 1979	S/13033/Add.36, 17 September 1979
Saint Vincent and the Grenadines	2197th meeting, 19 February 1980	S/13737/Add.7	Recommended, 2198th meeting, 19 February 1980	S/13737/Add.7, 27 February 1980
Zimbabwe	2243rd meeting, 29 July 1980	S/13737/Add.30	Recommended, 2244th meeting, 30 July 1980	S/13737/Add.30, 4 August 1980
Election of members of the International Court of Justice:				
1975	1855th meeting, 17 November 1975	S/11593/Add.46	Recommended five candidates to fill vacancies, 1855th meeting, 17 November 1975	S/11593/Add.46, 25 November 1975
1978	2093rd meeting, 31 October 1978	S/12520/Add.43	Recommended five candidates to fill vacancies, 2093rd meeting, 31 October 1978	S/12520/Add.43, 8 November 1978
Date of elections to fill two vacancies in the International Court of Justice	2255th meeting, 12 November 1980	S/13737/Add.49	Adopted resolution 480, (1980), 2255th meeting, 12 November 1980	S/13737/Add.49, 19 December 1980

2. 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 1975-1980

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as of 31 December 1980</i>	<i>Final entry in summary statement as of 31 December 1980</i>
Situation in Cyprus	1779th meeting, 16 July 1974	S/11185/Add.28, 24 July 1974	Adopted resolution 482 (1980), 2257th meeting, 11 December 1980	
Situation in the Middle East	1341st meeting, 24 May 1967	S/7913, 29 May 1967	Adopted resolution 483 (1980), 2258th meeting, 17 December 1980	
Situation in Namibia	1387th meeting, 25 January 1968	S/8367, 30 January 1968	Agreed with the proposal of the Secretary-General to proceed with detailed technical discussion mentioned in his report of 20 November 1974 (S/13634), letter from the President dated 12 January 1980 (S/13741)	

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as of 31 December 1980</i>	<i>Final entry in summary statement as of 31 December 1980</i>
Situation in Southern Rhodesia	1064th meeting, 2 September 1963	S/5429, 16 September 1963	Adopted resolution 463 (1980), 2196th meeting, 2 February 1980	
Complaint by Zambia	1486th meeting, 18 July 1969	S/9346, 22 July 1969	Adopted resolution 455 (1979), 2171st meeting, 23 November 1979	S/13737, 11 January 1980

3. ITEMS THAT WERE DELETED FROM THE LIST OF MATTERS OF WHICH THE SECURITY COUNCIL WAS SEIZED DURING THE PERIOD 1975-1980

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action of the Council as of 31 December 1980</i>	<i>Final entry in summary statement as of 31 December 1980</i>
Letter dated 13 February 1958 from the representative of Tunisia to the President of the Security Council concerning: "Complaint by Tunisia in respect of an act of aggression committed against it by France on 8 February 1958 at Sakiet-Sidi-Youssef"	811th meeting, 18 February 1958	S/3967, 26 February 1958	Adjourned the meeting under rule 33, 811th meeting, 18 February 1958	S/11593, 7 January 1975
Letter dated 14 February 1958 from the representative of France to the President of the Security Council concerning: "Situation resulting from the aid furnished by Tunisia to rebels enabling them to conduct operations from Tunisian territory directed against the integrity of French territory and the safety of persons and property of French nationals"	811th meeting, 18 February 1958	S/3907, 26 February 1958	Adjourned the meeting under rule 33, 811th meeting, 18 February 1958	S/11593, 7 January 1975
Letter dated 29 May 1958 from the representative of Tunisia to the President of the Security Council concerning: "Complaint by Tunisia in respect of acts of armed aggression committed against it since 19 May 1958 by the French military forces stationed in its territory and in Algeria"	819th meeting, 2 June 1958	S/4021, 9 June 1958	Statements were made by the representatives of France and Tunisia concerning the agreements reached by their Governments, 826th meeting, 18 June 1958	S/11593, 7 January 1975
Letter dated 29 May 1958 from the representative of France to the President of the Security Council concerning: (a) "The complaint brought by France against Tunisia on 14 February 1958" and (b) "The situation arising out of the disruption, by Tunisia, of the <i>modus vivendi</i> which had been established since February 1958 with regard to the stationing of French troops at certain points in Tunisian territory"	819th meeting, 2 June 1958	S/4021, 9 June 1958	Statements were made by the representatives of France and Tunisia concerning the agreements reached by their Governments, 826th meeting, 18 June 1958	S/11593, 7 January 1975
Telegram dated 20 July 1961 addressed to the President of the Security Council by the Secretary of State for Foreign Affairs of the Republic of Tunisia. Letter dated 20 July 1961 from the Permanent Representative of Tunisia addressed to the President of the Security Council	961st meeting, 21 July 1961	S/4867, 24 July 1958	Rejected two joint draft resolutions (S/4903 and S/4904) and Turkish draft resolution (S/4905), 966th meeting, 29 July 1961	S/11593, 7 January 1975
Iranian question	3rd meeting, 28 January 1946	S/45, 23 April 1946	Adopted Netherlands proposal to adjourn discussion and resume at the behest of any member	S/11935, 5 January 1976

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statements</i>	<i>Last action of the Council as of 31 December 1980</i>	<i>Final entry in summary statement as of 31 December 1980</i>
Complaint of failure by the Iranian Government to comply with provisional measures indicated by the International Court of Justice in the Anglo-Iranian Oil Company Case	559th meeting, 1 October 1951	S/2364, 2 October 1951	Adopted French motion to adjourn the debate until the International Court of Justice had ruled on its own competence, 565th meeting, 19 October 1951	S/11935, 5 January 1976
Appointment of a Governor for the Free Territory of Trieste	143rd meeting, 20 June 1947	S/382, 20 June 1947	Postponed discussion of the item	S/12269, 5 January 1977
Question of the Free Territory of Trieste	344th meeting, 4 August 1948	S/959, 20 August 1947	Rejected draft resolution submitted by Yugoslavia and by the Ukrainian SSR, 354th meeting, 19 August 1948	S/12269, 5 January 1977
Complaint by Senegal	1027th meeting, 17 April 1963	S/5291, 22 April 1963	Adopted draft resolution (S/10813/Rev.1), 1699th meeting, 23 October 1972	S/12520, 9 January 1978
Complaint by the Democratic Republic of the Congo	1372nd meeting, 8 November 1967	S/8242 14 November 1967	Adopted draft resolution submitted by the President (241 (1967)), 1378th meeting, 15 November 1967	S/12520, 9 January 1978
Complaint by Chad	2060th meeting, 17 February 1978	S/12520/Add.6	Heard statements by the representatives of Chad and the Libyan Arab Jamahiriya	S/12520, 9 January 1978
Complaint by Zambia	1486th meeting, 18 July 1969	S/9346, 22 July 1969	Adopted resolution 455 (1979), 2171st meeting, 23 November 1979	S/13033, 9 January 1979
Question concerning the situation in South Rhodesia	1064th meeting, 9 September 1963	S/5429, 16 September 1963	Adopted resolution 463 (1980), 2196th meeting, 2 February 1980	S/13737, 11 January 1980
Request by Mozambique under Article 50 of the Charter	1890th meeting, 16 March 1976	S/11935/Add.1	Adopted resolution 386 (1976), 1892nd meeting, 17 March 1976	S/13737, 11 January 1980
Complaint by Botswana	1983rd meeting, 12 January 1977	S/12269/Add.2	Adopted resolution 406 (1977), 2006th meeting, 25 May 1977	S/13737, 11 January 1980
Complaint by Mozambique	2014th meeting, 28 June 1977	S/12269/Add.26	Adopted resolution 411 (1977), 2019th meeting, 30 June 1977	S/13737, 11 January 1980

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 specially 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, 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 or 32 or rule 39. Included in this part is a tabulation of 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: Invitations to representatives of subsidiary organs or other United Nations organs;¹ section C: Invitations to Members of the United Nations;² and section D: Other invitations.³

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. In the period under review, the number of such invitations under Article 31

and rule 37 of the provisional rules of procedure substantially increased over earlier periods.

Invitations falling under the above two categories are recorded in tabular form in sections C.1 (a) and C.2 (a). These tabulations are chronologically arranged to provide information on the following points: (a) agenda item; (b) States invited; (c) request for invitations; and (d) decision of the Council.

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.

**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 chronologically arranged to provide information on (a) agenda item; (b) United Nations organs or subsidiary organs invited; (c) request for invitation; and (d) decision of the Council.

¹ See tabulation in section B.

² See tabulations in sections C.1 (a) and C.2 (a).

³ See tabulation in section D.2.

<i>Question*</i>	<i>United Nations organs or subsidiary organs invited</i>	<i>Request for invitation</i>	<i>Decision of the Council</i>
Situation in Namibia	President and delegation of the United Nations Council for Namibia	Letter from the President of the United Nations Council for Namibia	1823rd meeting, 10 May 1975
	"	"	1880th meeting, 27 January 1976
	Rapporteur of the Special Committee against <i>Apartheid</i>	Letter from the Rapporteur of the Special Committee against <i>Apartheid</i>	1881st meeting, 27 January 1976
	President and delegation of the United Nations Council for Namibia	Letter from the President of the United Nations Council for Namibia	1954th meeting, 31 August 1976
	"	"	2082nd meeting, 27 July 1978
	"	"	2087th meeting, 29 September 1978
	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	"
Complaint by Kenya concerning aggression by South Africa against Angola	President and delegation of the United Nations Council for Namibia	Letter from the President of the United Nations Council for Namibia	2092nd meeting, 31 October 1978
	"	"	2103rd meeting, 4 December 1978
Question of the exercise by the Palestinian people of its inalienable rights	Chairman of the Special Committee against <i>Apartheid</i>	Letter from the Chairman of the Special Committee against <i>Apartheid</i>	1901st meeting, 29 March 1976
	President and delegation of the United Nations Council for Namibia	Letter from the President of the United Nations Council for Namibia	1902nd meeting, 29 March 1976
Situation in South Africa	Chairman, Rapporteur and other members 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	1924th meeting, 9 June 1976
	Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People	"	2041st meeting, 27 October 1977
	"	"	2135th meeting, 29 June 1979
	Rapporteur of the Committee on the Exercise of the Inalienable Rights of the Palestinian People	Letter from the Rapporteur of the Committee on the Exercise of the Inalienable Rights of the Palestinian People	2160th meeting, 27 July 1979
Complaint by Zambia against South Africa	Chairman and Rapporteur 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	2204th meeting, 31 March 1980
	Rapporteur of the Special Committee against <i>Apartheid</i>	Letter from the Rapporteur of the Special Committee against <i>Apartheid</i>	1929th meeting, 18 June 1976
Question of South Africa	Acting President and delegation of the United Nations Council for Namibia	Letter from the Acting President of the United Nations Council for Namibia	1944th meeting, 27 July 1976
	Representative of the Special Committee against <i>Apartheid</i>	Letter from a representative of the Special Committee against <i>Apartheid</i>	1945th meeting, 28 July 1976
Question of South Africa	President and delegation of the United Nations Council for Namibia	Letter from the President of the United Nations Council for Namibia	1988th meeting, 21 March 1977
	Chairman of the Special Committee against <i>Apartheid</i>	Letter from the Chairman of the Special Committee against <i>Apartheid</i>	2042nd meeting, 28 October 1977
	"	"	2053rd meeting, 9 December 1977

<i>Question^a</i>	<i>United Nations organs or subsidiary organs invited</i>	<i>Request for invitation</i>	<i>Decision of the Council</i>
Complaint by Angola against South Africa	President of the United Nations Council for Namibia	Letter from the President of the United Nations Council for Namibia	2078th meeting, 6 May 1978
	President and delegation of the United Nations Council for Namibia	Letter from the President of the United Nations Council for Namibia	2240th meeting, 27 June 1980
Situation in the occupied Arab territories	Vice-Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People	Letter from the Vice-Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People	2123rd meeting, 9 March 1979
	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	2156th meeting, 18 July 1979
	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	2199th meeting, 22 February 1980
Situation in the Middle East	Rapporteur of the Committee on the Exercise of the Inalienable Rights of the Palestinian People	Letter from the Rapporteur of the Committee on the Exercise of the Inalienable Rights of the Palestinian People	2236th meeting, 26 June 1980

^aQuestions entered in this tabulation are arranged under agenda items. The items appearing herein are listed chronologically according to the sequence of the first meeting held on each item. Any reconsideration of an item or discussion of a subitem under the general heading at subsequent meetings does not appear as a new agenda item, but has been grouped under the item that first appeared.

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>State invited</i>	<i>Basis of invitation</i>	<i>Decision of the Council invitations extended and renewed^b</i>
Situation in Cyprus	Cyprus	S/11625, OR, 30th yr., Suppl. for Jan.-March 1975	1813th meeting (1814th-1820th meetings)
	Cyprus	S/12387, OR, 32nd yr., Suppl. for July-Sept. 1977	2026th meeting (2027th-2032nd meetings)
	Cyprus	S/12918, OR, 33rd yr., Suppl. for Oct.-Dec. 1978	2099th meeting (2100th meeting)
Situation concerning Western Sahara	Spain	S/11851, OR, 30th yr., Suppl. for Oct.-Dec. 1975	1849th meeting (1850th and 1852nd-1854th meetings, including the 1853rd meeting, which was held in private)
Situation in the Middle East	Lebanon	S/11892, OR, 30th yr., Suppl. for Oct.-Dec. 1975	1859th meeting (1860th-1862nd meetings)
	Egypt	S/11893, <i>ibid.</i>	"
	Lebanon	S/12606, OR, 33rd yr., Suppl. for Jan.-March 1978	2071st meeting (2072nd-2075th meetings)
	Israel	S/12607, <i>ibid.</i>	"
	Lebanon	S/13356, OR, 34th yr., Suppl. for April-June 1979	2146th meeting (2147th-2149th meetings)
	Lebanon	S/13516, <i>ibid.</i> , Suppl. for July-Sept. 1979 and S/13520, <i>ibid.</i>	2164th meeting (2165th meeting)
	Lebanon	S/13885, OR, 35th yr., Suppl. for April-June 1980	2212th meeting (2213th-2218th meetings)
	Pakistan	S/13966, <i>ibid.</i>	2233rd meeting (2234th-2236th, 2238th-2239th and 2241st-2242nd meetings)
	Pakistan	S/14084, <i>ibid.</i> , Suppl. for July-Sept. 1980	2245th meeting
Situation in Timor	Portugal	S/11899, OR, 30th yr., Suppl. for Oct.-Dec. 1975	1864th meeting (1865th and 1867th-1869th meetings)
Question submitted by Iceland	Iceland	S/11907, <i>ibid.</i>	1866th meeting

<i>Question^a</i>	<i>State invited</i>	<i>Basis of invitation</i>	<i>Decision of the Council Invitations extended and renewed^b</i>
Situation in the Comoros	Comoros	S/11953, <i>OR, 31st yr., Suppl. for Jan.-March 1976</i>	1886th meeting (1887th-1888th meetings)
	Guinea-Bissau	S/11959, <i>ibid.</i>	"
Communications from France and Somalia concerning the incident of 4 February 1976	Somalia	S/11969, <i>ibid.</i>	1889th meeting
Request by Mozambique under Article 50 of the Charter	Mozambique	S/12009, <i>ibid.</i>	1890th meeting (1891st-1892nd meetings)
Complaint by Kenya concerning aggression by South Africa against Angola	Kenya	S/12007, <i>ibid.</i>	1900th meeting (1901st-1906th meetings)
Situation in the occupied Arab territories	Egypt	S/12066, <i>ibid., Suppl. for April-June 1976</i>	1916th meeting (1917th-1922nd meetings)
	Egypt	S/12218, <i>ibid., Suppl. for Oct.- Dec. 1976</i>	1966th meeting (1967th-1969th meetings)
	Jordan	S/13115, <i>OR, 34th yr., Suppl. for Jan.-March 1979</i>	2123rd meeting (2124th-2128th, 2131st and 2134th meetings)
	Jordan	S/13801, <i>OR, 35th yr., Suppl. for Jan.-March 1980</i>	2199th meeting (2200th-2203rd meetings)
	Morocco	S/13802, <i>ibid.</i>	"
	Jordan	S/13941, <i>ibid., Suppl. for April-June 1980</i>	2222nd meeting (2223rd meeting)
	Bahrain	S/13977, <i>ibid.</i>	2226th meeting
Situation in South Africa	Madagascar	S/12101, <i>OR, 31st yr., Suppl. for April-June 1976</i>	1929th meeting (1930th meeting)
Complaint by Mauritius, current Chairman of OAU of the "act of aggression" by Israel against Uganda	Israel	S/12123, <i>ibid., Suppl. for July- Sept. 1976</i>	1939th meeting (1940th-1943rd meetings)
	Mauritius	S/12128, <i>ibid.</i>	"
	Uganda	S/12124, <i>ibid.</i>	"
	Zambia	S/12147, <i>ibid.</i>	1944th meeting (1945th-1948th meetings)
Complaint by Zambia against South Africa	Zambia	S/12147, <i>ibid.</i>	1944th meeting (1945th-1948th meetings)
Complaint by Greece against Turkey	Greece	S/12167, <i>ibid.</i>	1949th meeting (1950th and 1953rd meetings)
Complaint by Lesotho against South Africa	Lesotho	S/12257, <i>ibid., Suppl. for Oct.- Dec. 1976</i>	1981st meeting (1982nd meeting)
Complaint by Botswana	Botswana	S/12262, <i>ibid.</i>	1983rd meeting (1984th-1985th meetings)
Complaint by Benin	Guinea	S/12281, <i>OR, 32nd yr., Suppl. for Jan.-March 1977</i>	1986th meeting (1987th meeting)
Question of South Africa	Nigeria	S/12295, <i>ibid.</i>	1988th meeting (1989th-1992nd, 1994th-1996th and 1998th-1999th meetings)
	Tunisia	S/12420, <i>ibid., Suppl. for Oct.- Dec. 1977</i>	2036th meeting (2037th-2040th and 2042nd-2046th meetings)
	United Republic of Cameroon	S/12470, <i>ibid.</i>	2052nd meeting (2053rd meeting)
	Ivory Coast	S/13223, <i>OR, 34th yr., Suppl. for April-June 1979</i>	2140th meeting
	Mozambique	S/12350 and Add.1, <i>OR, 32nd yr., Suppl. for April- June 1977</i>	2014th meeting (2015th-2019th meetings)
Complaint by Chad	Chad Libyan Arab Jamahiriya	S/12553, <i>OR, 33rd yr., Suppl. for Jan.-March 1978</i>	2060th meeting
Situation in Southern Rhodesia	Upper Volta	S/12578, <i>ibid.</i>	2061st meeting (2062nd-2067th meetings)
	Ivory Coast	S/13276, <i>OR, 34th yr., Suppl. for April-June 1979</i>	2142nd meeting (2143rd meeting)
	Madagascar	S/13617, <i>OR, 34th yr., Suppl. for Oct.-Dec. 1979</i>	2181st meeting

Question*	State invited	Basis of invitation	Decision of the Council invitations extended and renewed ^b
	Malawi	S/13764, OR, 35th yr., Suppl. for Jan.-March 1980	2192nd meeting (2193rd-2196th meetings)
Complaint by Zambia	Zambia	S/12389, OR, 33rd yr., Suppl. for Jan.-March 1978	2068th meeting (2069th-2070th meetings)
Complaint by Angola against South Africa	Angola	S/12690, <i>ibid.</i> , Suppl. for April-June 1978	2077th meeting (2078th meeting)
	Angola	S/13176, OR, 34th yr., Suppl. for for Jan.-March 1979	2130th meeting (2132nd-2133rd and 2135th- 2139th meetings)
	Angola	S/13393, <i>ibid.</i> , Suppl. for Oct.- Dec. 1979	2169th meeting (2170th meeting)
	Angola	S/14022, OR, 35th yr., Suppl. for April-June 1980	2237th meeting (2240th meeting)
Situation in Namibia	Burundi	S/12906, OR, 33rd yr., Suppl. for Oct.-Dec. 1978	2092nd meeting (2094th-2098th meetings)
	Congo	S/12945, <i>ibid.</i>	2103rd meeting (2014th meeting)
Telegram dated 3 January 1979 from the Deputy Prime Min- ister in charge of Foreign Affairs of Democratic Kampuchea	Democratic Kampuchea	S/13003, OR, 34th yr., Suppl. for Jan.-March 1979	2108th meeting (2109th-2112th meetings)
Letters dated 13 and 15 June 1979 from the representative of Morocco	Morocco	S/13394 and S/13397, <i>ibid.</i> , Suppl. for April-June 1979	2151st meeting (2152nd-2154th meetings)
Letter dated 3 January 1980 from 32 Member States re- garding Afghanistan	Australia Canada Colombia Egypt Japan Malaysia New Zealand Pakistan Saudi Arabia Singapore	S/13724 and Add.1 and 2, OR, 35th yr., Suppl. for Jan.- March 1980	2185th meeting (2186th-2190th meetings)
	Costa Rica Liberia Somalia Turkey	<i>ibid.</i>	2186th meeting (2187th-2190th meetings)
	Italy Spain	<i>ibid.</i>	2187th meeting (2188th-2190th meetings)
	Germany, Federal Republic of Netherlands Venezuela	<i>ibid.</i>	2188th meeting (2189th-2190th meetings)
	Chile Panama	<i>ibid.</i>	2189th meeting (2190th meeting)
Letter dated 1 September 1980 from the representative of Malta	Malta	S/14140, <i>ibid.</i> , Suppl. for July- Sept. 1980	2246th meeting

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respect of which invitations were extended to other Members because their interests were considered to be specially affected are listed separately in a tabulation 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 SITUATION

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

(a) TO PARTICIPATE WITHOUT VOTE IN THE DISCUSSIONS

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

Question ^a	State invited	Decision of the Council Invitations extended and renewed ^b
Situation in Cyprus	Turkey	1813th meeting (1814th-1820th meetings)
	Greece	..
	Bulgaria	1815th meeting (1816th-1820th meetings)
	Saudi Arabia	1816th meeting (1817th-1820th meetings)
	Romania	1817th meeting (1818th-1820th meetings)
	Cyprus	1830th meeting (1831st meeting)
	Turkey	..
	Greece	..
	Cyprus	1863rd meeting
	Greece	..
	Turkey	..
	Cyprus	1925th meeting (1926th-1927th meetings)
	Turkey	..
	Greece	..
	Cyprus	1979th meeting (1980th meeting)
	Turkey	1979th meeting (1980th meeting)
	Greece	..
	Cyprus	2012th meeting (2013th meeting)
	Turkey	..
	Greece	..
	Greece	2026th meeting (2027th-2032nd meetings)
	Turkey	..
	Cyprus	2054th meeting (2055th meeting)
	Greece	..
	Turkey	..
	Cyprus	2080th meeting (2081st meeting)
	Greece	..
	Turkey	..
	Greece	2099th meeting (2100th meeting)
	Turkey	2100th meeting
	Cyprus	2107th meeting
	Greece	..
Turkey	..	
Cyprus	2150th meeting	
Greece	..	
Turkey	..	
Cyprus	2179th meeting	
Greece	..	
Turkey	..	
Cyprus	2230th meeting	
Greece	..	
Turkey	..	
Cyprus	2257th meeting	
Greece	..	
Turkey	..	
Situation in the Middle East	Egypt	1821st meeting
	Israel	..
	Egypt	1833rd meeting
Israel	..	

<i>Question^a</i>	<i>State invited</i>	<i>Decision of the Council invitations extended and renewed^b</i>
Situation in the Middle East (continued)	Syrian Arab Republic	1859th meeting (1860th-1862nd meetings)
	Saudi Arabia	1862nd meeting
	Saudi Arabia	1964th meeting
	Egypt	1993rd meeting (1995th and 1997th meetings)
	Israel	"
	Jordan	"
	Syrian Arab Republic	"
	Yemen	1995th meeting (1997th meeting)
	Saudi Arabia	1997th meeting
	Egypt	2071st meeting (2072nd-2076th meetings)
	Jordan	"
	Libyan Arab Jamahiriya	"
	Syrian Arab Republic	"
	Yemen	"
	Viet Nam	2072nd meeting (2073rd-2076th meetings)
	Sudan	2073rd meeting (2074th-2076th meetings)
	Iraq	2074th meeting (2075th-2076th meetings)
	Mongolia	"
	Pakistan	"
	Qatar	"
	Lebanon	2086th meeting
	Israel	"
	Syrian Arab Republic	"
	Lebanon	2106th meeting
	Israel	"
	Syrian Arab Republic	"
	Lebanon	2113th meeting
	Israel	"
	Syrian Arab Republic	"
	Israel	2146th meeting (2147th-2149th meetings)
	Libyan Arab Jamahiriya	2147th meeting (2148th-2149th meetings)
	Syrian Arab Republic	"
	Egypt	2148th meeting (2149th meeting)
Iran	"	
Ireland	"	
Jordan	"	
Netherlands	"	
Israel	2164th meeting (2165th meeting)	
Netherlands	"	
Ireland	2165th meeting	
Syrian Arab Republic	"	
Israel	2180th meeting	
Lebanon	"	
Syrian Arab Republic	"	
Israel	2213th meeting (2214th-2218th meetings)	
Jordan	"	
Netherlands	"	
Ireland	2214th meeting (2215th-2218th meetings)	
Italy	"	

<i>Question^a</i>	<i>State invited</i>	<i>Decision of the Council invitations extended and renewed^b</i>
Situation in the Middle East (continued)	Nigeria	2215th meeting (2216th-2218th meetings)
	Syrian Arab Republic	"
	Fiji	2217th meeting (2218th meeting)
	Saudi Arabia	"
	Ireland	2232nd meeting
	Israel	"
	Lebanon	"
	Netherlands	"
	Egypt	2233rd meeting (2234th-2236th, 2238th- 2239th and 2241st-2242nd meetings)
	Indonesia	"
	Iraq	"
	Israel	"
	Jordan	"
	Morocco	"
	Lebanon	2234th meeting (2235th-2236th, 2238th- 2239th and 2241st-2242nd meetings)
	Mauritania	"
	Syrian Arab Republic	"
	Cuba	2235th meeting (2236th, 2238th-2239th and 2241st-2242nd meetings)
	Kuwait	"
	Qatar	"
	Saudi Arabia	"
	Senegal	"
	Malaysia	2236th meeting (2238th-2239th and 2241st- 2242nd meetings)
	Turkey	"
	Yemen	"
	Yugoslavia	"
	Bahrain	2238th meeting (2239th and 2241st-2242nd meetings)
	Somalia	"
	Sudan	"
	United Arab Emirates	"
	Algeria	2241st meeting
	Chad	"
	Democratic Yemen	"
	Djibouti	"
	Gabon	"
	Guinea	"
	Guinea-Bissau	"
	Iran	"
	Libyan Arab Jamahiriya	"
	Maldives	2241st meeting (2242nd meeting)
	Mali	"
	Oman	"
	Uganda	"
	United Republic of Cameroon	"
	Upper Volta	"
	Gambia	2242nd meeting
	Algeria	2245th meeting
Bahrain	"	
Chad	"	
Democratic Yemen	"	
Djibouti	"	
Egypt	"	
Gambia	"	
Guinea	"	
Guinea-Bissau	"	

Question ^a	State invited	Decision of the Council invitations extended and renewed ^b	
Situation in the Middle East (continued)	Indonesia	2245th meeting	
	Iran	"	
	Iraq	"	
	Israel	"	
	Jordan	"	
	Kuwait	"	
	Lebanon	"	
	Libyan Arab Jamahiriya	"	
	Malaysia	"	
	Maldives	"	
	Mali	"	
	Mauritania	"	
	Morocco	"	
	Oman	"	
	Qatar	"	
	Saudi Arabia	"	
	Senegal	"	
	Somalia	"	
	Sudan	"	
	Syrian Arab Republic	"	
	Turkey	"	
	United Arab Emirates	"	
	Upper Volta	"	
	Yemen	"	
	Israel	2258th meeting	
	Lebanon	"	
	Situation in Namibia	Burundi	1823rd meeting (1824th-1829th meetings)
		Ghana	"
		India	"
		Liberia	"
		Nigeria	"
		Senegal	"
		Somalia	"
		Zambia	"
		Dahomey	1824th meeting (1825th-1829th meetings)
		Romania	"
		Sierra Leone	"
		Yugoslavia	"
United Arab Emirates		1825th meeting (1826th-1829th meetings)	
Bulgaria		1826th meeting (1827th-1829th meetings)	
Cuba		"	
German Democratic Republic		"	
Pakistan		"	
Saudi Arabia		"	
Algeria		1828th meeting (1829th meeting)	
Algeria		1880th meeting (1881st-1885th meetings)	
Egypt		"	
Guinea		"	
Indonesia		"	
Jamaica		"	
Mauritius		"	
Nigeria		"	
Yugoslavia		"	
Liberia		1881st meeting (1882nd-1885th meetings)	
Mauritania		"	
South Africa		"	
Cuba		1882nd meeting (1883rd-1885th meetings)	
India		"	
Jordan		"	
Mali		"	
Poland		"	
Saudi Arabia		"	

<i>Question*</i>	<i>State invited</i>	<i>Decision of the Council invitations extended and renewed^b</i>
Situation in Namibia (continued)	Bangladesh	1883rd meeting (1884th-1885th meetings)
	Burundi	"
	Kenya	"
	Kuwait	"
	Tunisia	"
	Madagascar	1954th meeting (1956th-1963rd meetings)
	Kenya	1956th meeting (1957th-1963rd meetings)
	Malawi	"
	Mauritius	"
	Morocco	"
	Algeria	1957th meeting (1958th-1963rd meetings)
	Cuba	"
	Democratic Kampuchea	"
	Egypt	"
	Ghana	"
	Guinea	"
	Mozambique	"
	Nigeria	"
	Sierra Leone	"
	Saudi Arabia	"
	Yemen	"
	Yugoslavia	"
	Zambia	1958th meeting (1959th-1963rd meetings)
	Ethiopia	1959th meeting (1960th-1963rd meetings)
	Niger	"
	Somalia	"
	Burundi	1960th meeting (1961st-1963rd meetings)
	Poland	"
	Sri Lanka	"
	Bangladesh	1961st meeting (1962nd-1963rd meetings)
	Botswana	"
	German Democratic Republic	"
	Liberia	"
	Angola	2082nd meeting
	Benin	"
	Mali	"
	Senegal	"
	South Africa	"
	Sri Lanka	"
	Sudan	"
	Benin	2087th meeting (2088th meeting)
	Botswana	"
Sudan	"	
Zambia	"	
Guinea	2088th meeting	
Egypt	2092nd meeting (2094th-2098th meetings)	
Ghana	"	
Bangladesh	2094th meeting (2095th-2098th meetings)	
Benin	"	
Guyana	"	
Saudi Arabia	"	
Somalia	"	
Zambia	"	
Cuba	2095th meeting (2096th-2098th meetings)	
Mozambique	"	
Yugoslavia	"	

<i>Question^a</i>	<i>State invited</i>	<i>Decision of the Council invitations extended and renewed^b</i>
Situation in Namibia (continued)	Algeria	2096th meeting (2097th-2098th meetings)
	Angola	2103rd meeting (2014th meeting)
Admission of new members: Republic of South Viet-Nam and Democratic Republic of Viet-Nam	Cuba	1835th meeting (1836th meeting)
	German Democratic Republic	"
	Guinea	"
	Hungary	"
	India	"
	Poland	"
	Romania	"
	Somalia	"
	Yugoslavia	"
	Algeria	1836th meeting
	Bulgaria	"
	Czechoslovakia	"
	Algeria	1842nd meeting (1843rd-1846th meetings)
	Bulgaria	"
	Cambodia	"
	Cuba	"
	Czechoslovakia	"
	Dahomey	"
	German Democratic Republic	"
	Hungary	"
India	"	
Madagascar	"	
Mongolia	"	
Poland	"	
Senegal	"	
Sri Lanka	"	
Yugoslavia	"	
Laos	1843rd meeting (1844th-1846th meetings)	
Romania	"	
Mexico	1845th meeting (1846th meeting)	
Mozambique	"	
Ukrainian SSR	"	
Cape Verde, Sao Tome and Principe and Mozambique	Portugal	1838th meeting
Papua New Guinea	Australia	1841st meeting
Comoros	Dahomey	1848th meeting
Suriname	Netherlands	1858th meeting
Angola	Algeria	1932nd meeting
	Bulgaria	"
	Cuba	"
	German Democratic Republic	"
	India	"
	Kenya	"
	Libyan Arab Republic	"
	Madagascar	"
	Mongolia	"
	Portugal	"
	Yugoslavia	"
	Cuba	1974th meeting
	Egypt	"
	India	"
	Madagascar	"
	Mali	"
	Mauritius	"
	Mozambique	"
	Sri Lanka	"
	Yugoslavia	"
Zambia	"	
Socialist Republic of Viet Nam	Bulgaria	1970th meeting (1971st-1972nd meetings)
	Czechoslovakia	"

<i>Question^a</i>	<i>State invited</i>	<i>Decision of the Council invitations extended and renewed^b</i>
Admission of new members: (continued)	Democratic Kampuchea	1970th meeting (1971st-1972nd meetings)
	German Democratic Republic	"
	Hungary	"
	Lao People's Democratic Republic	"
	Madagascar	"
	Malta	"
	Mongolia	"
	Poland	"
	Sri Lanka	"
	Syrian Arab Republic	"
	Ukrainian SSR	"
	Yugoslavia	"
	Byelorussian SSR	1971st meeting (1972nd meeting)
	Democratic Yemen	"
	India	"
	Mexico	"
	Guinea	1972nd meeting
	Mali	"
	Angola	2023rd meeting (2024th-2025th meetings)
	Bulgaria	"
	Cuba	"
	Czechoslovakia	"
	German Democratic Republic	"
	Guinea	"
	Guyana	"
	Hungary	"
	Indonesia	"
	Japan	"
	Lao People's Democratic Republic	"
	Malaysia	"
	Mongolia	"
	Philippines	2023rd meeting (2024th-2025th meetings)
	Poland	"
	Poland	"
	Sri Lanka	"
	Algeria	2024th meeting (2025th meeting)
	Chad	"
	Cyprus	"
	Iraq	"
	Jamaica	"
	Madagascar	"
	Mali	"
	Syrian Arab Republic	"
Yugoslavia	"	
Burundi	2025th meeting	
Western Samoa	Fiji New Zealand	1977th meeting
Djibouti	Egypt Ethiopia Gabon Oman Somalia Yemen	2021st meeting
Solomon Islands	Australia Fiji New Zealand Papua New Guinea	2084th meeting
Dominica	Barbados El Salvador Trinidad and Tobago	2105th meeting
Saint Lucia	Barbados Liberia	2167th meeting

<i>Question^a</i>	<i>State invited</i>	<i>Decision of the Council invitations extended and renewed^b</i>
Saint Vincent and the Grenadines	Saint Lucia	2198th meeting
	Trinidad and Tobago	"
Zimbabwe	Algeria	2244th meeting
	Australia	"
	Egypt	"
	Germany, Federal Republic of	"
	Japan	"
	Pakistan	"
	Romania	"
Sierra Leone	"	
Situation concerning Western Sahara	Morocco	1849th meeting (1850th-1852nd meetings)
	Algeria	1850th meeting (1852nd meeting)
Situation in Timor	Indonesia	1864th meeting (1865th and 1867th-1869th meetings)
	Malaysia	"
	Australia	"
	Guinea	1867th meeting (1868th-1869th meetings)
	Guinea-Bissau	"
	Australia	1908th meeting (1909th-1915th meetings)
	Indonesia	"
	Philippines	"
	Portugal	"
	Guinea-Bissau	1910th meeting (1911th-1915th meetings)
	Saudi Arabia	"
	Malaysia	1911th meeting (1912th-1915th meetings)
	Guinea	1912th meeting (1913th-1915th meetings)
	Mozambique	"
	Egypt	1870th meeting (1871st-1879th meetings)
	Jordan	"
	Qatar	"
	Syrian Arab Republic	"
	United Arab Emirates	"
Yugoslavia	1871st meeting (1872nd-1879th meetings)	
Mauritania	1872nd meeting (1873rd-1879th meetings)	
Kuwait	1873rd meeting (1874th-1879th meetings)	
Saudi Arabia	"	
Iraq	1874th meeting (1875th-1879th meetings)	
Guinea	1875th meeting (1876th-1879th meetings)	
Cuba	1876th meeting (1877th-1879th meetings)	
German Democratic Republic	"	
India	"	
Morocco	"	
Sudan	"	
Yemen	"	
Algeria	1877th meeting (1878th-1879th meetings)	
Bulgaria	"	
Czechoslovakia	"	
Democratic Yemen	"	
Hungary	"	
Poland	"	
Tunisia	"	

<i>Question^a</i>	<i>State invited</i>	<i>Decision of the Council invitations extended and renewed^b</i>	
Situation in the Comoros	Algeria	1886th meeting (1887th-1888th meetings)	
	Equatorial Guinea	"	
	Guinea	"	
	Kenya	"	
	Madagascar	"	
	Somalia	"	
	Nigeria	1888th meeting	
Communications from France and Somalia concerning the incident of 4 February 1976	Saudi Arabia	"	
	Ethiopia	1889th meeting	
Request by Mozambique under Article 50 of the Charter	Egypt	1890th meeting (1891st-1892nd meetings)	
	Jamaica	"	
	Kenya	"	
	Zambia	"	
Request by the Libyan Arab Republic and Pakistan for consideration of the problem arising from developments in the occupied Arab territories	Egypt	1893rd meeting (1894th-1899th meetings)	
	Israel	"	
	Jordan	"	
	Syrian Arab Republic	"	
	Yugoslavia	"	
	Saudi Arabia	1894th meeting (1895th-1899th meetings)	
	Iraq	1896th meeting (1897th-1899th meetings)	
	Bangladesh	1897th meeting (1898th-1899th meetings)	
	India	"	
	Mauritania	"	
	Tunisia	"	
	Complaint by Kenya concerning aggression by South Africa against Angola	Cuba	1900th meeting (1901st-1906th meetings)
		Egypt	"
Guinea		"	
Madagascar		"	
Nigeria		"	
Sierra Leone		"	
Somalia		"	
Yugoslavia		"	
Zambia		"	
German Democratic Republic		1901st meeting (1902nd-1906th meetings)	
Poland		"	
India		1902nd meeting (1903rd-1906th meetings)	
United Republic of Cameroon		"	
Mali		1903rd meeting (1904th-1906th meetings)	
Syrian Arab Republic		"	
Uganda		"	
Congo		1904th meeting (1905th-1906th meetings)	
Saudi Arabia		"	
South Africa		"	
Bulgaria		1905th meeting (1906th meeting)	
Guinea-Bissau	"		
Portugal	"		
Situation in the occupied Arab territories	Mozambique	1906th meeting	
	Israel	1916th meeting (1917th-1922nd meetings)	
	Jordan	"	
	Syrian Arab Republic	"	
	Saudi Arabia	1917th meeting (1918th-1922nd meetings)	

<i>Question^a</i>	<i>State invited</i>	<i>Decision of the Council invitations extended and renewed^b</i>
Situation in the occupied Arab territories (<i>continued</i>)	Kuwait	1918th meeting (1919th-1922nd meetings)
	Somalia	"
	Sudan	"
	Yemen	"
	Qatar	1920th meeting (1921st-1922nd meetings)
	Israel	1966th meeting (1967th-1969th meetings)
	Jordan	"
	Syrian Arab Republic	"
	Bangladesh	1967th meeting (1968th-1969th meetings)
	Mauritania	"
	Saudi Arabia	"
	Indonesia	1968th meeting
	Morocco	"
	Nigeria	"
	Egypt	2123rd meeting (2124th-2128th and 2131st- 2134th meetings)
	India	"
	Iran	"
	Iraq	"
	Israel	"
	Lebanon	"
	Pakistan	"
	Somalia	"
	Syrian Arab Republic	"
	Turkey	"
	Yemen	"
	Yugoslavia	"
	Mauritania	2124th meeting (2125th-2128th and 2131st- 2134th meetings)
	Senegal	"
	Hungary	2125th meeting (2126th-2128th, 2131st and 2134th meetings)
	Indonesia	"
	Sudan	"
	Ukrainian SSR	2126th meeting (2127th-2128th, 2131st and 2134th meetings)
	Viet Nam	"
	German Democratic Republic	2127th meeting (2128th, 2131st and 2134th meetings)
	Qatar	"
	Tunisia	2128th meeting (2131st and 2134th meetings)
	Democratic Kampuchea	2131st meeting (2134th meeting)
	Romania	"
	Saudi Arabia	2134th meeting
	Egypt	2156th meeting (2157th-2159th meetings)
	Israel	"
	Jordan	"
	Syrian Arab Republic	2157th meeting (2158th-2159th meetings)
Cuba	2199th meeting (2200th-2203rd meetings)	
Egypt	"	
Israel	"	
Syrian Arab Republic	"	
Yugoslavia	"	

<i>Question^a</i>	<i>State invited</i>	<i>Decision of the Council invitations extended and renewed^b</i>	
Situation in the occupied Arab territories (<i>continued</i>)	Algeria	2200th meeting (2201st-2203rd meetings)	
	Pakistan	"	
	Viet Nam	"	
	Afghanistan	2201st meeting (2202nd-2203rd meetings)	
	Indonesia	2202nd meeting (2203rd meeting)	
	Kuwait	"	
	Lebanon	"	
	Israel	2221st meeting	
	Jordan	"	
	Yugoslavia	"	
	Israel	2222nd meeting (2223rd meeting)	
	Egypt	2226th meeting	
	Israel	"	
	Jordan	"	
	Egypt	2259th meeting (2260th meeting)	
	Israel	"	
	Kuwait	"	
	Question of the exercise by the Palestinian people of its inalienable rights	Cuba	1924th meeting (1928th and 1933rd-1938th meetings)
		Egypt	"
Jordan		"	
Syrian Arab Republic		"	
Turkey		"	
United Arab Emirates		"	
German Democratic Republic		1928th meeting (1933rd-1938th meetings)	
Hungary		"	
India		"	
Saudi Arabia		"	
Yugoslavia		"	
Afghanistan		1933rd meeting (1934th-1938th meetings)	
Bahrain		"	
Democratic Yemen		"	
Lao People's Democratic Republic		"	
Mauritania		"	
Morocco		"	
Algeria		1934th meeting (1935th-1938th meetings)	
Indonesia		"	
Oman		"	
Tunisia		"	
Bulgaria		1935th meeting (1936th-1938th meetings)	
Guinea		"	
Somalia		"	
Cyprus		1936th meeting (1937th-1938th meetings)	
Iraq		"	
Poland		"	
Czechoslovakia		1937th meeting (1938th meeting)	
Qatar		1938th meeting	
Egypt		2041st meeting	
Syrian Arab Republic	"		
Egypt	2155th meeting (2160th-2163rd meetings)		
Israel	"		
Jordan	"		
Sri Lanka	"		
Syrian Arab Republic	"		
Tunisia	"		

<i>Question^a</i>	<i>State invited</i>	<i>Decision of the Council invitations extended and renewed^b</i>
Question of the exercise by the Palestinian people of its inalienable rights (<i>continued</i>)	German Democratic Republic	2160th meeting (2161st-2161rd meetings)
	Afghanistan	2161st meeting (2162nd-2163rd meetings)
	Cuba	"
	Iraq	"
	Lao People's Democratic Republic	"
	Yugoslavia	"
	Morocco	2162nd meeting (2163rd meeting)
	Senegal	"
	Turkey	"
	Egypt	2204th meeting (2205th-2208th meetings)
	Iraq	"
	Israel	"
	Jordan	"
	Lebanon	"
	Algeria	2205th meeting (2206th-2208th meetings)
	India	"
	Syrian Arab Republic	"
	Yugoslavia	"
	Bahrain	2207th meeting (2208th meeting)
	Cuba	"
	Madagascar	"
	Morocco	"
	Viet Nam	"
	Hungary	2208th meeting
	Yemen	"
	Bulgaria	2219th meeting (2220th meeting)
	Guyana	"
	Qatar	"
	Saudi Arabia	"
	Somalia	"
Ukrainian SSR	"	
United Arab Emirates	"	
Democratic Yemen	"	
Situation in South Africa	Algeria	1929th meeting (1930th meeting)
	Cuba	"
	Liberia	"
	India	1930th meeting
	South Africa	"
	United Republic of Cameroon	"
	Yugoslavia	"
	Zambia	"
Complaint by Mauritius, current Chairman of OAU, of the "act of aggression" by Israel against Uganda	Germany, Federal Republic of	1939th meeting (1940th-1943rd meetings)
	Guinea	"
	Kenya	"
	Mauritania	"
	Qatar	"
	United Republic of Cameroon	"
	Somalia	1940th meeting (1941st-1943rd meetings)
	Yugoslavia	1941st meeting (1942nd-1943rd meetings)
	India	1942nd meeting (1943rd meeting)
	Cuba	1943rd meeting
Complaint by Zambia against South Africa	Mauritania	1944th meeting (1945th-1948th meetings)

<i>Question^a</i>	<i>State invited</i>	<i>Decision of the Council invitations extended and renewed^b</i>
Complaint by Zambia against South Africa (continued)	South Africa	1944th meeting (1945th-1948th meetings)
	Cuba	1945th meeting (1946th-1948th meetings)
	Egypt	"
	Ethiopia	"
	Liberia	"
	Madagascar	"
	Uganda	"
	Zaire	"
	Botswana	1946th meeting (1947th-1948th meetings)
	Mozambique	"
	Qatar	"
	Sierra Leone	"
	Yugoslavia	"
	Guinea	1947th meeting (1948th meeting)
	Mauritius	1948th meeting
	Angola	2209th meeting (2210th-2211th meetings)
	Cuba	2209th meeting (2210th-2211th meetings)
	Liberia	2209th meeting (2210th-2211th meetings)
	Mauritius	2209th meeting (2210th-2211th meetings)
	Nigeria	2209th meeting (2210th-2211th meetings)
	Yugoslavia	2209th meeting (2210-2211th meetings)
	Algeria	2210th meeting (2211th meeting)
	Guyana	2210th meeting (2211th meeting)
United Arab Emirates	2210th meeting (2211th meeting)	
Zaire	2210th meeting (2211 meeting)	
India	2211th meeting	
Complaint by Greece against Turkey	Turkey	1949th meeting (1950th and 1953rd meetings)
Complaint by Lesotho against South Africa	Madagascar	1981st meeting (1982nd meeting)
	Botswana	1982nd meeting
	Mauritius	"
	Lesotho	2007th meeting (2009th meeting)
Complaint by Botswana	Sierra Leone	"
	Lesotho	1983rd meeting (1984th-1985th meetings)
	Morocco	"
	United Republic of Tanzania	"
	Zambia	"
	Kenya	1984th meeting (1985th meeting)
	Mozambique	"
	Nigeria	"
	Sierra Leone	"
	Yugoslavia	"
	Cuba	1985th meeting
	Equatorial Guinea	"
	German Democratic Republic	"
	Mali	"
	Somalia	"
	Togo	"
	Botswana	2006th meeting (2008th meeting)
Sierra Leone	"	
Complaint by Benin	Algeria	1986th meeting (1987th meeting)
	Madagascar	"

<i>Question^a</i>	<i>State invited</i>	<i>Decision of the Council invitations extended and renewed^b</i>
Complaint by Benin (continued)	Rwanda	1986th meeting (1987th meeting)
	Togo	"
	Cuba	1987th meeting
	Mali	"
	Senegal	"
	Somalia	"
	Botswana	2000th meeting (2001st-2005th meetings)
	Gabon	"
	Guinea	"
	Morocco	"
	Niger	"
	Saudi Arabia	"
	Algeria	2001st meeting (2002nd-2003th meetings)
	Ivory Coast	"
	Madagascar	"
	Mauritania	"
	Senegal	"
	Togo	"
	Cuba	2002nd meeting (2003rd-2005th meetings)
	Egypt	"
	Lao People's Democratic Republic	"
	Somalia	"
	Equatorial Guinea	2003rd meeting (2004th-2005th meetings)
	Mozambique	"
	Mali	2004th meeting (2005th meeting)
	Mongolia	"
	United Republic of Tanzania	"
	Upper Volta	2005th meeting
	Cuba	2047th meeting (2048th-2049th meetings)
	Guinea	"
	Madagascar	"
	Algeria	2048th meeting (2049th meeting)
	Congo	"
Mali	"	
Viet Nam	"	
Angola	2049th meeting	
Equatorial Guinea	"	
Mozambique	"	
Question of South Africa	Egypt	1988th meeting (1989th-1992nd, 1994th- 1996th and 1998th-1999th meetings)
	Indonesia	"
	Liberia	"
	Sri Lanka	"
	Syrian Arab Republic	"
	Yugoslavia	"
	Bahrain	1989th meeting (1990th-1992nd, 1994th, 1996th and 1998th- 1999th meetings)
	Madagascar	"
	Sierra Leone	"
	Zambia	"
	Algeria	1990th meeting (1991st-1992nd, 1994th and 1996th meetings)
	Botswana	"
Guinea	"	

<i>Question^a</i>	<i>State invited</i>	<i>Decision of the Council invitations extended and renewed^b</i>
Question of South Africa (continued)	Senegal	1990th meeting (1991st-1992nd, 1994th and 1996th meetings)
	Ghana	1991st meeting (1992nd, 1994th, 1996th and 1998th-1999th meetings)
	Kenya	"
	Mauritania	"
	United Republic of Tanzania	"
	Zaire	"
	Cuba	1994th meeting (1996th and 1998th- 1999th meetings)
	Mongolia	"
	Togo	"
	Burundi	1996th meeting (1998th-1999th meetings)
	German Democratic Republic	"
	Jamaica	"
	Lesotho	"
	Somalia	"
	Sweden	"
	Ethiopia	1998th meeting (1999th meeting)
	Guyana	1999th meeting
	Nigeria	2036th meeting (2037th-2040th and 2042nd- 2046th meetings)
	Saudi Arabia	2037th meeting (2038th-2040th and 2042nd- 2046th meetings)
	Togo	"
	Algeria	2038th meeting (2039th-2040th and 2042nd- 2046th meetings)
	Senegal	"
	Botswana	2039th meeting (2040th and 2042nd- 2046th meetings)
	Guinea	"
	Viet Nam	"
	Guyana	2040th meeting (2042nd-2046th meetings)
	Lesotho	"
	Niger	"
	United Republic of Cameroon	"
	Ghana	2042nd meeting (2043rd-2046th meetings)
	Mauritania	"
	Somalia	"
	Sudan	"
	Saudi Arabia	2052nd meeting (2053rd meeting)
Sweden	2058th meeting (2059th meeting)	
Uganda	"	
Mozambique	2225th meeting (2227th-2229th and 2231st meetings)	
Nigeria	"	
Botswana	2227th meeting (2228th-2229th and 2231st meetings)	
Cuba	"	

Question ^a Question of South Africa (continued)	State invited	Decision of the Council invitations extended and renewed ^b
	Egypt	2227th meeting (2228th-2229th and 2231st meetings)
	Ethiopia	"
	Seychelles	"
	Yugoslavia	"
	Algeria	2228th meeting (2229th and 2231st meetings)
	Zaire	"
	Bahrain	2229th meeting (2231st meeting)
	Benin	"
	Guyana	"
	Romania	"
	Viet Nam	"
Complaint by Mozambique	Algeria	2014th meeting (2015th-2019th meetings)
	Angola	"
	Botswana	"
	Egypt	"
	Gabon	"
	Guinea	"
	Lesotho	"
	Nigeria	"
	Senegal	2014th meeting (2015th-2019th meetings)
	Syrian Arab Republic	"
	United Republic of Tanzania	2014th meeting (2015th-2019th meetings)
	Zambia	"
	Cuba	2015th meeting (2016th-2019th meetings)
	German Democratic Republic	2016th meeting (2017th-2019th meetings)
	Sudan	"
	Swaziland	2017th meeting (2018th-2019th meetings)
	Brazil	2018th meeting (2019th meeting)
Situation in Southern Rhodesia	Gabon	2034th meeting
	Kenya	"
	Angola	2061st meeting (2062nd-2067th meetings)
	Benin	"
	Mozambique	"
	United Republic of Tanzania	"
	Zambia	"
	Kenya	2062nd meeting (2063rd-2067th meetings)
	Sierra Leone	2063rd meeting (2064th-2067th meetings)
	Sudan	"
	Botswana	2064th meeting (2065th-2067th meetings)
	Saudi Arabia	2065th meeting (2066th-2067th meetings)
	Liberia	2066th meeting (2067th meeting)
	Sri Lanka	2067th meeting
	Yugoslavia	"
	Angola	2119th meeting (2120th-2122nd meetings)
	Benin	"
	Botswana	"
	Cuba	"
	Ethiopia	"
	Ghana	"

<i>Question^a</i>	<i>State invited</i>	<i>Decision of the Council invitations extended and renewed^b</i>
Situation in Southern Rhodesia (<i>continued</i>)	Sri Lanka	2120th meeting (2121st-2122nd meetings)
	Yugoslavia	"
	India	2142nd meeting (2143rd meeting)
	Kenya	"
	Sri Lanka	"
	Sudan	"
	Botswana	2143rd meeting
	Yugoslavia	"
	Botswana	2181st meeting
	Cuba	"
	Liberia	"
	Mozambique	"
	United Republic of Tanzania	"
	Botswana	2192nd meeting (2193rd-2196th meetings)
	Cuba	"
	Egypt	"
	Liberia	"
	Mozambique	"
	Somalia	"
	United Republic of Tanzania	"
	Viet Nam	"
	Algeria	2193rd meeting (2194th-2196th meetings)
	Nigeria	"
Yugoslavia	"	
Zaire	2194th meeting (2195th-2196th meetings)	
Ghana	2195th meeting (2196th meeting)	
Kenya	"	
Uganda	"	
Complaint by Zambia	Botswana	2068th meeting (2069th-2070th meetings)
	Cuba	"
	Egypt	"
	Mozambique	"
	United Republic of Tanzania	"
	Upper Volta	"
	German Democratic Republic	2069th meeting (2070th meeting)
	Ghana	"
	Jamaica	"
	Viet Nam	2070th meeting
Complaint by Angola against South Africa	Libyan Arab Jamahiriya	2171st meeting
	United Republic of Tanzania	2077th meeting (2078th meeting)
	Zambia	"
	Algeria	2078th meeting
	Benin	"
	Cuba	"
	Mozambique	"
	Algeria	2130th meeting (2132nd-2133rd and 2135th- 2139th meetings)
	Bulgaria	"
	Ethiopia	"
	Viet Nam	"
	Yugoslavia	"
	Benin	2132nd meeting (2133rd and 2135th- 2139th meetings)
	Botswana	"
	Congo	"
Cuba	"	
German Democratic Republic	"	
Ghana	"	

<i>Question^a</i>	<i>State invited</i>	<i>Decision of the Council invitations extended and renewed^b</i>
Complaint by Angola against South Africa (continued)	Guinea	2132nd meeting (2133rd and 2135th- 2139 meetings)
	Madagascar	"
	Mozambique	"
	Sri Lanka	"
	Sudan	"
	Egypt	2133rd meeting (2135th-2139th meetings)
	Guyana	"
	Liberia	"
	Romania	"
	Sierra Leone	"
	Somalia	"
	Togo	"
	United Republic of Tanzania	"
	India	2135th meeting (2136th-2139th meetings)
	Ukrainian SSR	2138th meeting (2139th meeting)
	Brazil	2169th meeting (2170th meeting)
	Cuba	"
	Liberia	"
	Colombia	2170th meeting
	Libyan Arab Jamahiriya	"
	Mozambique	"
	Viet Nam	"
	Yugoslavia	"
	Algeria	2237th meeting (2240th meeting)
	Botswana	2237th meeting (2240th meeting)
	Brazil	"
	Cuba	"
	India	"
	Mozambique	"
	Nicaragua	"
	Pakistan	"
	Romania	"
	Yugoslavia	"
Benin	2240th meeting	
Guinea	"	
Madagascar	"	
Nigeria	"	
Telegram dated 3 January 1979 from the Deputy Prime Minister in charge of Foreign Affairs of Democratic Kampuchea	Cuba	2108th meeting (2109th-2112th meetings)
	Viet Nam	"
	German Democratic Republic	2109th meeting (2110th-2112th meetings)
	Hungary	"
	Indonesia	"
	Malaysia	"
	Singapore	"
	Sudan	"
	Thailand	"
	Australia	2110th meeting (2111th-2112th meetings)
	Japan	"
	Mongolia	"
	New Zealand	"
	Philippines	"
	Poland	"
	Bulgaria	2111th meeting (2112th meeting)
	Yugoslavia	"

<i>Question^a</i>	<i>State invited</i>	<i>Decision of the Council invitations extended and renewed^b</i>
Situation in South-East Asia and its implications for international peace and security	Australia	2114th meeting (2115th-2118th and 2129th meetings)
	Canada	"
	Cuba	"
	Democratic Kampuchea	"
	German Democratic Republic	"
	India	"
	Malaysia	"
	New Zealand	"
	Poland	"
	Singapore	"
	Thailand	"
	Viet Nam	"
	Bulgaria	2115th meeting (2116th-2118th and 2129th meetings)
	Hungary	"
	Indonesia	"
	Japan	"
	Mongolia	"
	Philippines	"
	Pakistan	2116th meeting (2117th, 2118th and 2129th meetings)
Angola	2117th meeting (2118th and 2129th meetings)	
Lao People's Democratic Republic	"	
Yugoslavia	"	
Letters dated 13 and 15 June 1979 from the representative of Morocco	Algeria	2151st meeting (2152nd-2154th meetings)
	Benin	"
	Madagascar	"
Letters dated 13 and 15 June 1979 from the representative of Morocco (<i>continued</i>)	Mauritania	2152nd meeting (2153rd and 2154th meetings)
	Zaire	"
	Congo	2153rd meeting
	Democratic Yemen	2154th meeting
	Angola	"
	Burundi	"
	Libyan Arab Jamahiriya	"
	Sao Tome and Principe	"
	Senegal	"
	Letter dated 25 November 1979 from the Secretary- General	Iran
Sri Lanka	"	
Egypt	2175th meeting (2176th-2178th meetings)	
Liberia	"	
Zaire	"	
Australia	2176th meeting (2177th and 2178th meetings)	
Canada	"	
Germany, Federal Republic of	"	
Italy	"	
Japan	"	
Malawi	"	
Netherlands	"	
Panama	"	
Spain	"	
Yugoslavia	"	
Austria	2177th meeting (2178th meeting)	
Belgium	"	
Mauritius	"	
Swaziland	"	
Greece	2178th meeting	
Letter dated 22 December 1979 from the representative of the United States	Australia	2182nd meeting (2183rd and 2184th meetings)
	Canada	"
	Germany, Federal Republic of	"

<i>Question^a</i>	<i>State invited</i>	<i>Decision of the Council invitations extended and renewed^b</i>
Letter dated 22 December 1979 from the representative of the United States (continued)	Singapore	2182nd meeting (2183rd and 2184th meetings)
	Japan	2183rd meeting (2184th meeting)
Letter dated 3 January 1980 from 52 Member States regarding Afghanistan	Afghanistan	2185th meeting (2186th-2190th meetings)
	Bulgaria	"
	Democratic Kampuchea	"
	Poland	"
	Mongolia	2186th meeting (2187th-2190th meetings)
	Czechoslovakia	2187th meeting (2188th-2190th meetings)
	Hungary	"
	Viet Nam	2188th meeting (2189th and 2190th meetings)
	Lao People's Democratic Republic	2189th meeting (2190th meeting)
	Yugoslavia	"
Zaire	2190th meeting	
Letter dated 1 September 1980 from the representative of Malta	Libyan Arab Jamahiriya	2246th meeting
Situation between Iran and Iraq	Iraq	2247th meeting (2248th and 2250th-2254th meetings)
	Japan	2248th meeting (2250th-2254th meetings)
	Cuba	2250th meeting (2251st-2254th meetings)
	Iran	"
Date of elections to fill two vacancies in the International Court of Justice	Syrian Arab Republic	2255th meeting

CASE I

Situation concerning Western Sahara

At its 1849th and 1850th meetings, on 20 and 22 October 1975, the Council invited the representatives of Morocco, Spain and Algeria to participate in the discussion of the item entitled "The situation concerning Western Sahara".

At its 1853rd meeting, held in private on 6 November 1975, the Council continued its consideration of the situation concerning Western Sahara.

A number of members of the Council expressed themselves in favour of holding a closed meeting and, in order to obtain fuller information about the situation in this

region, decided to ask questions of the representatives of the parties concerned and interested. Therefore, the representatives of Morocco, Spain and Algeria were invited by decision of the Council to participate in the closed meeting.

This was the first time that an invitation was issued to parties concerned and interested to participate in a closed meeting. Moreover, it was also the first time in the practice of the Council that the verbatim record of the closed meeting was prepared and distributed in the same way as the record of a public meeting.

** (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>Decision of the Council</i>
Complaint by Kenya concerning aggression by South Africa against Angola	Angola	1900th meeting (1901st-1906th meetings)

^a Questions entered in this tabulation are arranged under agenda items. The items appearing herein are listed chronologically according to the sequence of the first meeting held on each item. Any reconsideration of an item or discussion of a subitem 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.

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

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

Question	Persons invited	Basis of invitation	Decision of the Council invitations extended
Situation in Cyprus	Mr. Vendat A. Çelik	S/12094, OR, 31st yr., Suppl. for April-June 1976	1813th meeting
	Mr. Çelik		1830th meeting
	Mr. Çelik		1863rd meeting
	Mr. Nail Atalay		1925th meeting
	Mr. Çelik		1979th meeting
	Mr. Çelik		2012th meeting
	Mr. Çelik		2026th meeting
	Mr. Çelik		2054th meeting
	Mr. Atalay		2055th meeting
	Mr. Rauf Denktaş		2080th meeting
	Mr. Denktaş		2100th meeting
	Mr. Atalay		2107th meeting
	Mr. Atalay		2150th meeting
	Mr. Atalay		2179th meeting
Mr. Atalay	2230th meeting		
Mr. Atalay	2257th meeting		
Situation in Namibia	Mr. Sam Nujoma	S/11705, <i>ibid.</i> , 30th yr., Suppl. for April-June 1975	1823rd meeting
	Rev. Canon Burgess Carr	S/11710, <i>ibid.</i>	1827th meeting
	Mr. Abdul S. Minty	S/11712, <i>ibid.</i>	1829th meeting
	Mr. Moses M. Garoeb	S/11943, <i>ibid.</i> , 31st yr., Suppl. for January-March 1976	1880th meeting
	Mr. Nujoma	S/12205, <i>ibid.</i> , Suppl. for July-Sept. 1976	1956th meeting
	Mr. Theo-Ben Gurirab	S/12216, <i>ibid.</i> , Suppl. for Oct.-Dec. 1976	1963rd meeting
	Mr. Nujoma	S/12794, <i>ibid.</i> , 33rd yr., Suppl. for July-Sept. 1978	2082nd meeting
	Mr. Nujoma	S/12866, <i>ibid.</i>	2087th meeting
	Mr. Edem Kodjo	S/12872, <i>ibid.</i>	"
	Mr. Gurirab	S/12909, <i>ibid.</i> , Suppl. for Oct.-Dec. 1978	2092nd meeting
Mr. Gurirab	S/12952, <i>ibid.</i>	2103rd meeting	
Situation in Timor	Mr. José Ramos Horta	S/11911, <i>ibid.</i> , 30th yr., Suppl. for Oct.-Dec. 1975	1864th meeting
	Mr. Abilio Araujo	<i>Ibid.</i>	"
	Mr. Guilherme Maria Gonçalves	S/11912, <i>ibid.</i>	"
	Mr. Mario Carrascalão	<i>Ibid.</i>	"
	Mr. José Martins	<i>Ibid.</i>	1864th meeting
	Mr. Guilherme Maria Gonçalves	S/12043, <i>ibid.</i> , 31st yr., Suppl. for April-June 1976	1908th meeting
	Mr. Carrascalão	<i>Ibid.</i>	"
	Dr. José Gonçalves	<i>Ibid.</i>	"
	Mr. João Pedro Soares	<i>Ibid.</i>	"
	Mr. Horta	S/12045, <i>ibid.</i>	"
	Mr. Ken Frey	S/12047, <i>ibid.</i>	"
	Mr. Rex K. M. Syddell	S/12049, <i>ibid.</i>	1909th meeting
	Situation in South Africa	Mr. Thani Mhlambiso	S/12102, <i>ibid.</i> , 34th yr., Suppl. for April-June 1976
Mr. David Sibeko		<i>Ibid.</i>	"
Question of the exercise by the Palestinian people of its inalienable rights	Mr. Amin Hilny II	S/12113, <i>ibid.</i> , 31st yr. Suppl. for April-June 1976	1933rd meeting
	Mr. Clovis Maksoud	S/13867, incorporated in the record of the 2204th mtg.	2204th meeting
Complaint by Zambia against South Africa	Mr. O. T. Emvula	S/12154, <i>ibid.</i> , 31st yr., Suppl. for July-Sept. 1976	1945th meeting
Question of South Africa	Mr. Mfanafuthi Johnstone Makatini	S/12299, <i>ibid.</i> , 32nd yr., Suppl. for Jan.-March 1977	1988th meeting
	Mr. Potlako Leballo	<i>Ibid.</i>	"
	Mr. Olof Palme	S/12300, <i>ibid.</i>	"
	Mr. Minty		
	Mr. William P. Thompson	S/12304, <i>ibid.</i>	1991st meeting
	Mr. Makatini	S/12423, <i>ibid.</i> , Suppl. for Oct.-Dec. 1977	2036th meeting
	Mr. Sibeko		
	Mr. Horst Gerhard	S/12429, <i>ibid.</i>	2043rd meeting
Mr. Elias L. Ntloedibe	S/12432, <i>ibid.</i>	2045th meeting	

<i>Question</i>	<i>Persons invited</i>	<i>Basis of invitation</i>	<i>Decision of the Council invitations extended</i>
Question of South Africa (continued)	Mr. Makatini	S/12480, <i>ibid.</i>	2052nd meeting
	Mr. Donald Woods	S/12539, <i>ibid.</i> , 33rd yr., <i>Suppl.</i> for Jan.-March 1978	2056th meeting
	Mr. Makatini	S/12543, <i>ibid.</i>	"
	Mr. Sibeko	<i>Ibid.</i>	"
	Mr. Makatini	S/13981, incorporated in the record of the 2225th mtg.	2225th meeting
	Mr. Henry Isaacs	<i>Ibid.</i>	"
Situation in Southern Rhodesia	Mr. Joshua Nkomo	S/12405, <i>ibid.</i> , 32nd yr., <i>Suppl.</i> for July-Sept. 1977	2033rd meeting
	Mr. Callistus Ndlovu	S/12407, <i>ibid.</i>	2034th meeting
	Mr. Robert G. Mugabe	S/12585, <i>ibid.</i> , 33rd yr., <i>Suppl.</i> for Jan.-March 1978	2062nd meeting
	Mr. Nkomo	<i>Ibid.</i>	"
	Rev. Carr	S/12586, <i>ibid.</i>	2063rd meeting
	Mr. Ndlovu	S/13131, <i>ibid.</i> , 34th yr., <i>Suppl.</i> for Jan.-March 1979	2119th meeting
	Mr. Ndlovu	S/13180, <i>ibid.</i>	2142nd meeting
	Mr. Maksoud	S/13703, <i>ibid.</i> , <i>Suppl.</i> for Oct.-Dec. 1979	2181st meeting
	Mr. Tirivafi J. Kangai	S/13770, incorporated in the record of the 2192nd mtg.	2192nd meeting
	Mr. Makadini	S/13771, incorporated in the record of the 2192nd mtg.	"
	Mr. Ndlovu	S/13776, incorporated in the record of the 2195th mtg.	2195th meeting
Complaint by Zambia	Mr. George Silundika	S/12601, <i>ibid.</i> , 33rd yr., <i>Suppl.</i> for Jan.-March 1978	2069th meeting
Complaint by Angola against South Africa	Mr. Nujoma	S/12694, <i>ibid.</i> , <i>Suppl.</i> for April-June 1978	2077th meeting
	Mr. Gurirab	S/13178, <i>ibid.</i> , 34th yr., <i>Suppl.</i> for Jan.-March 1979	2130th meeting
	Mr. Mishake Muyongo	S/13181, <i>ibid.</i>	2132nd meeting
	Mr. Makatini	S/13183, <i>ibid.</i>	2133rd meeting
	Mr. Sibeko	S/13187, <i>ibid.</i>	2135th meeting
	Mr. Gurirab	S/14025, incorporated in the record of the 2237th mtg.	2237th meeting
	Mr. Maksoud	S/14026, incorporated in the record of the 2240th mtg.	2240th meeting
Letters dated 13 and 15 June 1979 from the representative of Morocco	Mr. Madjid Abdallah	S/13406, <i>ibid.</i> , 34th yr., <i>Suppl.</i> for April-June 1979	2151st meeting
Situation in the occupied Arab territories	Mr. Maksoud	S/13819, incorporated in the record of the 2199th mtg.	2199th meeting
	Mr. Fahd Qawasma	S/13814, incorporated in the record of the 2199th mtg.	"
	Mr. Qawasma	S/13942, incorporated in the record of the 2222nd mtg.	2222nd meeting
	Mr. Mohammed Milhem	<i>Ibid.</i>	"
	Mr. Pajeb Attamini	<i>Ibid.</i>	"
	Mr. Maksoud	S/14305, incorporated in the record of the 2259th mtg.	2259th meeting
	Mr. Qawasma	S/14304, incorporated in the record of the 2259th mtg.	"
	Mr. Milhem	<i>Ibid.</i>	"
Situation in the Middle East	Mr. Maksoud	S/13890, incorporated in the record of the 2213th mtg.	2213th meeting
	Mr. Hammadi Essid	S/13903, incorporated in the record of the 2218th mtg.	2218th meeting
	Mr. Maksoud	S/14012, incorporated in the record of the 2233rd mtg.	2233rd meeting

3. Invitations not expressly under Article 32 or rule 39

(a) RESTRICTED IN RELATION TO THE AGENDA ITEM

Question	Persons invited	Basis of invitation	Decision of the Council
Admission of new members Republic of South Viet Nam and Democratic Republic of Viet Nam	Permanent Observers of the Republic of South Viet Nam and the Democratic Republic of Viet Nam		1846th meeting
Socialist Republic of Viet Nam	Permanent Observer of the Socialist Republic of Viet Nam	S/12229, <i>OR</i> , 31st yr., <i>Suppl.</i> for Oct.-Dec. 1976	1972nd meeting
Angola	Representative of the People's Republic of Angola	S/12111, <i>ibid.</i> , <i>Suppl.</i> for April-June 1976	1932nd meeting
	Representative of the People's Republic of Angola	S/12236, <i>ibid.</i> , <i>Suppl.</i> for Oct.-Dec. 1976	1974th meeting

(b) UNRESTRICTED IN RELATION TO THE AGENDA ITEM

CASE 2

At the 1859th meeting, on 4 December 1975, the President of the Council drew attention to a proposal of the representative of Egypt for the participation of the PLO in the debate on the situation in the Middle East.

In the course of the informal consultations that had taken place prior to the meeting, the representatives of Guyana, Iraq, Mauritania, the United Republic of Cameroon and the United Republic of Tanzania had put forward the same proposal. The President had been asked by those five members of the Council to record that the proposal was not being put forward under rules 37 or 39 of the provisional rules of procedure of the Council, but that, if it were adopted by the Council, the invitation to the PLO to participate in the debate would confer on it the same rights of participation as were conferred when a Member State was invited under rule 37.⁴

In an extended procedural discussion prior to the vote,⁵ France, the United States, Italy, Japan, Iraq, the USSR, the Byelorussian SSR and the United Kingdom presented their views. Costa Rica made a statement after the vote.

The supporters of the invitation to the PLO emphasized the special role of the organization as recognized by the United Nations and the need to acknowledge its international status in extending the invitation to partic-

ipate in the Council's debate. They pointed out that the provisional rules had not envisaged or taken into account the participation of a party not a Member of the United Nations (rule 37), nor a member of the Secretariat or "other person" (rule 39). Therefore the PLO, according to them, should participate in the Council's debate under no specific rule.

Those countries, which abstained from voting, held the view that the invitation could only be extended on the basis of rule 39 of the Council's rules of procedure. They pointed out that the United Nations was an organization of sovereign States and that the PLO was not a sovereign State.

Those who opposed the invitation argued that the relevant provisions of the Charter and the provisional rules of procedure clearly excluded the option chosen in the case, which would be an undesirable and unnecessary departure from the established practice of the Council.

The proposal of the representatives of Egypt, Guyana, Iraq, Mauritania, the United Republic of Cameroon and the United Republic of Tanzania to invite the PLO to the Council table was adopted by 9 votes to 3, with 3 abstentions.⁶

At all subsequent meetings, the PLO was invited to participate in the discussion of items relating to the Middle East, in accordance with the initial decision.

The occasions and votes are recorded in the following tabulation.

⁴1859th mtg.: President, para. 6. For the Egyptian proposal, see S/11893, *OR*, 30th yr., *Suppl.* for Oct.-Dec. 1975.

⁵1859th mtg., paras. 7-17.

⁶1859th mtg., para. 78. Costa Rica, the United Kingdom and the United States voted against the draft resolution and France, Italy and Japan abstained.

VOTES REGARDING THE INVITATION OF THE PALESTINE LIBERATION ORGANIZATION

Meeting	Vote			
	In favour	Against	Abstaining	
Situation in the Middle East	1859th	9	3	3
	1993rd	10	1	4
	2071st	10	1	4
	2086th	10	1	4
	2113rd	10	1	4
	2146th	10	1	4
	2164th	10	1	4
	2180th	10	1	4
	2213th	10	1	4
	2233rd	10	1	4
	2245th	10	1	4
	Middle East problem including the Palestinian question	1870th	11	1

	Meeting	Vote		
		In favour	Against	Abstaining
Request by the Libyan Arab Republic and Pakistan for consideration of the situation arising from developments in the occupied Arab territories	1893rd	11	1	3
Situation in the occupied Arab territories	1916th	11	1	3
	1966th	11	1	3
	2123rd	10	1	4
	2156th	10	1	4
	2199th	10	1	4
	2221st	10	1	4
	2222nd	10	1	4
	2226th	10	1	4
Question of the exercise by the Palestinian people of its inalienable rights	2259th	10	1	4
	1924th	11	1	3
	2041st	10	1	4
	2155th	10	1	4
	2204th	10	1	4

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

Question	Invitation	Basis of invitation	Decision of the Council
Situation in the Middle East	PLO	S/11893, <i>OR</i> , 30th yr., <i>Suppl.</i> for Oct.-Dec. 1975	1859th meeting (1860th-1862nd meetings)
	PLO		1893rd meeting (1894th and 1895th meetings)
	PLO	S/12608, <i>ibid.</i> , 33rd yr., <i>Suppl.</i> for Jan.-March 1978	
	PLO	S/12851, <i>ibid.</i> , <i>Suppl.</i> for July-Sept. 1978	2086th meeting
	PLO	S/13048, <i>ibid.</i> , 34th yr., <i>Suppl.</i> for Jan.-March 1979	2113th meeting
	PLO	S/13368, <i>ibid.</i> , <i>Suppl.</i> for April-June 1979	2146th meeting (2147th-2149th meetings)
	PLO	S/13521	2164th meeting (2165th meeting)
	PLO	S/13696	2180th meeting
	PLO	S/13889	2213th meeting (2214th-2218th meetings)
	PLO	S/14013	2233rd meeting (2234th-2236th, 2238th, 2239th, 2241st and 2242nd meetings)
PLO	S/14109	2245th meeting	
Middle East problem including the Palestinian question	PLO	S/11889	1870th meeting (1871st-1879th meetings)
Request by the Libyan Arab Republic and Pakistan for consideration of the situation arising from developments in the occupied Arab territories	PLO	S/12017, <i>OR</i> , 31st yr., <i>Suppl.</i> for Jan.-March 1976	1893rd meeting (1894th and 1895th meetings)
Situation in the occupied Arab territories	PLO	S/12066, <i>ibid.</i> , <i>Suppl.</i> for April-June 1976	1916th meeting (1917th-1922nd meetings)
	PLO	S/12220, <i>ibid.</i> , <i>Suppl.</i> for Oct.-Dec. 1976	1966th meeting (1967th-1969th meetings)
	PLO	S/13150, <i>ibid.</i> , 34th yr., <i>Suppl.</i> for Jan.-March 1979	2123rd meeting (2124th-2128th, 2131st and 2134th meetings)
	PLO	S/13456	2156th meeting (2157th-2159th meetings)
	PLO	S/13813	2199th meeting (2200th-2203rd and 2221st meetings)
	PLO	S/13932	

<i>Question</i>	<i>Invitation</i>	<i>Basis of invitation</i>	<i>Decision of the Council</i>
	PLO	S/13950	2222nd meeting (2223rd meeting)
	PLO	S/13982	2226th meeting
	PLO	S/14303	2259th meeting (2260th meeting)
Question of the exercise by the Palestinian people of its inalienable rights	PLO		1924th meeting (1928th and 1933rd-1938th meetings)
	PLO		2041st meeting
	PLO	S/13422, <i>OR</i> , 34th yr., <i>Suppl.</i> for April-June 1979	S2155th meeting (2160th-2163rd meetings)
	PLO	S/13865	2204th meeting (2205th-2208th meetings)

****4. Invitations denied**

****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 (section A), or the duration of participation of invited representatives (section 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.⁷

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 (section C). However, on three occasions, involving the consideration of the admission of new members, invitations were issued to representatives of the States seeking admission to present the views of their Governments.⁸ The initial decision to extend an invitation to the representative of the PLO was preceded by a long procedural discussion concerning the appropriateness of issuing such an invitation in principle and the question whether a limited invitation under rule 39 of the provisional rules of pro-

cedure would not be more in accordance with the situation as well as with the provisions of the Charter.⁹

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 (section D).

****A. THE STAGE AT WHICH INVITED STATES WERE HEARD**

****B. THE DURATION OF PARTICIPATION**

****C. LIMITATIONS OF A PROCEDURAL NATURE**

****1. Concerning the order in which invited representatives were called upon to speak**

****2. Concerning the raising of points of order by invited representatives**

****3. Concerning the submission of proposals or draft resolutions by invited representatives**

****D. LIMITATIONS ON MATTERS TO BE DISCUSSED BY INVITED REPRESENTATIVES**

****1. Adoption of the agenda**

****2. Extension of invitations**

****3. Postponement of consideration of a question**

****4. Other matters**

****E. EFFECT OF THE EXTENSION OF INVITATIONS**

⁷ See tabulation in part I, C.1 (a), footnote b, and part I, C.2 (a), footnote b.

⁸ See tabulation in part I, D.3 (a) for the cases of the Republic of South Viet Nam and the Democratic Republic of Viet Nam, the Socialist Republic of Viet Nam and the People's Republic of Angola.

⁹ See the material presented in part I, D.3 (b), case 2, regarding the invitation to the PLO.

Chapter IV

VOTING

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INTRODUCTORY NOTE

This 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 this chapter basically follows that of the corresponding chapter in earlier volumes of the *Repertoire* except that, in view of the recent trend in the Security Council to adopt its decisions by consensus or without vote, this material is also included as part IV.

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 the question whether a matter is procedural within the meaning of Article 27, paragraph 2. 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. The new part IV deals with decisions adopted by consensus or without vote.

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 the applications for admission to membership in the United Nations.

As noted in 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, comprises one instance 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,¹ 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. However, on two occasions (cases 1 and 2) the question of abstention in accordance with the proviso of Article 27, paragraph 2, of the Charter was discussed.

Part III, section B,² 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 when the Council adopted resolutions and decisions by consensus.

Part IV, section B, comprises resolutions adopted without vote. There were no other decisions adopted without 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.³

¹ See the tabulation in part I, section B, below.
² See the tabulation in part III, section B, below.
³ See various tabulations 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

At the 1834th meeting, on 6 August 1975 (para. 86), in connection with the applications of the Republic of South Viet Nam and the Democratic Republic of Viet Nam for admission to membership in the United Nations, the provisional agenda as a whole, as amended (comprising items 2 and 3 exclusively), was adopted by the Council, notwithstanding the negative vote of a permanent member.

**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. Invitation to participate in the proceedings

<i>Agenda item</i>	<i>Organizations invited</i>	<i>Meeting and date</i>	<i>Vote</i>	<i>Permanent members casting negative vote</i>
Situation in the Middle East	Palestine Liberation Organization (PLO)	1859, 4 December 1975	9-3-3	2
	PLO	1993, 25 March 1977	10-1-4	1
	PLO	2071, 17 March 1978	10-1-4	1
	PLO	2086, 19 September 1978	10-1-4	1
	PLO	2113, 19 January 1979	10-1-4	1
	PLO	2146, 31 May 1979	10-1-4	1
	PLO	2164, 29 August 1979	10-1-4	1
	PLO	2180, 19 December 1979	10-1-4	1
	PLO	2213, 14 April 1980	10-1-4	1
	PLO	2233, 24 June 1980	10-1-4	1
PLO	2245, 20 August 1980	10-1-4	1	
Middle East problem including the Palestinian question	PLO	1870, 12 January 1976	11-1-3	1
Request by the Libyan Arab Republic and Pakistan for consideration of the situation arising from recent developments in the occupied Arab territories	PLO	1893, 22 March 1976	11-1-3	1
Situation in the occupied Arab territories	PLO	1916, 4 May 1976	11-1-3	1
	PLO	1966, 1 November 1976	11-1-3	1
	PLO	2123, 9 March 1979	10-1-4	1
	PLO	2156, 18 July 1979	10-1-4	1
	PLO	2199, 22 February 1980	10-1-4	1
	PLO	2221, 8 May 1980	10-1-4	1
	PLO	2222, 20 May 1980	10-1-4	1
	PLO	2226, 3 June 1980	10-1-4	1
PLO	2259, 19 December 1980	10-1-4	1	
Question of the exercise by the Palestinian people of its inalienable rights	PLO	1924, 9 June 1976	11-1-3	1
	PLO	2041, 27 October 1977	10-1-4	1
	PLO	2155, 29 June 1979	10-1-4	1
	PLO	2204, 31 March 1980	10-1-4	1

At the 2071st meeting, on 17 March 1978, in connection with the situation in the Middle East, a vote was taken concerning the seating of an invited representative of the PLO at the Council table. The result of the voting was 10 votes to 1, with 4 abstentions. The vote against was cast by a permanent member.

**9. Conduct of business

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

At the 2190th meeting, on 9 January 1980,⁴ in connection with the letter dated 3 January 1980 from 52 Member States regarding Afghanistan, a resolution calling an emergency special session of the General Assembly was adopted by the Council, notwithstanding the negative vote of one permanent member.

⁴2190th mtg. and Corr. I and Add. I, para. 178.

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 Namibia	1829, 6 June 1975	S/11713	S-Power	10-3-2	3
	1963, 19 October 1976	S/12211	7-Power	10-3-2	3
Situation in the Middle East	1802, 8 December 1975	S/11895	S-Power	13-1-1	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>
Middle East problem including the Palestinian question	1879, 26 January 1976	S/11940	6-Power	9-1-3	1
Situation in the Comoros	1886, 6 February 1976	S/11967	5-Power	11-1-3	1
Request by the Libyan Arab Republic and Pakistan for consideration of the situation arising from developments in the occupied Arab territories	1899, 25 March 1976	S/12022	5-Power	14-1-0	1
Question of the exercise by the Palestinian people of its inalienable rights	1938, 29 June 1976 2220, 30 April 1980	S/12119 S/13911	4-Power 1-Power	10-1-4 10-1-4	1 1
Question of South Africa	2045, 31 October 1977 2045, 31 October 1977 2045, 31 October 1977	S/12310/Rev.1 S/12311/Rev.1 S/12312/Rev.1	3-Power 3-Power 3-Power	10-5-0 10-5-0 10-5-0	3 3 3
Telegram dated 3 January 1979 from the Deputy Prime Minister in charge of Foreign Affairs of Democratic Kampuchea	2112, 15 January 1979	S/13027	7-Power	13-2-0	1
Situation in South-East Asia and its implications for international peace and security	2129, 16 March 1979	S/13162	5-Power	13-2-0	1
Letter dated 3 January 1980 from 52 Member States regarding Afghanistan	2190, 7 January 1980	S/13729	6-Power	13-2-0	1
Letter dated 25 November 1979 from the Secretary-General and letter dated 22 December 1979 from the representative of the United States	2191, 13 January 1980	S/13735	1-Power	10-2-2	1

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

(a) IN CONNECTION WITH THE ADMISSION OF NEW MEMBERS TO THE UNITED NATIONS

<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>
Applications of the Republic of South Viet Nam and the Democratic Republic of Viet Nam	1836, 11 August 1975 1836, 11 August 1975 1846, 30 September 1975 1846, 30 September 1975	S/11795 S/11796 S/11832 S/11833	9-Power 9-Power 9-Power 9-Power	13-1-1 13-1-1 14-1-0 14-1-0	1 1 1 1
Application of Angola	1932, 23 June 1976	S/12110	6-Power	13-1-0	1
Application of the Socialist Republic of Viet Nam	1972, 15 November 1976	S/12226	11-Power	14-1-0	1

** (b) IN CONNECTION WITH THE APPOINTMENT OF THE SECRETARY-GENERAL

**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

**A. PROCEEDINGS ON OCCASIONS WHEN THE SECURITY COUNCIL VOTED ON THE "PRELIMINARY QUESTION"

**B. CONSIDERATION OF PROCEDURES INVOLVED IN VOTING ON THE "PRELIMINARY QUESTION"

**1. Consideration of the order in which the matter itself, and the question whether the matter was procedural, should be voted upon

**2. Consideration whether the decision that the matter was procedural was itself a procedural decision

- **3. Consideration of the use of rule 30 of the provisional rules of procedure of the Security Council in determining whether a matter was procedural**

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 2147th meeting, on 12 June 1979, in connection with the question of the situation in the Middle East, the representative of Israel stated that under Article 27, paragraph 3, of the Charter, Kuwait was bound to refrain from voting on any matter connected with the Arab-Israeli conflict—a dispute to which his country was party.

CASE 2

The question of application of Article 27, paragraph 3, arose at the 1888th meeting, on 6 February 1976, in connection with the rejection of a draft resolution during the consideration of the situation in the Comoros. A constitutional discussion ensued regarding the question of whether France, due to its direct involvement in the situation on Mayotte and in the Comoros, was entitled to participate in the vote.

The representative of Benin stressed that point, saying that it was a situation that deserved to be carefully weighed because, on the one hand, there was a State that was not a member of the Council and on the other hand a State that was a member of the Council and, furthermore, a permanent member enjoying the right of veto.

The representative of the Libyan Arab Republic said that according to his understanding of Article 27, paragraph 3, of the Charter, France was not entitled to cast a positive or negative vote since it was a party to the dispute.

The representative of France recalled that in the matter that had brought Panama into direct conflict with the United States, no one had found it exceptional that Panama, which had held the presidency, should have voted and that the United States had also voted and had exercised its right of veto. The situation in which the Council found itself should not prevent States members of the Council or States directly or indirectly concerned in the matter from casting their vote, as they would undoubtedly exercise their vote if the matter were to be considered in the context of Chapter VII of the Charter. To act in any other way would be tantamount to encouraging those States members of the Council, on measures as contemplated in Article 39, to ensure that their right to vote was not challenged.

The representative of Panama said that the Council was considering a matter relating to the peaceful settlement of disputes and he wondered whether, in that case, the representative of France was entitled to cast a veto.

In the case where the Council had visited Panama, the Council essentially had been dealing with a situation that had affected the entire region and the Council, furthermore, had adopted a number of resolutions. Hence, Panama had not been bringing a complaint before the

Council, it had not levelled any accusations against the United States and the Council had not, in fact, been dealing with a dispute between Panama and the United States. It had been dealing with matters relating to the strengthening of peace in Latin America.

The representative of France pointed out that it had been the agenda of the meeting in Panama that had dealt with overall problems of Latin America, but the vote that had been taken on 21 March 1973 had been on a draft resolution that had dealt solely with the problem that existed at that time between the Governments of the United States and Panama.

In his reply, the representative of Panama recognized that there had been very serious differences between the United States Government and the Government of Panama on matters relating to questions vital to Panama, such as that of a new canal treaty. On that occasion, the whole question regarding the maintenance and strengthening of peace in Latin America had been reviewed and considered. At the time that had not been one of the questions under Article 27, paragraph 3.

Addressing the President, he said that members of the Council were not asking for any clarification because that should have been provided before the vote. But it was appropriate to invite all the members of the Council and the United Nations jurists to study the case very carefully because, in the event that a Power that was a permanent member of the Council became a party to a dispute or an accusation by another Member State, serious doubts would arise about whether that right of veto could be exercised.

The President said that before the vote, he had thought that there might be a challenge to the right of France to vote. Accordingly, the Secretariat had been consulted and a position had been developed. Had the question of the right of France to vote been raised before the vote he believed that the right of France to participate in the voting would have been sustained. He added that his statement was not ruling but a point of information.

CASE 3

At the 1970th meeting, on 12 November 1976, in connection with the application of the Socialist Republic of Viet Nam for admission to membership in the United Nations, the representative of Cuba stated that if the United States Government believed that the question of the admission of Viet Nam to the United Nations fell within the sphere of its national policy and that it had to be conditioned on certain agreements it was seeking to obtain at the bilateral level, Washington, D.C. was then, in fact, treating the matter as if it were a controversy in which the United States was one of the interested parties.

In such conditions, a United States veto, based on such a strange interpretation of international law, would be doubly illegal. If the matter could be reduced to a bilateral controversy, then the United States would have to abstain from voting, in accordance with paragraph 3 of Article 27 of Chapter V of the Charter.

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

Column (a) of the tabulation hereunder lists certain cases in which permanent members abstained otherwise than in accordance with the proviso of Article 27, paragraph 3.

Column (b) of the tabulation hereunder lists certain

cases in which permanent members did not participate in the vote.

In three particular cases regarding the admission of new members to the United Nations (Comoros—1848th meeting, 17 October 1975, resolution 376 (1975); Angola—1932nd meeting, 23 June 1976, draft resolution S/12110; and Angola—1974th meeting, 22 November 1976, resolution 397 (1976)) a permanent member did not participate in the vote.

There were no cases of 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 (a)</i>	<i>Non-participation (b)</i>
Situation in the Middle East	1821, 17 April 1975	368 (1975)	—	13-0-0 ^a	—	1
	1822, 28 May 1975	369 (1975)	—	13-0-0 ^a	—	1
	1832, 21 July 1975	Appeal to the President of Egypt on behalf of the Council	—	13-0-0 ^a	—	1
	1833, 24 July 1975	371 (1975)	—	13-0-0 ^a	—	1
	1851, 23 October 1975	378 (1975)	—	13-0-0 ^a	—	1
	1856, 30 November 1975	381 (1975)	4-Power	13-0-0 ^a	—	1
	1862, 8 December 1975	S/11901, para. 4	1-Power	7-0-6 ^a	1	1
	1862, 8 December 1975	S/11901, para. 5	1-Power	7-0-6 ^a	1	1
	1923, 28 May 1976	390 (1976)	6-Power	13-0-0 ^a	—	1
	1964, 22 October 1976	396 (1976)	—	13-0-0 ^a	—	1
	1975, 30 November 1976	398 (1976)	—	12-0-0 ^b	—	1
	2010, 26 May 1977	408 (1977)	—	12-0-0 ^b	—	1
	2035, 21 October 1977	416 (1977)	—	13-0-0 ^a	—	1
	2051, 30 November 1977	420 (1977)	—	12-0-0 ^b	—	1
	2074, 19 March 1978	425 (1978)	1-Power	12-0-2	1	1
	2075, 19 March 1978	426 (1978)	1-Power	12-0-2	1	1
	2076, 3 May 1978	427 (1978)	3-Power	12-0-2	1	1
	2079, 31 May 1978	429 (1978)	—	14-0-0	—	1
	2085, 18 September 1978	434 (1978)	1-Power	12-0-2 ^a	1	1
	2091, 23 October 1978	438 (1978)	—	12-0-2 ^a	1	1
	2101, 30 November 1978	441 (1978)	—	14-0-0	—	1
	2113, 19 January 1979	444 (1979)	—	12-0-2 ^a	1	1
	2145, 30 May 1979	449 (1979)	—	14-0-0	—	1
2149, 14 June 1979	450 (1979)	—	12-0-2 ^a	1	1	
2174, 30 November 1979	456 (1979)	—	14-0-0	—	1	
2180, 19 December 1979	459 (1979)	—	12-0-2 ^a	1	—	
2218, 24 April 1980	467 (1980)	—	12-0-3	2	—	
2224, 30 May 1980	470 (1980)	—	14-0-0	—	1	
2232, 17 June 1980	474 (1980)	—	12-0-2	1	1	
2242, 30 June 1980	476 (1980)	38-Power	14-0-1	1	—	
2245, 20 August 1980	478 (1980)	—	14-0-1	1	—	
2256, 26 November 1980	481 (1980)	—	14-0-0	—	1	
2258, 17 December 1980	483 (1980)	—	12-0-2	1	1	
Situation in Cyprus	1830, 13 June 1975	370 (1975)	—	14-0-0	—	1
	1863, 13 December 1975	383 (1975)	—	14-0-0	—	1
	1927, 15 June 1976	391 (1976)	—	13-0-0 ^a	—	1
	1979, 14 December 1976	401 (1976)	—	13-0-0 ^a	—	1
	2012, 15 June 1977	410 (1977)	—	14-0-0	—	1
	2054, 15 December 1977	422 (1977)	—	14-0-0	—	1
	2080, 16 June 1978	430 (1978)	—	14-0-0	—	1
	2107, 14 December 1978	443 (1978)	—	14-0-0	—	1
	2150, 15 June 1979	451 (1979)	—	14-0-0	—	1
	2179, 14 December 1979	458 (1979)	—	14-0-0	—	1
	2230, 13 June 1980	472 (1980)	—	14-0-0	—	1
Middle East problem including the Palestinian question	1879, 26 January 1976	S/11942	1-Power amendment	4-2-9	2	—
	1879, 26 January 1976	S/11940	6-Power	9-1-3 ^a	1	1
Situation in the Comoros	1888, 6 February 1976	S/11967	5-Power	11-1-3	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 (a)</i>	<i>Non-participation (b)</i>
Complaint by Kenya concerning aggression by South Africa against Angola	1906, 31 March 1976	387 (1976)	6-Power	9-0-5	3	1
Situation in Timor	1914, 22 April 1976	389 (1976)	2-Power	12-0-2 ^c	1	—
Complaint by Mauritius, current Chairman of OAU, of the "fact of aggression" by Israel against Uganda	1943, 14 July 1976	S/12138	2-Power	6-0-2 ^d	—	2
Complaint by Zambia against South Africa	1948, 30 July 1976	393 (1976)	7-Power	14-0-1	1	—
Complaint by Botswana	1985, 14 January 1977	403 (1977)	8-Power	13-0-2	2	—
Situation in Southern Rhodesia	2034, 29 September 1977	415 (1977)	1-Power	13-0-1	1	1
	2067, 14 March 1978	423 (1978)	7-Power	10-0-5	3	—
	2090, 10 October 1978	437 (1978)	4-Power	11-0-4	2	—
	2122, 8 March 1979	445 (1979)	7-Power	12-0-3	3	—
	2143, 30 April 1979	448 (1979)	7-Power	12-0-3	3	—
	2181, 21 December 1979	460 (1979)	—	13-0-2	1	—
Situation in Namibia	2196, 2 February 1980	463 (1980)	7-Power	14-0-0	—	1
	2082, 27 July 1978	431 (1978)	—	13-0-2	1	—
	2087, 29 September 1978	435 (1978)	8-Power	12-0-2	1	1
Situation in the occupied Arab territories	2098, 13 November 1978	439 (1978)	4-Power	10-0-5	3	—
	2134, 22 March 1979	446 (1979)	4-Power	12-0-3	2	—
	2159, 20 July 1979	452 (1979)	—	14-0-1	1	—
	2221, 8 May 1980	468 (1980)	—	14-0-1	1	—
	2222, 20 May 1980	469 (1980)	—	14-0-1	1	—
Complaint by Angola against South Africa	2226, 5 June 1980	471 (1980)	—	14-0-1	1	—
	2139, 28 March 1979	447 (1979)	7-Power	12-0-3	3	—
	2170, 2 November 1979	454 (1979)	6-Power	12-0-3	3	—
Letter dated 25 November 1979 from the Secretary-General and letter dated 22 December 1979 from the representative of the United States	2240, 27 June 1980	475 (1980)	7-Power	12-0-3	3	—
	2184, 31 December 1979	461 (1979)	1-Power	11-0-4	1	—
Question of the exercise by the Palestinian people of its inalienable rights	2191, 13 January 1980	S/13735	1-Power	10-2-2	—	1
	2220, 30 April 1980	S/13911	1-Power	10-1-4	2	—

^a Two members did not participate in the vote
^b Three members did not participate in the vote

^c One member did not participate in the vote.
^d Seven members did not participate in the vote.

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

Part IV

ADOPTION OF RESOLUTIONS AND DECISIONS BY CONSENSUS OR WITHOUT VOTE

The resolutions and decisions adopted by consensus or without vote are presented below in tabular form in order to document the various types of decisions.

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

<i>Agenda item</i>	<i>Meeting and date</i>	<i>Resolution</i>
Situation concerning Western Sahara	1850, 22 October 1975	377 (1975)
	1852, 2 November 1975	379 (1975)
	1854, 6 November 1975	380 (1975)
Situation in South Africa	1930, 19 June 1976	392 (1976)
Complaint by Greece against Turkey	1953, 25 August 1976	395 (1976)
Complaint by Lesotho against South Africa	1982, 22 December 1976	402 (1976)
Complaint by Benin	1987, 8 February 1977	404 (1977)
	2005, 14 April 1977	405 (1977)
Application of the Socialist Republic of Viet Nam for admission to membership in the United Nations	2025, 20 July 1977	413 (1977)
Situation in Cyprus	2100, 27 November 1978	440 (1978)
Complaint by Zambia	2171, 23 November 1979	455 (1979)

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

<i>Agenda item</i>	<i>Meeting and date</i>	<i>Resolution</i>
Situation in Cyprus	1820, 12 March 1975	367 (1975)
	2032, 15 September 1977	414 (1977)
Complaint by Botswana	2008, 25 May 1977	406 (1977)
Complaint by Lesotho against South Africa	2009, 25 May 1977	407 (1977)
Situation in Southern Rhodesia	2011, 27 May 1977	409 (1977)
Complaint by Benin	2049, 24 November 1977	419 (1977)

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**I. 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 concerning Western Sahara	1853, 6 November 1975	1853rd mtg., para. 132
Situation in the occupied Arab territories	1969, 11 November 1976	1969th mtg., para. 41
Situation in the Middle East	2106, 8 December 1978	S/12958,* incorporated in the record of the 2106th mtg., para. 7
	2113, 19 January 1979	S/13043, incorporated in the record of the 2113th mtg., para. 5
	2141, 26 April 1979	S/13272, incorporated in the record of the 2141st mtg., para. 2
	2144, 15 May 1979	2144th mtg., para. 2
	2174, 30 November 1979	S/13662, incorporated in the record of the 2174th mtg., para. 3
	2217, 18 April 1980	S/13900, incorporated in the record of the 2217th mtg., para. 5
	2224, 30 May 1980	S/13970, incorporated in the record of the 2224th mtg., para. 3
	2256, 26 November 1980	S/14271, incorporated in the record of the 2256th mtg., para. 3
Question of South Africa	2140, 5 April 1979	S 13226, incorporated in the record of the 2140th mtg., para. 24

Question of South Africa (continued)	2168, 21 September 1979	S/13549, incorporated in the record of the 2168th mtg., para. 1
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*It was specifically pointed out in this statement that it represented the consensus of the members of the Council.

(b) STATEMENTS ISSUED ONLY AS SECURITY COUNCIL DOCUMENTS

<i>Agenda item</i>	<i>Date</i>	<i>Document number</i>
Letter dated 25 November 1979 from the Secretary-General and letter dated 22 December 1979 from the representative of the United States	9 November 1979	S/13615
Situation in the Middle East	14 November 1979	S/13629
Situation in Namibia	28 November 1979	S/13657
Situation between Iran and Iraq	23 September 1980 5 November 1980	S/14190 S/14244

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

<i>Agenda item</i>	<i>Meeting and date</i>	<i>Document and/or meeting number</i>
Situation in the Middle East	1975, 30 November 1976	1975th mtg., para. 2
	2010, 26 May 1976	2010th mtg., para. 7
	2035, 21 October 1977	2035th mtg., para. 3
	2051, 30 November 1978	2051st mtg., para. 8
	2079, 31 May 1978	S/12724, incorporated in the record of the 2079th mtg., para. 3
	2101, 30 November 1978	S/12943, incorporated in the record of the 2101st mtg., para. 3
	2145, 30 May 1979	S/13362, incorporated in the record of the 2145th mtg., para. 4

Chapter V

SUBSIDIARY ORGANS OF THE SECURITY COUNCIL

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INTRODUCTORY NOTE

The material included in this 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, "Occasions on which subsidiary organs of the Security Council have been established or proposed", includes seven instances (cases 1-3, 5, 7, 10 and 11) in which the Council authorized the Secretary-General to set up a subsidiary organ and five instances (cases 4, 6, 8, 9 and 12) in which the Council itself decided to establish a subsidiary organ.

During the period covered by the present *Supplement*, there were no instances in which a subsidiary organ was formally proposed but not established.

In cases where subsidiary organs were set up by the Secretary-General pursuant to Council resolutions, no

implication is intended whether these bodies do or do not come within Article 29.

Part II of the present chapter contains no entries, 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."

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 enter into immediate consultations with the parties concerned and interested and to report to the Council on the results of his consultations in order to enable the Council to adopt the appropriate measures to deal with the situation in Western Sahara;¹ (b) requested the Secretary-General to send a special representative to East Timor for the purpose of making an on-the-spot assessment of the situation and of establishing contact with the parties in the Territory and all States concerned, and, taking into account the report of his special representative, to submit recommendations to the Council;² (c) accepted the invitation of the Government of Botswana, in connection with its complaint against the illegal régime in Southern Rhodesia concerning violations of its territorial sovereignty, to dispatch a mission to assess the needs of Botswana in carrying out its development projects under the current circumstances, and requested the Secretary-General to organize financial and other forms of assistance and to report to the Council;³ (d) decided to send a special mission composed of three members of the Council to Benin to investigate the events at Cotonou of 16 January 1977 and to report to the Council;⁴ (e) requested the Secretary-General to appoint, in consultation with the members of the Council, a representative to enter into discussions with the British Resident Commissioner designate and with all the parties concerning the military and associated arrangements considered necessary to effect

the transition to majority rule in Southern Rhodesia, and to report to the Council;⁵ (f) decided to establish a Committee of the Council to survey the implementation of resolution 418 (1977) concerning the question of South Africa;⁶ (g) decided to establish immediately a United Nations Interim Force in Lebanon;⁷ (h) requested the Secretary-General to appoint a special representative for Namibia in order to ensure the early independence of Namibia through free elections under the supervision and control of the United Nations;⁸ (i) established a commission consisting of three members of the Council to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem, and requested the commission to report to the Council;⁹ (j) decided to establish an *ad hoc* committee composed of four members of the Council to assist the Council in the implementation of resolution 455 (1979) concerning the complaint by Zambia, and requested the committee to report to the Council;¹⁰ (k) requested the Secretary-General to lend his good offices for the release of the United States personnel held at Teheran and the peaceful resolution of the remaining issues between the United States and Iran, and to report to the Council;¹¹ and (l) welcomed and supported the Secretary-General's offer of his good offices to resolve the conflict between Iran and Iraq, and his decision in that connection to send a special representative to the region.¹²

¹Case 1, resolution 379 (1975).

²Case 2, resolution 384 (1975).

³Case 3, resolution 403 (1977).

⁴Case 4, resolution 404 (1977).

⁵Case 5, resolution 415 (1977).

⁶Case 6, resolution 425 (1978).

⁷Case 7, resolution 431 (1978).

⁸Case 8, resolution 446 (1979).

⁹Case 9, resolution 455 (1979).

¹⁰Case 10, resolution 457 (1979).

¹¹Case 11, President's statements dated 23 September 1980 and 5 November 1980, representing the consensus of the members of the Council

¹Case 1, resolution 379 (1975).

²Case 2, resolution 384 (1975).

³Case 3, resolution 403 (1977).

⁴Case 4, resolution 404 (1977).

The following subsidiary organs, which had been established prior to 1975, continued to exist during part or all of 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 Truce Supervision Organization in Palestine (UNTSO), the United Nations Emergency Force (Middle East) (UNEF), 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 Peace-keeping Force in Cyprus (UNFICYP), the Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia, the *Ad Hoc* Sub-Committee on Namibia, the Committee of Experts established by the Security Council at its 1506th meeting and the Committee on Council Meetings Away from Headquarters.

Whereas the Committee of Experts did not meet during the period under review, the Committee on the Admission of New Members was asked to consider the application for admission to membership in the United Nations of the Republic of South Viet-Nam,¹³ the Democratic Republic of Viet-Nam,¹⁴ Cape Verde,¹⁵ Sao Tome and Principe,¹⁶ Mozambique,¹⁷ Papua New Guinea,¹⁸ the Comoros,¹⁹ Suriname,²⁰ Angola,²¹ Seychelles,²² the Socialist Republic of Viet Nam,²³ Western Samoa,²⁴ Djibouti,²⁵ Solomon Islands,²⁶ Dominica,²⁷ Saint Lucia,²⁸ Saint Vincent and the Grenadines²⁹ and Zimbabwe.³⁰ and to report to the Council in accordance with rule 59 of the provisional rules of procedure of the Security Council.³¹

UNTSO continued to function throughout the period under review. Following the establishment of the United Nations Interim Force in Lebanon (UNIFIL),³² on 19 March 1978, military observers from UNTSO were detached to UNIFIL to staff the temporary headquarters at Naqoura and to make the necessary arrangements for the arrival and deployment of the first units of UNIFIL. During the initial phase of deployment, UNTSO military observers assisted UNIFIL by filling selected staff positions at the Force headquarters and by manning mobile teams for liaison between the UNIFIL battalions and Israeli forces in the area of operation. Subsequently, the military observers were assigned various tasks in accordance with the requirements of the Force, in addition to which UNTSO provided administrative support for

UNIFIL, particularly during the initial stages of its deployment.³³

The mandate of UNEF was extended six times during the period under review.³⁴ Through a series of progress reports,³⁵ the Secretary-General kept the Council apprised of the situation in the UNEF area of operation and other developments related to the functioning of the Force. Following its consideration of the Secretary-General's report dated 16 July 1975,³⁶ the Council, at its 1832nd meeting, adopted an appeal to the Government of Egypt to reconsider its decision not to consent to the renewal of UNEF, to which the Government of Egypt subsequently agreed.³⁷ Upon the establishment of UNIFIL on 19 March 1978, one reinforced company of the Swedish battalion, along with movement control and signals detachments from the Canadian logistic unit of UNEF, was temporarily transferred to UNIFIL.³⁸ In his final progress report on UNEF, dated 19 July 1979,³⁹ the Secretary-General noted that, as a treaty of peace between Egypt and Israel had entered into force as at 25 April 1979, the original context under which UNEF had been established had basically changed during the period under review. Accordingly, following consultations among the members of the Council, the mandate of UNEF was allowed to expire at midnight on 24 July 1979.⁴⁰

UNDOF continued to function throughout the period under review, during which time the Council extended its mandate 12 times,⁴¹ following consideration of the Secretary-General's regular progress reports.⁴² In March 1978, one reinforced company of the Iranian battalion was temporarily transferred to UNIFIL; it was returned to UNDOF on 14 June 1978.⁴³ When the mandate of UNEF was terminated in July 1979, the Secretary-General proposed to increase the logistic component of UNDOF by 200 men, bringing the overall strength of the Force to about 1,450, to which the Council acceded.⁴⁴

Regarding the peace-keeping operations established by the Council in the Middle East, the Secretary-General on

³³ See the Secretary-General's report on UNIFIL: S/12845, paras. 2 and 28-31, OR, 33rd yr., Suppl. for July-Sept. 1978.

³⁴ The mandate of the Force was extended by resolution 368 (1975), 371 (1975), 378 (1975), 396 (1976), 416 (1977) and 438 (1978).

³⁵ The Secretary-General submitted the following progress reports: S/11536/Add.1, OR, 30th yr., Suppl. for Jan.-March 1975; S/11670, *ibid.*, Suppl. for April-June 1975; S/11758, *ibid.*, Suppl. for July-Sept. 1975; S/11849, *ibid.*, Suppl. for Oct.-Dec. 1975; S/12212, *ibid.*, 31st yr., Suppl. for Oct.-Dec. 1976; S/12416, *ibid.*, 32nd yr., Suppl. for Oct.-Dec. 1977; S/12897, *ibid.*, 33rd yr., Suppl. for Oct.-Dec. 1978; and S/13460 and Corr.1, *ibid.*, 34th yr., Suppl. for July-Sept. 1979.

³⁶ S/11758, OR, 30th yr., Suppl. for Jan.-March 1975.

³⁷ See the note from the President of the Council, dated 23 July 1975: S/11771, OR, 30th yr., Suppl. for July-Sept. 1975.

³⁸ See S/12897, OR, 33rd yr., Suppl. for Oct.-Dec. 1978.

³⁹ See S/13460 and Corr.1, OR, 34th yr., Suppl. for July-Sept. 1979.

⁴⁰ See the letter from the Secretary-General dated 24 July 1979: S/13468, OR, 34th yr., Suppl. for July-Sept. 1979.

⁴¹ The mandate of the Force was extended by resolutions 369 (1975), 381 (1975), 390 (1976), 398 (1976), 408 (1977), 420 (1977), 429 (1978), 441 (1978), 449 (1979), 456 (1979), 470 (1980) and 481 (1980).

⁴² The Secretary-General submitted the following progress reports: S/11563/Add.1, OR, 30th yr., Suppl. for Jan.-March 1975; S/11694, *ibid.*, Suppl. for April-June 1975; S/11883 and Add.1, *ibid.*, Suppl. for Oct.-Dec. 1975; S/12083 and Add.1, *ibid.*, 31st yr., Suppl. for April-June 1976; S/12210, *ibid.*, Suppl. for Oct.-Dec. 1976; S/12533, *ibid.*, 32nd yr., Suppl. for April-June 1977; S/12453, *ibid.*, Suppl. for Oct.-Dec. 1977; S/12710, *ibid.*, 33rd yr., Suppl. for April-June 1978; S/12934, *ibid.*, Suppl. for Oct.-Dec. 1978; S/13350, *ibid.*, 34th yr., Suppl. for April-June 1979; S/13637, *ibid.*, Suppl. for Oct.-Dec. 1979; S/13957, *ibid.*, 33th yr., Suppl. for April-June 1980; and S/14263, *ibid.*, Suppl. for Oct.-Dec. 1980.

⁴³ See S/12845, OR, 33rd yr., Suppl. for July-Sept. 1978.

⁴⁴ See the note from the President of the Security Council dated 1 August 1979 indicating the agreement of the members of the Council: S/13480, OR, 34th yr., Suppl. for July-Sept. 1979. China dissociated itself from the matter.

¹³ 1834th, 1836th, 1842nd and 1846th mtgs.

¹⁴ *Ibid.*

¹⁵ 1837th and 1838th mtgs.

¹⁶ *Ibid.*

¹⁷ *Ibid.*

¹⁸ 1839th and 1841st mtgs.

¹⁹ 1847th and 1848th mtgs.

²⁰ 1857th and 1858th mtgs.

²¹ 1931st, 1932nd, 1973rd and 1974th mtgs.

²² 1951st and 1952nd mtgs.

²³ 1955th, 1970th-1972nd and 2022nd-2025th mtgs.

²⁴ 1976th and 1977th mtgs.

²⁵ 2020th and 2021st mtgs.

²⁶ 2083rd and 2084th mtgs.

²⁷ 2104th and 2105th mtgs.

²⁸ 2166th and 2167th mtgs.

²⁹ 2197th and 2198th mtgs.

³⁰ 2243rd and 2244th mtgs.

³¹ For further information, consult chapter VII on the admission of new members.

³² See case 6 below.

4 August 1975 addressed a communication to the President of the Council proposing the establishment of a co-ordination mechanism for UNTSO, UNEF and UNDOF, which would retain their operational identities. Accordingly, he proposed—and the Council agreed—to appoint Lieutenant-General Ensio Siilasvuo, the Commander of UNEF, as the Chief Co-ordinator of the United Nations Peace-keeping Missions in the Middle East.⁴⁵

There was no activity on the part of the Special Representative of the Secretary-General in the Middle East during the period under review.

UNMOGIP, the United Nations Representative for India and Pakistan and the Special Representative for humanitarian problems under resolution 307 (1971) continued in existence.

The mandate of UNFICYP was renewed 12 times during the period under review.⁴⁶ Following the developments of February 1975, including the breakdown of intercommunal talks, the Council, by resolution 367 (1975), requested the Secretary-General to undertake a new mission of good offices. In his reports on his good offices⁴⁷ and his periodic reports⁴⁸ on UNFICYP, the Secretary-General kept the Council informed about the progress of negotiations and intercommunal talks held under his auspices in the presence of his Special Representative, which were resumed in May 1975 and continued intermittently throughout the period under review. In his report dated 1 December 1977,⁴⁹ the Secretary-General informed the Council that, owing to the low rate of incidents and the disciplines of the confronting forces, the Finnish battalion had not been replaced upon its withdrawal on 13 October 1977 because of financial considerations, resulting in a partial redeployment of the Force.

The Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia remained active during part of the period under review and submitted a number of regular, interim and special reports to the Council.⁵⁰ In a note verbale dated

⁴⁵S/11808, OR, 30th yr., Suppl. for July-Sept. 1975. China and Iraq dissociated themselves from the matter.

⁴⁶The mandate of the Force was extended by resolution 370 (1975), 383 (1975), 391 (1976), 401 (1976), 410 (1977), 422 (1977), 430 (1978), 443 (1978), 451 (1979), 458 (1979), 472 (1980) and 482 (1980).

⁴⁷The Secretary-General submitted the following reports on his good offices: S/11684, OR, 30th yr., Suppl. for April-June 1975; S/11789 and Add.1 and Add.2, *ibid.*, Suppl. for July-Sept. 1975; S/11993, *ibid.*, 31st yr., Suppl. for Jan.-March 1976; S/12031, *ibid.*; S/12222, *ibid.*, Suppl. for Oct.-Dec. 1976; S/12323, *ibid.*, 32nd yr., Suppl. for April-June 1977, and S/14100, *ibid.*, 35th yr., Suppl. for July-Sept. 1980. He also submitted one special report: S/11684, OR, 30th yr., Suppl. for April-June 1975.

⁴⁸The Secretary-General submitted the following periodic reports: S/11717, OR, 30th yr., Suppl. for April-June 1975; S/11900 and Add.1, *ibid.*, Suppl. for Oct.-Dec. 1975; S/12093, *ibid.*, 31st yr., Suppl. for April-June 1976; S/12253 and Add.1, *ibid.*, Suppl. for Oct.-Dec. 1976; S/12342 and Add.1, *ibid.*, 32nd yr., Suppl. for April-June 1977; S/12463 and Add.1, *ibid.*, Suppl. for Oct.-Dec. 1977; S/12723 and Add.1, *ibid.*, 33rd yr., Suppl. for April-June 1978; S/12946 and Add.1, *ibid.*, Suppl. for Oct.-Dec. 1978; S/13369 and Add.1, *ibid.*, 34th yr., Suppl. for April-June 1979; S/13672 and Add.1, *ibid.*, Suppl. for Oct.-Dec. 1979; S/13972 and Add.1, *ibid.*, 35th yr., Suppl. for April-June 1980, and S/14275 and Add.1, *ibid.*, Suppl. for Oct.-Dec. 1980.

⁴⁹See S/12463 cited in the preceding footnote.

⁵⁰The Committee submitted the following regular reports: seventh report (S/11594/Rev.1, OR, 30th yr., Special Suppl. No. 2); eighth report (S/11927/Rev.1, *ibid.*, 31st yr., Special Suppl. No. 2); ninth report (S/12265, *ibid.*, 32nd yr., Special Suppl. No. 2); tenth report (S/12529/Rev.1, *ibid.*, 33rd yr., Special Suppl. No. 2); eleventh report (S/13000, *ibid.*, 34th yr., Special Suppl. No. 2); and twelfth report (S/13750, *ibid.*, 35th yr., Special Suppl. No. 2). It submitted the following interim reports: S/12450, *ibid.*, 32nd yr., Suppl. for Oct.-Dec. 1977; and S/13191, *ibid.*, 34th yr., Suppl. for Jan.-March 1979. It also submitted the following special reports: S/11597, *ibid.*, 30th yr., Special Suppl. No. 3; S/11913, *ibid.*, Suppl. for Oct.-Dec. 1975; and S/12296, *ibid.*, 32nd yr., Suppl. for Jan.-March 1977.

3 April 1979,⁵¹ Benin recommended that the meetings of the Committee, as well as those of the Committee established under resolution 421 (1977),⁵² should be public and open to participation by States and individuals who could help the Committees to do objective and profitable work. In December 1979, following the conclusion of the Lancaster House agreements on Southern Rhodesia, the Council, by resolution 460 (1979), decided to terminate the measures taken against Southern Rhodesia under Chapter VII of the Charter and to dissolve the Committee established in pursuance of resolution 253 (1968) in accordance with rule 28 of its provisional rules of procedure.⁵³

The *Ad Hoc* Sub-Committee on Namibia, the Committee of Experts established by the Security Council to study the question of "associate membership" and the Security Council Committee on Council Meetings Away from Headquarters continued in existence but did not meet during the period covered by the present *Supplement*.

There was one instance during the period under review in which a subsidiary organ was formally established by the Council but was never actually constituted, owing to the failure of one of the parties concerned to agree to the conditions under which it would have been set up. Following the appointment of a Special Representative for Namibia,⁵⁴ the Security Council, by resolution 435 (1978), approved the report of the Secretary-General⁵⁵ on the implementation of the proposal for a settlement of the Namibian situation⁵⁶ and decided to establish a United Nations Transition Assistance Group (UNTAG) whose functions, under the direction of the Special Representative, would include: (a) monitoring the cessation of hostilities and the restriction to base of the parties concerned; (b) monitoring the phased withdrawal of all but the specified number of the South African forces and the restriction to base of the remainder; (c) surveillance of borders and the prevention of infiltration; (d) monitoring the demobilization of citizen forces, commandos and ethnic forces and the dismantling of their command structures; (e) assisting in the arrangements for the release of all political prisoners or detainees and the peaceful, voluntary return of Namibians outside the Territory; (f) supervising and controlling all aspects of the electoral process; (g) assisting in arrangements intended to inform the electorate as to the significance of the elections and the procedure for voting; (h) advising the Special Representative as to the repeal of discriminatory laws or measures; (i) accompanying the existing police forces when appropriate and ensuring their good conduct; (j) taking measures against intimidation or interference with the electoral process from any quarter; and (k) ensuring the absence or investigating complaints of any factors that might impede the objective of free and fair elections.⁵⁷

There were also several occasions during the period covered by the present *Supplement* on which the Council requested action on the part of the Secretary-General:

⁵¹S/13247, *ibid.*, 34th yr., Suppl. for April-June 1979.

⁵²See case 12 below.

⁵³See 2181st mtg.

⁵⁴See case 7 below.

⁵⁵S/12827, OR, 33rd yr., Suppl. for July-Sept. 1978.

⁵⁶S/12636, *ibid.*, Suppl. for April-June 1978.

⁵⁷In the course of the Council's debates on Namibia, a number of delegations expressed reservations or clarified their positions regarding the proposal for a settlement of the Namibian situation and the establishment of UNTAG. See, especially, 2082nd mtg.: Mr. Sam Nujoma (SWAPO), paras. 69-108; Mauritius, paras. 126-151; China, paras. 154-161; USSR, paras. 175-191; Kuwait, paras. 193-200; Czechoslovakia, paras. 209-215; Bolivia, paras. 220-224; and South Africa, paras. 252-281; and 2088th mtg.: Zambia (on behalf of the front-line States), paras. 70-85.

(a) by resolution 386 (1976), in connection with the request by Mozambique under Article 50 of the Charter in relation to the situation that had arisen as a result of its decision to impose sanctions against Southern Rhodesia, the Council requested the Secretary-General to organize all forms of financial, technical and material assistance to Mozambique; (b) by resolution 402 (1976), in connection with the complaint by Lesotho against South Africa, the Council requested the Secretary-General to organize all forms of financial, technical and material assistance to Lesotho and to report to the Council; (c) by resolution 405 (1977), in connection with the complaint by Benin, the Council requested the Secretary-General to provide appropriate technical assistance to help the Government of Benin in assessing and evaluating the damage resulting from the act of armed aggression committed at Cotonou on 16 January 1977; and (d) by resolution 411 (1977), in connection with the complaint by Mozambique, the Council requested the Secretary-General to co-ordinate the efforts of the United Nations system and to organize an effective programme of international assistance to Mozambique.⁵⁸

While the Council was seized of a complaint by Malta against the Libyan Arab Jamahiriya, the Secretary-General informed the President of the Council that, following consultations with the parties and with their consent, he had decided to send a senior official of the Secretariat as his Special Representative to discuss the question with the two Governments.⁵⁹ The Council agreed⁶⁰ and the Secretary-General subsequently submitted a report⁶¹ on the mission of his Special Representative.

During the Council's consideration of the question of the situation in South-East Asia and its implications for international peace and security, Indonesia, Malaysia, the Philippines and Singapore submitted a draft resolution⁶² by which the Council would have, among other things, welcomed the offer of the good offices of the Secretary-General in the search for a peaceful solution.⁶³

There were several instances where participants in the Council proceedings and members of the Organization proposed the creation of subsidiary organs without submitting their suggestions in the form of draft resolutions.⁶⁴

⁵⁸In each case, the Secretary-General complied with the Council's request and submitted a report on the implementation of the resolution in question.

⁵⁹S/14228, *OR*, 35th yr., *Suppl. for Oct.-Dec. 1980*.

⁶⁰S/14229, *ibid.*

⁶¹S/14256, *ibid.*

⁶²S/13162, *ibid.*, 34th yr., *Suppl. for Jan.-March 1979*.

⁶³At the 2129th meeting, on 16 March 1979, the draft resolution received 13 votes to 2 and was not adopted owing to the negative vote of one of the permanent members of the Council.

⁶⁴The Council discussed the dispatch of a fact-finding body to Cyprus on several occasions: (a) the USSR reminded the Council of its previous proposal for sending a special mission composed of members of the Council to make an on-the-spot assessment of the implementation of resolution 353 (1974) (for the proposal see S/11391, *OR*, 29th yr., *Suppl. for July-Sept. 1974*; for the relevant statements see 1813th mtg., para. 204, and 1979th mtg., para. 219); (b) Cyprus argued in favour of the Council's sending a fact-finding body to Cyprus and formally invited a fact-finding mission of the Council (1814th mtg., paras. 60-63; 1817th mtg., para. 192, and 1926th mtg., para. 219); and (c) Panama pointed out that under Article 39 of the Charter the Council was empowered to appoint a mission of inquiry consisting of some of its members, and expressed the belief that it should do so before the current mandate of UNFICYP had expired (2055th mtg., para. 122).

Two informal proposals were made in connection with the situation in the occupied Arab territories: the representative of Oman, as current Chairman of the African Group at the United Nations, addressed a letter to the Secretary-General requesting him to send a representative to look into the matter of Israeli acquisition of land in the occupied Arab territories (S/12053, *OR*, 31st yr., *Suppl. for April-June 1976*); and Jordan proposed that the Council set up a three-man monitoring team to oversee strict observance of the Fourth Geneva Convention in the occupied Arab territories and to report monthly to the Council on violations of the integrity and inviolability of the territories and

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 377 (1975)

At its 1850th meeting, on 22 October 1975, during its consideration of the situation concerning Western Sahara, the Council adopted by consensus a draft resolution⁶⁵ agreed upon by the members of the Council in consultations as resolution 377 (1975), the operative part of which reads as follows:

The Security Council,

1. Acting in accordance with Article 34 of the Charter of the United Nations and without prejudice to any action which the General Assembly might take under the terms of its resolution 3292 (XXIX) of 13 December 1974 or to negotiations that the parties concerned and interested might undertake under Article 33 of the Charter, requests the Secretary-General to enter into immediate consultations with the parties concerned and interested and to report to the Security Council as soon as possible on the results of his consultations in order to enable the Council to adopt the appropriate measures to deal with the present situation concerning Western Sahara;

2. Appeals to the parties concerned and interested to exercise restraint and moderation, and to enable the mission of the Secretary-General to be undertaken in satisfactory conditions.

In accordance with this decision, the Secretary-General held consultations at Headquarters with representatives of the parties concerned and interested, and visited Morocco, Mauritania, Algeria and Spain between 25 and 28 October 1975. Upon leaving Spain he sent Mr. André Lewin as his personal representative to brief the Governments of Morocco, Mauritania and Algeria on the results of his consultations.⁶⁶ In his report to the Security Council dated 31 October 1975,⁶⁷ the Secretary-General stated that consultations with the parties were continuing and the results were expected to be known shortly.

the people (1993rd mtg., paras. 60-63). A commission fulfilling similar functions was subsequently established by the Council under resolution 446 (1979); see case 8 below.

Thailand addressed a letter to the Secretary-General requesting the stationing of a United Nations observer team on the Thai side of the Thai-Kampuchean border (S/14046, *OR*, 35th yr., *Suppl. for July-Sept. 1980*). In his reply, the Secretary-General pointed out that he was not in a position to dispatch United Nations observers to Thailand under his personal authority, and that any such action would have to be carried out under the authority of the Council (S/14058, *OR*, 35th yr., *Suppl. for July-Sept. 1980*).

The following suggestions were also made: in a statement transmitted by the Ivory Coast, the President of the Ivory Coast called upon the United Nations to dispatch a mission to verify the accuracy or inaccuracy of accusations made against the Ivory Coast by Guinea (S/12125, *OR*, 31st yr., *Suppl. for July-Sept. 1976*); Indonesia extended an invitation to the Security Council to visit East Timor, which the Council declined (S/12104, *OR*, 31st yr., *Suppl. for April-June 1976*); Liberia inquired whether South Africa would accept and co-operate with a fact-finding mission of the Council in connection with the complaint by Zambia against South Africa (1945th mtg., para. 124); Indonesia transmitted a statement on behalf of the foreign ministers of the States members of the Association of South-East Asian Nations (ASEAN) regarding the Viet Nam-Kampuchea conflict, suggesting a visit to the area by the Secretary-General or his special representative (S/13014, *OR*, 34th yr., *Suppl. for Jan.-March 1979*); and Morocco transmitted a message from the King of Morocco appealing to the Secretary-General to join his efforts to those of the President of the OAU to procure the release of Moroccan citizens who he charged had been kidnapped and were being held hostage in Algeria (S/12537, *OR*, 33rd yr., *Suppl. for Jan.-March 1979*).

⁶⁵S/11858. Adopted without change.

⁶⁶S/11863, paras. 3-10, *OR*, 30th yr., *Suppl. for Oct.-Dec. 1975*.

⁶⁷*Ibid.*

The Council considered the Secretary-General's report at its 1852nd meeting, on 2 November 1975, and adopted a draft resolution⁶⁸ agreed upon in consultations as resolution 379 (1975), which, *inter alia*, requested the Secretary-General to continue and intensify his consultations and to report to the Council on the results as soon as possible.

In pursuance of resolution 379 (1975), the Secretary-General submitted three reports⁶⁹ to the Council, informing it of his consultations at Headquarters, the activities of Mr. André Lewin, his special envoy to Morocco, Mauritania, Algeria and Spain, and recent developments in the situation as conveyed to him by the Governments involved.

CASE 2

Special Representative of the Secretary-General under Security Council resolution 384 (1975)

At its 1869th meeting, on 22 December 1975, in the course of its consideration of the situation in Timor, the Security Council unanimously adopted a draft resolution⁷⁰ prepared in the course of consultations as resolution 384 (1975), paragraphs 5 and 6 of which read as follows:

The Security Council,

5. *Requests* the Secretary-General to send urgently a special representative to East Timor for the purpose of making an on-the-spot assessment of the existing situation and of establishing contact with all the parties in the Territory and all States concerned in order to ensure the implementation of the present resolution;

6. *Further requests* the Secretary-General to follow the implementation of the present resolution and, taking into account the report of his special representative, to submit recommendations to the Security Council as soon as possible;

At the same meeting, the representative of China stated that, regarding paragraph 5 of the resolution, his delegation doubted the necessity and usefulness of sending a representative of the Secretary-General.⁷¹ The representative of the United Republic of Tanzania emphasized his delegation's view that the role of the Secretary-General and of his special representative was confined to that resolution.⁷²

In his report to the Security Council dated 12 March 1976,⁷³ the Secretary-General indicated that on 29 December 1975 he had appointed as his Special Representative Mr. Vittorio Winspeare Guicciardi, whose report, submitted to the Secretary-General on 29 February 1976, he included as an annex. Mr. Winspeare Guicciardi had travelled extensively in pursuance of his mission but for technical and security reasons he had been prevented from visiting certain areas, and thus from making a satisfactory assessment of the situation. However, useful contacts had been established with the parties and States concerned, and the Secretary-General suggested that consultations by his Special Representative should be continued, on the understanding that any developments would be reported to the Council.

The Council considered the Secretary-General's report at its 1908th to 1915th meetings, from 12 to 22 April 1976. At its 1914th meeting, on 22 April 1976, the Council

adopted by 12 votes to none, with 2 abstentions,⁷⁴ a draft resolution⁷⁵ sponsored by Guyana and the United Republic of Tanzania as resolution 389 (1976), which, *inter alia*, requested the Secretary-General to have his Special Representative continue the assignment entrusted to him under paragraph 5 of resolution 384 (1975) and to report to the Council as soon as possible.

In accordance with the request contained in resolution 389 (1976), the Secretary-General submitted a report to the Council on 22 August 1976,⁷⁶ in which the second report of his Special Representative was included as an annex. Having given an account of his activities and consultations, the Special Representative concluded that it had not been possible to assess accurately the prevailing situation in East Timor, particularly as regarded the implementation of resolutions 384 (1975) and 389 (1976).

CASE 3

Mission to Botswana under Security Council resolution 403 (1977)

At its 1984th meeting, on 13 January 1977, in connection with the complaint by the Government of Botswana against the illegal régime in Southern Rhodesia concerning violations of its territorial sovereignty, the Council adopted, by 13 votes to none, with 2 abstentions, a draft resolution⁷⁷ sponsored by Benin, India, the Libyan Arab Republic, Mauritius, Pakistan, Panama, Romania and Venezuela as resolution 403 (1977), paragraphs 6 and 8 of which read as follows:

The Security Council,

6. *Accepts* the invitation of the Government of Botswana to dispatch a mission to assess the needs of Botswana in carrying out its development projects under the present circumstances and, accordingly, requests the Secretary-General, in collaboration with appropriate organizations of the United Nations system, to organize with immediate effect financial and other forms of assistance to Botswana and to report to the Security Council not later than 31 March 1977;

8. *Appeals* to all States to respond positively in providing assistance to Botswana, in the light of the report of the Mission of the Secretary-General, in order to enable Botswana to carry out its planned development projects;

By a note dated 28 March 1977,⁷⁸ the Secretary-General transmitted to the Council the report of the Mission to Botswana,⁷⁹ which gave an account of the activities of the Mission and included its conclusions and recommendations. The report indicated that, following consultations with the Minister for External Relations of Botswana, the Secretary-General had appointed a mission of seven members, headed by the Assistant Secretary-General for Special Political Questions of the Office of the Secretary-General. The Mission had arrived in Gaborone on 15 February 1977 and spent 14 days in Botswana.

⁶⁸S/11865. Adopted without change.

⁶⁹S/11874, *OR*, 30th yr., *Suppl. for Oct.-Dec. 1975*; S/11876, *ibid.*, and S/11880, *ibid.*

⁷⁰S/11915. Adopted without change.

⁷¹1869th mtg., para. 15.

⁷²*Ibid.*, para. 76.

⁷³S/12011, *OR*, 31st yr., *Suppl. for Jan.-March 1976*.

⁷⁴One member (Benin) did not participate in the voting.

⁷⁵S/12056. Adopted without change. After the vote, the representative of Panama stated that his delegation wished it to be placed on record that it had intended to co-sponsor the draft resolution (1914th mtg., para. 50).

⁷⁶S/12116, *OR*, 31st yr., *Suppl. for Jan.-March 1976*.

⁷⁷S/12276. Adopted without change.

⁷⁸S/12307, *OR*, 32nd yr., *Suppl. for Jan.-March 1977*.

⁷⁹The report was subsequently transmitted to all States Members of the United Nations and members of the specialized agencies, under cover of a letter dated 18 April 1977 from the Secretary-General expressing confidence that all States would respond positively to the appeal made by the Council by providing Botswana with the financial and material assistance it so urgently needed (S/12326, *OR*, 32nd yr., *Suppl. for April-June 1977*).

At its 2008th meeting, on 25 May 1977, the Council adopted unanimously, without a vote, a draft resolution⁴⁰ sponsored by Benin, India, the Libyan Arab Jamahiriya, Mauritius, Pakistan, Panama, Romania and Venezuela as resolution 406 (1977), by which it, *inter alia*: expressed its appreciation to the Secretary-General for having arranged to send the Mission to Botswana; took note of the Mission's report; fully endorsed the assessment and recommendations of the Mission; and requested the Secretary-General to give the matter of assistance to Botswana his continued attention and to keep the Council informed.⁴¹

CASE 4

Special Mission to the People's Republic of Benin established under Security Council resolution 404 (1977)

At its 1987th meeting, on 8 February 1977, during its consideration of the complaint by Benin, the Council adopted by consensus, without a vote, a revised draft resolution⁴² sponsored by Benin, the Libyan Arab Republic and Mauritius as resolution 404 (1977), paragraphs 2 to 4 of which read as follows:

The Security Council,

2. *Decides* to send a Special Mission composed of three members of the Security Council to the People's Republic of Benin in order to investigate the events of 16 January 1977 at Cotonou and report not later than the end of February 1977;

3. *Decides* that the members of the Special Mission will be appointed after consultations between the President and the members of the Security Council;

4. *Requests* the Secretary-General to provide the Special Mission with the necessary assistance;

In a note dated 10 February 1977,⁴³ the President of the Council indicated that, following consultations with the members of the Council, it had been agreed that the Special Mission would be composed of India, the Libyan Arab Republic and Panama, with Panama serving as its Chairman. In another note, dated 23 February 1977,⁴⁴ the President indicated that, having held consultations, the members of the Council had agreed to extend the date for the submission of the report of the Special Mission, as requested by the Chairman of the Special Mission in a telegram dated 22 February 1977.

The report of the Special Mission to Benin, dated 7 March 1977,⁴⁵ gave an account of the investigation it had conducted during its visit to Benin, from 16 to 25 April 1977, and included the conclusions it had drawn from the testimony received and the evidence examined.

The Council considered the Special Mission's report at its 2000th to 2005th meetings, from 6 to 14 April 1977. At its 2005th meeting, the Council adopted by consensus, without a vote, a draft resolution⁴⁶ sponsored by Benin, the Libyan Arab Jamahiriya and Mauritius, later joined by India and Panama, as resolution 405 (1977), by which, *inter alia*, it took note of the report of the Special Mission and expressed its appreciation for the work accomplished.

⁴⁰S/12334. Adopted without change.

⁴¹The Secretary-General subsequently submitted to the Council the following reports: S/12421, *OR, 32nd yr., Suppl. for Oct.-Dec. 1977*; S/13506, *ibid., 34th yr., Suppl. for July-Sept. 1979*; and S/13870, *ibid., 35th yr., Suppl. for April-June 1980*.

⁴²S/12282/Rev.1. Adopted without change.

⁴³S/12286, *OR, 32nd yr., Suppl. for Jan.-March 1977*.

⁴⁴S/12289, *ibid.*

⁴⁵S/12294 and Add.1. Replaced by S/12294/Rev.1, *OR, 32nd yr., Special Suppl. No. 3*.

⁴⁶S/12322. Adopted without change.

CASE 5

Representative of the Secretary-General under Security Council resolution 415 (1977)

At its 2034th meeting, on 29 September 1977, in connection with its consideration of the situation in Southern Rhodesia, the Council adopted, by 13 votes to none, with 1 abstention,⁴⁷ a revised draft resolution⁴⁸ sponsored by the United Kingdom as resolution 415 (1977), the operative part of which reads as follows:

The Security Council,

1. *Requests* the Secretary-General to appoint, in consultation with the members of the Security Council, a representative to enter into discussions with the British Resident Commissioner designate and with all the parties concerning the military and associated arrangements that are considered necessary to effect the transition to majority rule in Southern Rhodesia;

2. *Further requests* the Secretary-General to transmit a report on the results of these discussions to the Security Council as soon as possible;

3. *Calls upon* all parties to co-operate with the representative of the Secretary-General in the conduct of the discussions referred to in paragraph 1 of the present resolution.

In a note dated 4 October 1977,⁴⁹ the President of the Council stated that, following consultations at which 14 of the members of the Council⁵⁰ had agreed to his proposal, the Secretary-General had appointed Lieutenant-General D. Prem Chand as his representative and had asked him to come to United Nations Headquarters to consult with him and to organize his mission.

At its 2067th meeting, on 14 March 1978, the Council adopted by 10 votes to none, with 5 abstentions, a draft resolution⁵¹ sponsored by Bolivia, Gabon, India, Kuwait, Mauritius, Nigeria and Venezuela as resolution 423 (1978), by which the Council, *inter alia*, recalling its resolutions on the question of Southern Rhodesia and resolution 415 (1977) in particular, encouraged the United Kingdom, with the assistance of the Secretary-General, to enter into immediate consultations with the parties concerned, and requested the Secretary-General to report not later than 15 April 1978 on the results.

In his report on the implementation of resolution 423 (1978), dated 1 May 1978,⁵² the Secretary-General indicated that he had been kept informed by the representative of the United Kingdom and by his own representative of all pertinent developments that had taken place during the course of consultations between the United Kingdom and the parties concerned, and that the Governments of the United Kingdom and the United States had both found it valuable that the representative of the Secretary-General had been able to participate in many of the discussions.

CASE 6

United Nations Interim Force in Lebanon (UNIFIL)

At its 2074th meeting, on 19 March 1978, during its consideration of the situation in the Middle East, the Council adopted a draft resolution⁵³ sponsored by the

⁴⁷One permanent member (China) did not participate in the voting.

⁴⁸S/12404/Rev.1. Adopted without change.

⁴⁹S/12411, *OR, 32nd yr., Suppl. for Oct.-Dec. 1977*.

⁵⁰China dissociated itself from the matter.

⁵¹S/12597. Adopted without change.

⁵²S/12704, *OR, 33rd yr., Suppl. for April-June 1978*.

⁵³S/12810. Adopted without change.

United States by 12 votes to none, with 2 abstentions,⁹⁸ as resolution 425 (1978), paragraphs 3 and 4 of which read as follows:

The Security Council,

3. *Decides*, in the light of the request of the Government of Lebanon, to establish immediately under its authority a United Nations interim force for southern Lebanon for the purpose of confirming the withdrawal of Israeli forces, restoring international peace and security and assisting the Government of Lebanon in ensuring the return of its effective authority in the area, the force to be composed of personnel drawn from Member States;

4. *Requests the Secretary-General to report to the Council within twenty-four hours on the implementation of the present resolution.*

At the same meeting, in explanation of the vote, several members of the Council expressed reservations about the provisions of the resolution.⁹⁹

The representative of China noted that his delegation disagreed in principle with the practice of sending United Nations forces, as it might pave the way for super-Power interference.¹⁰⁰

The representative of the USSR stated that his delegation considered that it was improper for the United Nations troops to carry out the functions relating to the transfer of authority to the Government of Lebanon. In addition, the resolution should contain provisions limiting the stay of the troops to a short period of time, and indicating that they should be withdrawn at the request of the Lebanese Government.¹⁰¹ He further stated that, in the view of his delegation, the expense of sending United Nations troops to southern Lebanon should be borne by the aggressor in the conflict, meaning Israel.¹⁰²

In his report of 19 March 1978,¹⁰³ submitted under paragraph 4 of resolution 425 (1978), the Secretary-General stated that the function of UNIFIL would be to confirm the withdrawal of Israeli troops, to restore international peace and security and to assist the Government of Lebanon in ensuring that its effective authority in the area was restored. To perform its functions, it would require the full co-operation of the parties to the conflict and the ability to function as an integrated and efficient military unit. It would need to have freedom of movement and communication and other facilities necessary for the effective performance of its tasks. He said that the Force could not and should not take on responsibilities falling under the Government of the country in which it operated, and that it had been established on the assumption that it represented an interim measure until the Government of Lebanon assumed its full responsibilities in southern Lebanon.

In the estimation of the Secretary-General, UNIFIL would require a troop strength of about 4,000, to be provided by selected countries at the request of the Secretary-General, in consultation with the Council and the parties concerned, and bearing in mind the principle of equitable geographical representation. Command in the field would be exercised by a Force Commander appointed by the Secretary-General with the consent of the Council. The Secretary-General estimated that the cost of establishing and maintaining UNIFIL for a period of six months would be approximately \$68 million. He stated that the costs would be considered as expenses of

the Organization to be borne by the Members in accordance with Article 17, paragraph 2, of the Charter.

The Council considered the Secretary-General's report at its 2075th meeting, on 19 March 1978, and adopted a draft resolution¹⁰⁴ sponsored by the United Kingdom by 12 votes to none, with 2 abstentions,¹⁰⁵ as resolution 426 (1978), the text of which reads as follows:

The Security Council

1. *Approves* the report of the Secretary-General on the implementation of Security Council resolution 425 (1978), contained in document S/12611 of 19 March 1978.

2. *Decides* that the United Nations Interim Force in Lebanon shall be established in accordance with the above-mentioned report for an initial period of six months, and that it shall continue in operation thereafter, if required, provided the Security Council so decides.

In the course of the 2075th meeting, several members of the Council commented on the terms under which UNIFIL had been established, either to express reservations or to clarify their understandings. The representative of the United States noted that it was the understanding of his delegation that the Secretary-General could act under the authority of General Assembly resolution 32/214 of 21 December 1977, paragraph 1 (a), to expedite the initiation of UNIFIL, bearing in mind the provisions of paragraph 3 of the same resolution.¹⁰⁶

The Secretary-General kept the Council apprised of developments relating to UNIFIL through a series of progress reports,¹⁰⁷ and by a letter dated 19 April 1978.¹⁰⁸ Following his personal visit to the area, he informed the Council of the status of implementation of resolution 425 (1978).¹⁰⁹

At its 2076th meeting, on 3 May 1978, the Council considered a letter¹¹⁰ from the Secretary-General addressed to the President of the Council in which he recommended that, to enable UNIFIL to carry out fully and effectively the tasks entrusted to it, the strength of the Force should be increased to about 6,000. The Council

⁹⁸S/12612. Adopted without change.

¹⁰¹One permanent member (China) did not participate in the voting.

¹⁰²For the relevant statement, see 2075th mtg., United States, para. 19. A similar opinion was expressed by France, paras. 25 and 26. The reservations expressed by the other members of the Council were similar to those expressed at the 2074th meeting cited above. See 2075th mtg.: China, para. 5; USSR, paras. 6-9; Czechoslovakia, paras. 12-14; and Kuwait, paras. 15-17.

General Assembly resolution 32/214, paragraph 1 (a), provided that the Secretary-General was authorized (with the appropriate concurrence of the Advisory Committee on Administrative and Budgetary Questions, etc.) to enter into commitments not exceeding \$2 million in any one year of the biennium 1978-1979 for unforeseen and extraordinary expenses relating to the maintenance of international peace and security. Paragraph 3 of that resolution provided that if, as a result of a decision of the Council, such commitments should arise in an estimated total exceeding \$10 million before either the thirty-third or thirty-fourth session of the Assembly, the Secretary-General would convene a special session of the Assembly to consider the matter (see ORGA, 32nd sess., Suppl. No. 45 (A/32/45)).

In accordance with General Assembly resolution 32/214, the Secretary-General convened the eighth special session of the General Assembly on the financing of UNIFIL, on 20 and 21 April 1978.

¹⁰³S/12620, OR, 33rd yr., Suppl. for Jan.-March 1978; and S/12620/Add.1-5, *ibid.*, Suppl. for April-June 1978.

¹⁰⁴S/12657, *ibid.*

¹⁰⁵Throughout the period under review, the Secretary-General informed the Council of all arrangements made in implementation of resolution 425 (1978). The President of the Council informed the Secretary-General of the Council's approval of those arrangements in the following letters: S/12618, OR, 33rd yr., Suppl. for Jan.-March 1978; S/12642, *ibid.*, Suppl. for April-June 1978; S/12667, *ibid.*, Suppl. for April-June 1978; S/13039, *ibid.*, 34th yr., Suppl. for Jan.-March 1979; S/13497, *ibid.*, Suppl. for July-Sept. 1979; S/13917, *ibid.*, 35th yr., Resolutions and Decisions of the Security Council, 1980; and S/14309, *ibid.*, Suppl. for Oct.-Dec. 1980. China dissociated itself from all of the above.

¹⁰⁶S/12675, OR, 33rd yr., Suppl. for April-June 1978.

⁹⁹One permanent member (China) did not participate in the voting.

¹⁰⁰In addition to the statements cited below, see 2074th mtg.: Czechoslovakia, para. 44 and 45; Kuwait, para. 48; and France, para. 54.

¹⁰¹2074th mtg., para. 19.

¹⁰²*Ibid.*, para. 26.

¹⁰³*Ibid.*, para. 29.

¹⁰⁴S/12611, OR, 33rd yr., Suppl. for Jan.-March 1978.

adopted a draft resolution¹⁰⁷ sponsored by Bolivia, India and Mauritius by 12 votes to none, with 2 abstentions,¹⁰⁸ as resolution 427 (1978), which, *inter alia*, approved the increase in strength of UNIFIL requested by the Secretary-General from 4,000 to approximately 6,000 troops, deplored attacks on the United Nations Force that had occurred and demanded full respect for the Force from all parties in Lebanon.

Prior to the expiration of the mandate of UNIFIL on 19 September 1978, the Secretary-General submitted a report¹⁰⁹ on the activities of the Force during its first six months of operation. He noted, *inter alia*, that following the last phase of the Israeli withdrawal on 13 June 1978 the Israeli forces had handed over control of the evacuated areas to Lebanese *de facto* forces and not to UNIFIL, making the full deployment of the Force and the restoration of Lebanese authority in the entire area of operation impossible. In addition, the activities of UNIFIL after 13 June had been complicated by fire directed at the Force, which had suffered 8 casualties and 52 injuries as a result of firing incidents and mine explosions.

The Council considered the Secretary-General's report at its 2085th and 2086th meetings, on 18 and 19 September 1978. At its 2085th meeting, the Council adopted a draft resolution¹¹⁰ sponsored by the United States by 12 votes to none, with 2 abstentions,¹¹¹ as resolution 434 (1978), which, in its operative part, renewed the mandate of UNIFIL for four months, called upon Israel, Lebanon and all others concerned to co-operate fully and urgently with the United Nations in the implementation of resolutions 425 (1978) and 426 (1978), and requested the Secretary-General to report to the Council in two months and again in four months.

Following the vote, the representative of India, speaking in reference to the role of UNIFIL regarding the transfer of authority to the Government of Lebanon, pointed out that the failure of Israel to hand over all of the occupied areas to UNIFIL represented a new situation that had probably not been anticipated when resolution 425 (1978) had been adopted. He stated that UNIFIL should undertake only such tasks as it could fulfil peaceably and that, where there was a danger of the Force going beyond well-established traditions and practices, the situation should be reviewed immediately and the mandate of the Force should be redefined.¹¹²

The representative of France stated that his delegation felt that when the new mandate of UNIFIL expired the

Force's mandate should be reconsidered and its composition revised in order to make it better balanced.¹¹³

In accordance with resolution 434 (1978), the Secretary-General submitted on 18 November 1978 an interim report on UNIFIL,¹¹⁴ in which he reported a limited number of incidents involving Palestinian armed elements, periodic harassment of UNIFIL by Lebanese *de facto* armed elements and no significant improvement in the deployment of the Force. During the Council's discussion of the report, at its 2106th meeting, the representative of India stated that if the harassment of UNIFIL continued it should be either withdrawn or strengthened and converted into an enforcement group under Chapter VII of the Charter.¹¹⁵ At the same meeting, the President read out a statement,¹¹⁶ approved by the members of the Council by consensus, demanding the removal of obstacles placed against the full deployment of UNIFIL, and calling upon all those not fully co-operating with the Force, particularly Israel, to stop interfering with its operations and to comply with the implementation of resolutions 425 (1978) and 426 (1978).

On 12 January 1979, the Secretary-General submitted a report,¹¹⁷ which indicated no further progress in the deployment of the Force and noted that the assumptions on which UNIFIL had been established had not been fulfilled. The Council considered the Secretary-General's report at its 2113th meeting and, by resolution 444 (1979), adopted by 12 votes to none, with 2 abstentions,¹¹⁸ re-emphasized the temporary nature of the Force, renewed the mandate of UNIFIL for a period of five months, reaffirmed its determination, in the event of continuing obstruction of the mandate of the Force, to examine practical ways and means in accordance with the relevant provisions of the Charter to secure the full implementation of resolution 425 (1978), and invited the Government of Lebanon, in consultation with the Secretary-General, to draw up a phased programme of activities to be carried out over the next three months to promote the restoration of its authority. In a statement¹¹⁹ read out by the President at the same meeting, the Council reiterated its suggestion that the Government of Lebanon draw up a programme of activities.

At its 2147th to 2149th meetings, on 12 and 14 June 1979,¹²⁰ the Council considered a report by the Secretary-General dated 8 June 1979,¹²¹ and, at its 2149th meeting, acting in response to the request by the Government of Lebanon, adopted by 12 votes to none, with 2 abstentions,¹²² resolution 450 (1979), paragraphs 5, 6 and 8 of which read as follows:

¹⁰⁷S/12679. Adopted without change.

¹⁰⁸One permanent member (China) did not participate in the voting.

¹⁰⁹S/12845, OR, 33rd yr., Suppl. for Oct.-Dec. 1978.

¹¹⁰S/12848. Adopted without change.

¹¹¹One permanent member (China) did not participate in the voting.

¹¹²2085th mtg., paras. 33-42. The representative of India also referred to a letter dated 5 September from the representative of Lebanon stating, *inter alia*, that the Government of Lebanon considered that the Council should assess the future possibilities of UNIFIL, its ability to achieve its objectives within the framework of its present terms of reference and the possibility of seeking a redefinition of its mandate (see S/12834, OR, 33rd yr., Suppl. for July-Sept. 1978).

On several other occasions during the period under review, the representative of Lebanon addressed letters to the President of the Council calling for specific measures that it felt would enable UNIFIL to fulfil its mandate, including: (a) redefinition of the mission of UNIFIL in a manner that would guarantee the implementation of resolution 425 (1978); (b) redefinition of the mandate and prerogatives of UNIFIL; (c) provision of the Force with weapons and equipment of a defensive nature; (d) reconsideration of the definition of the area of operation of UNIFIL; (e) an increase in the number of posts and personnel of the UNTSO; (f) revival of the Israel-Lebanese Mixed Armistice Commission (ILMAC); and (g) respect for the General Armistice Agreement of 1949 between Israel and Lebanon. See S/13301, OR, 34th yr., Suppl. for April-June 1979; S/13361, *ibid.*; and S/13519, *ibid.*, Suppl. for July-Sept. 1979.

¹¹³2085th mtg., para. 52.

¹¹⁴S/12929, OR, 33rd yr., Suppl. for Oct.-Dec. 1978.

¹¹⁵2106th mtg., para. 112.

¹¹⁶S/12958. See 2106th mtg., para. 7. China dissociated itself.

¹¹⁷S/13026 and Corr. 1, OR, 34th yr., Suppl. for Jan.-March 1979.

¹¹⁸One permanent member (China) did not participate in the voting.

¹¹⁹S/13043. See 2113th mtg., para. 5.

¹²⁰Prior to its 2147th meeting, the Council received two special reports by the Secretary-General, on attacks made on UNIFIL, and on an incursion into southern Lebanon by Israeli troops (S/13254, OR, 34th yr., Suppl. for April-June 1979, and S/13308, *ibid.*, respectively). In addition, the Council held three meetings related to this question: its 2141st meeting, on 26 April 1979, at which it considered an interim report by the Secretary-General dated 19 April 1979 (S/13258, OR, 34th yr., Suppl. for April-June 1979) and during which the President read out a statement approved by the members of the Council (S/13272; see 2141st mtg., para. 2); its 2144th meeting, on 15 May 1979, at which the President again read out a statement approved by the members of the Council (see 2144th mtg., para. 2); and its 2146th meeting, on 31 May 1979, at the close of which the President addressed an appeal to all parties concerned (see 2146th mtg., para. 2).

¹²¹S/13384, OR, 34th yr., Suppl. for April-June 1979.

¹²²One permanent member (China) did not participate in the voting.

The Security Council.

5. *Highly commends* the performance of the Force and reiterates terms of reference as set out in the report of the Secretary-General of 19 March 1978 and approved by resolution 426 (1978), in particular that the Force must be enabled to function as an effective military unit, that it must enjoy freedom of movement and communication and other facilities necessary for performance of its tasks and that it must continue to be able to discharge its duties according to the above-mentioned terms of reference, including the right of self-defence;

6. *Reaffirms* the validity of the General Armistice Agreement¹²³ between Israel and Lebanon in accordance with its relevant decisions and resolutions and calls upon the parties to take the necessary steps to reactivate the Mixed Armistice Commission and to ensure full respect for the safety and freedom of action of the United Nations Truce Supervision Organization;

8. *Decides* to renew the mandate of the Force for a period of six months, that is, until 19 December 1979;

At its 2180th meeting, on 19 December 1979,¹²⁴ following its consideration of the Secretary-General's report dated 14 December 1979,¹²⁵ the Council adopted by 12 votes to none, with 2 abstentions,¹²⁶ resolution 459 (1979), by which it reiterated many of the provisions of resolution 450 (1979) and renewed the mandate of UNIFIL for a period of six months until 19 June 1980.

In a special report submitted on 11 April 1980,¹²⁷ followed by three addenda issued on 16 and 18 April 1980, the Secretary-General informed the Council of escalating tension in and adjacent to the UNIFIL area of operation and serious incidents that had occurred, including violent harassment by the *de facto* forces of observer posts manned by UNTSO, a forcible attempt by the *de facto* forces to establish a permanent armed presence in a village within the UNIFIL area of deployment, the movement of Israeli forces into southern Lebanon, including the area of deployment of UNIFIL, and continuing acts of harassment by the *de facto* forces against UNIFIL, which had resulted in the murder of two Irish soldiers.

The Council considered the Secretary-General's special report at its 2212th to 2218th meetings, from 13 to 24 April 1980. At the 2217th meeting, the President read out a statement,¹²⁸ agreed upon by all the members of the Council, which expressed outrage at the report of attacks on the Force and the murder of peace-keeping soldiers, stating that such an act was a direct challenge to and defiance of the authority of the Council, condemning all who shared in the responsibility for it, and reaffirming the Council's determination to take such determined action as the situation called for to enable UNIFIL to take immediate and total control of its entire area of operation up to the internationally recognized boundaries.

At its 2218th meeting, the Council adopted by 13 votes to none, with 3 abstentions,¹²⁹ a draft resolution¹³⁰ prepared in the course of consultations as resolution 467 (1980), which reads in part as follows:

The Security Council.

Recalling its resolutions 425 (1978), 426 (1978), 427 (1978), 434 (1978), 444 (1979), 450 (1979) and 459 (1979).

1. *Reaffirms* its determination to implement the above-mentioned resolutions, particularly resolutions 425 (1978), 426 (1978) and 459 (1979), in the totality of the area of operation assigned to the United Nations Truce Supervision Organization in Lebanon, up to the internationally recognized boundaries;

2. *Condemns* all actions contrary to the provisions of the above-mentioned resolutions and, in particular, strongly deplores:

- (a) Any violation of Lebanese sovereignty and territorial integrity;
 - (b) The military intervention of Israel in Lebanon;
 - (c) All acts of violence in violation of the General Armistice Agreement between Israel and Lebanon;
 - (d) Provision of military assistance to the so-called *de facto* forces;
 - (e) All acts of interference with the United Nations Truce Supervision Organization;
 - (f) All acts of hostility against the Force and in or through its area of operation as inconsistent with Security Council resolutions;
 - (g) All obstructions of the ability of the Force to confirm the complete withdrawal of Israeli forces from Lebanon, to supervise the cessation of hostilities, to ensure the peaceful character of the area of operation, to control movement and to take measures deemed necessary to ensure the effective restoration of the sovereignty of Lebanon;
 - (h) Acts that have led to loss of life and physical injuries among the personnel of the Force and of the United Nations Truce Supervision Organization, their harassment and abuse, the disruption of communication, as well as the destruction of property and material;
3. *Condemns* the deliberate shelling of the headquarters of the Force and more particularly the field hospital, which enjoys special protection under international law;

7. *Calls attention* to the terms of reference of the Force, which provide that it will use its best efforts to prevent the recurrence of fighting and to ensure that its area of operation will not be utilized for hostile activities of any kind.

8. *Requests* the Secretary-General to convene a meeting, at an appropriate level, of the Israel-Lebanon Mixed Armistice Commission to agree on precise recommendations and further to reactivate the General Armistice Agreement conducive to the restoration of the sovereignty of Lebanon over all its territory up to the internationally recognized boundaries.

10. *Recognizes* the urgent need to explore all ways and means of securing the full implementation of resolution 425 (1978), including enhancing the capacity of the Force to fulfil its mandate in all its parts;

11. *Requests* the Secretary-General to report as soon as possible on the progress of these initiatives and the cessation of hostilities.

The mandate of UNIFIL was twice more renewed during the period under review, each time by 12 votes to none, with 2 abstentions,¹³¹ by resolutions 474 (1980)

¹²³See OR, 34th yr., Special Suppl. No. 4.

¹²⁴Prior to the 2180th meeting, the President of the Council, at the close of the 2163rd meeting, on 24 August 1979, had made a statement appealing to the parties concerned to exercise restraint so that hostilities in southern Lebanon might be brought to an end (see 2163rd mtg., para. 189). At the close of the Council's 2165th meeting on 30 August 1979, the President had expressed satisfaction that the appeal had been heeded, and appealed to the parties to make the cease-fire permanent and to implement resolution 425 (1978) in all its parts (see 2165th mtg., paras. 154 and 155).

¹²⁵S/13691, OR, 34th yr., Suppl. for Oct.-Dec. 1979.

¹²⁶One permanent member (China) did not participate in the voting.

¹²⁷S/13888 and Corr. 1 and Add. 1-3, OR, 35th yr., Suppl. for April-June 1980.

¹²⁸S/13900. See 2217th mtg., para. 15.

¹²⁹In explanation of the vote, at the 2218th meeting, the representative of China stated that, while his delegation supported the resolution because it was, on the whole, conducive to support for the Lebanese and Arab people in opposing Israel's aggression, its position on UNIFIL remained as previously stated (2218th mtg., paras. 64 and 65).

At the same meeting, the representative of the United States indicated that his delegation considered the draft resolution an inadequate and unbalanced response to the problem, and was abstaining because the resolution did not acknowledge the problem of cross-border terrorism against Israel (2218th mtg., paras. 70-74).

¹³⁰S/13905. Adopted without change.

¹³¹One permanent member (China) did not participate in the voting.

and 483 (1980), following the Council's consideration of the reports of the Secretary-General on the Force.¹³²

CASE 7

Special Representative of the Secretary-General under resolution 431 (1978)

At its 2082nd meeting, on 27 July 1978, in connection with the situation in Namibia, the Council adopted by 13 votes to none, with 2 abstentions, resolution 431 (1978),¹³³ which reads as follows:

The Security Council,

Recalling its resolution 385 (1976) of 30 January 1976,

Taking note of the proposal for a settlement of the Namibian situation contained in document S/12636 of 10 April 1978,¹³⁴

1. *Requests the Secretary-General to appoint a Special Representative for Namibia in order to ensure the early independence of Namibia through free elections under the supervision and control of the United Nations;*
2. *Further requests the Secretary-General to submit at the earliest possible date a report containing his recommendations for the implementation of the proposal for a settlement of the Namibian situation in accordance with Security Council resolution 385 (1976);*
3. *Urges all concerned to exert their best efforts towards the achievement of independence by Namibia at the earliest possible date.*

In a statement made following the vote, the Secretary-General informed the Council of his intention to appoint the United Nations Commissioner for Namibia as his Special Representative for Namibia.¹³⁵

At the same meeting, several delegations expressed their views on what the role and functions of the Special Representative should be.¹³⁶

Mr. Sam Nujoma, President of the South West Africa People's Organization (SWAPO), asserted that the success or failure of the United Nations' undertaking in Namibia would depend on the Special Representative's wielding effective power and authority regarding: (a) all stages and aspects of the transitional administration, including the power and authority to approve or disapprove any action by the South African Administrator-General; (b) security measures, including the final say regarding the good conduct of the police forces and the ability to ensure that the necessary steps would be taken to guarantee against the possibility of their interfering in the political process; and (c) the conduct of the entire electoral process, including the power and authority to initiate measures in such matters as the taking of census, the registration of voters, the preparation of voters' rolls, the delineation of electoral constituencies, the setting of the commencement of electoral campaigns and the date of the election, as well as the tabulation, publication and certification of election results.¹³⁷

The representative of Mauritius expressed a similar view, stating that the Council would have to specify powers that would give the Special Representative control over the situation in Namibia, including the administrative system. He should have the authority to use United Nations forces to do what he deemed necessary to prevent interference with free and fair elections, intimidation and

fraud, and there should be an agreed mechanism to ensure that he would be able to so act without constant recourse to the Council. The representative of Mauritius expressed the hope that the Special Representative's first report would provide clear recommendations about the powers and arrangements necessary to ensure United Nations control in the matter.¹³⁸

The representative of South Africa stated that, as the legislative and administrative authority in the Territory, the Administrator-General would continue to govern during the transition period, and that the primary responsibility for maintaining law and order would rest with the existing police forces. The Administrator-General and the Special Representative were required to work together and to consult each other and, unless the relationship between them was characterized by a spirit of mutual trust and co-operation, it would be difficult, if not impossible, for them to fulfil their respective tasks successfully. He further stated that, regarding the functions of the Special Representative in respect of the electoral process, South Africa had been assured that the Special Representative would be guided by the procedures and precedents established in other appropriate cases where the United Nations had played a role in the determination of the wishes of the people.¹³⁹

The Special Representative, accompanied by a staff of United Nations officials and military advisers, conducted a survey mission to Namibia from 6 to 22 August 1978, in the course of which he met with the Administrator-General, local authorities, private individuals and representatives of political parties, the business community and churches. On 29 August 1978, the Secretary-General submitted a report¹⁴⁰ pursuant to paragraph 2 of resolution 431 (1978) containing recommendations based on the Special Representative's survey mission for the implementation of the proposal referred to in resolution 431 (1978).

The Council considered the Secretary-General's report at its 2087th and 2088th meetings, on 29 and 30 September 1978. At its 2087th meeting, the Council adopted a draft resolution¹⁴¹ sponsored by Canada, France, Gabon, the Federal Republic of Germany, Mauritius, Nigeria, the United Kingdom and the United States by 12 votes to none, with 2 abstentions, as resolution 435 (1978), by which it, *inter alia*, approved the report of the Secretary-General and decided to establish a United Nations Transition Assistance Group (UNTAG)¹⁴² to assist the Special Representative in carrying out his mandate.

Following the vote, the representative of the Soviet Union stated that, in the view of his delegation, the Secretary-General and his Special Representative should be fully answerable to the Council, which was the only organ with the authority to take decisions and control and direct the kind of operation that was envisioned. He further stated that the resolution just adopted should have indicated that the actions of the South African Administrator-General should be under the strict control of the Special Representative.¹⁴³

At the 2085th meeting, the representative of Sudan, speaking in his capacity as the representative of the

¹³² S/13994, OR, 35th yr., Suppl. for April-June 1980; and S/14295, *ibid.*, Suppl. for Oct.-Dec. 1980. In addition, the Secretary-General submitted one special report, dated 21 August 1980: S/14118, OR, 35th yr., Suppl. for July-Sept. 1980.

¹³³ Draft resolution S/12792, adopted without change.

¹³⁴ S/12636, OR, 33rd yr., Suppl. for April-June 1978.

¹³⁵ 2082nd mtg., paras. 15-20.

¹³⁶ In addition to the statements cited below, see 2082nd mtg., especially the statements by the Soviet Union (2082nd mtg., paras. 173-191) and Kuwait (2082nd mtg., paras. 193-200).

¹³⁷ *Ibid.*, paras. 95 and 96.

¹³⁸ *Ibid.*, paras. 149-151.

¹³⁹ *Ibid.*, para. 265.

¹⁴⁰ S/12857, OR, 33rd yr., Suppl. for July-Sept. 1978. In addition, the Secretary-General made several clarifications to his report at the 2087th mtg. (S/12869, 2087th mtg., paras. 11-22).

¹⁴¹ S/12865. Adopted without change.

¹⁴² For more information about UNTAG, see the note to part I of the present chapter, above.

¹⁴³ 2087th mtg., paras. 207 and 208.

current President of the Organization of African Unity (OAU), stated that before the United Nations moved into Namibia the Council should resolve the question of how to define clearly and beyond any reasonable doubt the functions, duties and powers of the Special Representative.¹⁴⁴

Following the adoption of resolution 435 (1978), the Secretary-General continued to report to the Council on efforts to implement the proposal for a settlement of the Namibian situation and on the activities of the Special Representative in that regard, including his consultations and visits with the parties concerned and interested.¹⁴⁵

CASE 8

Security Council Commission established under resolution 446 (1979)

At its 2134th meeting, on 22 March 1979, during its consideration of the situation in the occupied Arab territories, the Security Council adopted by 12 votes to none, with 2 abstentions, a revised draft resolution¹⁴⁶ sponsored by Bangladesh, Kuwait, Nigeria and Zambia as resolution 446 (1979), paragraphs 4 to 7 of which read as follows:

The Security Council,

4. Establishes a commission consisting of three members of the Security Council, to be appointed by the President of the Council after consultation with the members of the Council, to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem;
5. Requests the Commission to submit its report to the Security Council by 1 July 1979;
6. Requests the Secretary-General to provide the Commission with the necessary facilities to enable it to carry out its mission;
7. Decides to keep the situation in the occupied territories under constant and close scrutiny and to reconvene in July 1979 to review the situation in the light of the findings of the Commission.

In statements made following the vote, the representatives of Bangladesh¹⁴⁷ and Jordan¹⁴⁸ each expressed the conviction that the Commission should make an on-the-spot assessment of the situation by visiting the areas in question, and that it should interview persons of Palestinian extraction who were living in other countries as well. The representative of Jordan further stated that, should Israel refuse the Commission permission to visit the occupied territories, it was the understanding of his delegation that the Commission would visit Amman, Beirut, Damascus, Cairo, Kuwait, Saudi Arabia and whatever other country it chose.

The representative of Israel stated that, in view of what he termed the unbalanced and tendentious manner in which the Council had dealt with the overall issues of the Arab-Israel conflict, and the past experiences of his Government with fact-finding commissions established by the United Nations, his Government rejected resolution 446 (1979) in its entirety, and would treat it accordingly.¹⁴⁹

By a note dated 3 April 1979,¹⁵⁰ the President of the Council stated that, following consultations among the members of the Council, it had been agreed that the Commission established under resolution 446 (1979) would be composed of Bolivia, Portugal and Zambia.

In another note, dated 29 June 1979,¹⁵¹ the President of the Council stated that the Chairman of the Commission had requested an extension of the time-limit for submission of the Commission's report to 15 July 1979, to which no member of the Council had objected.

The report of the Commission,¹⁵² submitted on 12 July 1979, indicated that the three members of the Commission, assisted by a team of Secretariat staff members assigned by the Secretary-General, had visited, between 20 May and 1 June 1979, Jordan, the Syrian Arab Republic, Lebanon and Egypt; had met with the government authorities of each country; and had heard a variety of witnesses and visited various locations. The report included the conclusions and recommendations of the Commission.

The Council considered the Commission's report at its 2156th to 2159th meetings, from 18 to 20 July 1979. At its 2159th meeting, the Council adopted a draft resolution¹⁵³ prepared in the course of consultations by 14 votes to none, with 1 abstention, as resolution 452 (1979), by which it commended the work of the Commission; accepted the recommendations contained in the Commission's report; called upon the Government and people of Israel to stop the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem; and requested the Commission to keep under close survey the implementation of the resolution and to report back to the Council before 1 November 1979.

In explanation of vote, the representative of the United States¹⁵⁴ said that, in dealing with such matters as Jerusalem, the recommendations of the Commission and resolution 452 (1979) had gone beyond the question of settlements, and that his delegation had therefore abstained.

In a note dated 24 October 1979,¹⁵⁵ the President of the Council stated that the Chairman of the Commission had asked that the time-limit for the submission of the Commission's report be postponed until 10 December 1979, and that no member of the Council had objected.

On 4 December 1979, the Commission submitted its report,¹⁵⁶ in which it described its activities since the adoption of resolution 452 (1979) and set out its conclusions and recommendations.

At its 2203rd meeting, on 1 March 1980, the Council unanimously adopted a draft resolution¹⁵⁷ prepared in the course of consultations as resolution 465 (1980), which reads in part as follows:

The Security Council,

1. Commends the work done by the Security Council Commission established under resolution 446 (1979) in preparing the report contained in document S/13679;

¹⁴⁴ 2088th mtg., para. 91.

¹⁴⁵ The Secretary-General submitted the following reports: S/12903, OR, 33rd yr., Suppl. for Oct.-Dec. 1978; S/13120, *ibid.*, 34th yr., Suppl. for Jan.-March 1979; S/13634, *ibid.*, Suppl. for Oct.-Dec. 1979; S/13862, *ibid.*, 35th yr., Suppl. for Jan.-March 1980; and S/14266, *ibid.*, Suppl. for Oct.-Dec. 1980.

¹⁴⁶ S/13171/Rev. 2. Adopted without change.

¹⁴⁷ 2134th mtg., paras. 59-62.

¹⁴⁸ *Ibid.*, paras. 145-163.

¹⁴⁹ *Ibid.*, paras. 166-172.

¹⁵⁰ S/13218, OR, 34th yr., Suppl. for April-June 1979.

¹⁵¹ S/13426, *ibid.*

¹⁵² S/13450 and Corr. 1 and Add. 1, *ibid.*, Suppl. for July-Sept. 1979.

¹⁵³ S/13461. Adopted without change.

¹⁵⁴ 2159th mtg., paras. 20-23.

¹⁵⁵ S/13586, OR, 34th yr., Suppl. for Oct.-Dec. 1979.

¹⁵⁶ S/13679, *ibid.*

¹⁵⁷ S/13827. Adopted without change.

2. *Accepts* the conclusions and recommendations contained in the report of the Commission;¹⁵⁸

3. *Calls upon* all parties, particularly the Government of Israel, to co-operate with the Commission;

8. *Requests* the Commission to continue to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem, to investigate the reported serious depletion of natural resources, particularly the water resources, with a view to ensuring the protection of those important natural resources of the territories under occupation, and to keep under close scrutiny the implementation of the present resolution;

9. *Requests* the Commission to report to the Security Council before 1 September 1980 and decides to convene at the earliest possible date thereafter in order to consider the report and the full implementation of the present resolution.

In a note dated 16 June 1980,¹⁵⁹ the President of the Council indicated that, following informal consultations, the Council had decided to maintain the original composition of the Commission established under resolution 446 (1979).

In another note, dated 20 August 1980,¹⁶⁰ the President of the Council stated that the members of the Council had no objection to the request of the Chairman of the Commission to extend the date for submission of the Commission's report to 25 November 1980.

On 25 November 1980, the Commission submitted its third report,¹⁶¹ giving an account of its visit between 26 September and 4 October 1980 to Jordan, the Syrian Arab Republic, Tunisia and Morocco, presenting the information it had obtained and setting out its conclusions and recommendations.

CASE 9

Ad Hoc Committee established under resolution 455 (1979)

At its 2171st meeting, on 23 November 1979, in connection with the complaint by Zambia, the Council adopted by consensus a draft resolution¹⁶² sponsored by Bangladesh, Gabon, Jamaica, Kuwait, Nigeria and Zambia as resolution 455 (1979), paragraphs 5 to 7 of which read as follows:

The Security Council,

5. *Calls for* the payment of full and adequate compensation to the Republic of Zambia by the responsible authorities for the damage to life and property resulting from the acts of aggression;

6. *Further calls upon* all Member States and international organizations urgently to extend material and other forms of assistance to the Republic of Zambia in order to facilitate the immediate reconstruction of its economic infrastructure;

7. *Decides* to establish an *ad hoc* committee composed of four members of the Security Council, to be appointed by the President after consultation with members, in order to assist the Council in the implementation of the present resolution, in particular paragraphs 5 and 6 thereof, and report to the Council by 15 December 1979;

In a note dated 1 December 1979,¹⁶³ the President of the Council stated that, following consultations with the

¹⁵⁸ The representative of the United States specified that his delegation had supported the draft resolution despite reservations regarding certain of its provisions, which they considered to be recommendatory in character. His delegation questioned the recommendation in paragraph 54 of the Commission's report as to the best means to deal with the settlements problem in the occupied territories (2203rd mtg., para. 20).

¹⁵⁹ S/14000, OR, 35th yr., Suppl. for April-June 1980.

¹⁶⁰ S/14116, *ibid.*, Suppl. for July-Sept. 1980.

¹⁶¹ S/14268, *ibid.*, Suppl. for Oct.-Dec. 1980.

¹⁶² S/13645. Adopted without change.

¹⁶³ S/13669, OR, 34th yr., Suppl. for Oct.-Dec. 1979.

members of the Council, it had been agreed that the *Ad Hoc* Committee would be composed of Jamaica, Kuwait, Nigeria and Norway.

On 6 December 1979, the *Ad Hoc* Committee submitted an interim report,¹⁶⁴ stating that it had decided to visit Zambia between 11 and 15 December 1979, and requesting an extension of the date for submission of its full report, which it expected to complete by 31 January 1980. By a note dated 12 December 1979,¹⁶⁵ the President of the Council stated that, following consultations, there had been no objection among the members of the Council to extending the date for submission of the *Ad Hoc* Committee's report to 31 January 1980.

In a second interim report,¹⁶⁶ submitted on 14 December 1979, the *Ad Hoc* Committee presented detailed information on the destruction of vital rail and road bridges in Zambia, with a view to calling upon all Member States and international organizations to extend with immediate effect material and other forms of assistance to Zambia.

In a note dated 22 January 1980,¹⁶⁷ the President of the Council stated that, following consultations among the members of the Council, it had been agreed that for the purpose of presenting its full report the *Ad Hoc* Committee established under resolution 455 (1979) would continue to be composed of the same four members.

The *Ad Hoc* Committee submitted its final report¹⁶⁸ on 31 January 1980. The report included an account of its activities during its visit to Zambia, from 11 to 15 December 1979, and of its efforts at Headquarters on behalf of international assistance to Zambia.

Following the submission of its full report the *Ad Hoc* Committee was dissolved.

CASE 10

Good offices of the Secretary-General under resolution 457 (1979)

In connection with the situation that had arisen between Iran and the United States over the seizure and prolonged detention of United States nationals in Iran, the Council, at its 2178th meeting, on 4 December 1979, unanimously adopted a draft resolution¹⁶⁹ prepared in the course of consultations as resolution 457 (1979), which reads in part as follows:

The Security Council,

1. *Urgently calls upon* the Government of Iran to release immediately the personnel of the Embassy of the United States of America being held at Teheran, to provide them with protection and to allow them to leave the country;

2. *Further calls upon* the Governments of Iran and of the United States of America to take steps to resolve peacefully the remaining issues between them to their mutual satisfaction in accordance with the purposes and principles of the United Nations;

4. *Requests* the Secretary-General to lend his good offices for the immediate implementation of the present resolution and to take all appropriate measures to this end;

5. *Decides* that the Council will remain actively seized of the matter and requests the Secretary-General to report urgently to it on developments regarding his efforts.

¹⁶⁴ S/13681, *ibid.*

¹⁶⁵ S/13685, *ibid.*

¹⁶⁶ S/13694, *ibid.*

¹⁶⁷ S/13755, *ibid.*, 35th yr., Suppl. for Jan.-March 1980.

¹⁶⁸ S/13774 and Corr. 1, *ibid.*

¹⁶⁹ S/13677. Adopted without change.

On 22 December 1979, the Secretary-General submitted to the Council a report¹⁷⁰ on his contacts with the Governments of Iran and the United States and representatives of a number of other Governments and organizations, indicating that he was prepared to send a special representative or to go personally to Iran, and that he would continue to pursue his endeavours in exercise of the mandate entrusted to him by the Council.

At its 2184th meeting, on 31 December 1979, the Council adopted a revised draft resolution¹⁷¹ sponsored by the United States by 11 votes to none, with 4 abstentions, as resolution 461 (1979), which reads in part as follows:

The Security Council,

1. Reaffirms its resolution 457 (1979) in all its aspects;
4. Reiterates its request to the Secretary-General to lend his good offices and to intensify his efforts with a view to assisting the Security Council in achieving the objectives called for in the present resolution, and in this connection takes note of his readiness to go personally to Iran;
5. Requests the Secretary-General to report to the Security Council on his good offices efforts before the Council meets again;
6. Decides to meet on 7 January 1980 in order to review the situation

In pursuance of resolutions 457 (1979) and 461 (1979), the Secretary-General submitted a report¹⁷² on 6 January 1980 giving an account of his visit to Iran between 1 and 3 January 1980 and his meetings there with the Foreign Minister and other members of the Revolutionary Council of Iran.

CASE 11

Good offices of the Secretary-General under Security Council statement dated 23 September 1980 and of the Special Representative of the Secretary-General under Security Council statement dated 5 November 1980

On 23 September 1980, in connection with the situation between Iran and Iraq, the President of the Council issued a statement¹⁷³ by which the members of the Council expressed their welcome and full support for the Secretary-General's offer of his good offices to resolve the conflict.

On 25 September 1980, the Secretary-General addressed a letter¹⁷⁴ to the President of the Council indicating that, pursuant to the statement dated 23 September, he had on 24 September addressed a written appeal¹⁷⁵ to the Presidents of Iran and Iraq, and had continued to attempt to contact them directly. Despite those efforts the fighting had intensified, and he therefore recommended that the Council should meet to consider the matter with the utmost urgency.

At its 2248th meeting, on 28 September 1980, the Council unanimously adopted a draft resolution¹⁷⁶ sponsored by Mexico as resolution 479 (1980), paragraphs 4 and 5 of which read as follows:

The Security Council,

4. Supports the efforts of the Secretary-General and the offer of his good offices for the resolution of this situation;
5. Requests the Secretary-General to report to the Security Council within forty-eight hours

¹⁷⁰S/13704, OR, 14th yr., Suppl. for Oct.-Dec. 1979.

¹⁷¹S/13711/Rev. 1, Adopted without change.

¹⁷²S/13730, OR, 15th yr., Suppl. for Jan.-March 1980.

¹⁷³S/14190, *ibid.*, Resolutions and Decisions of the Security Council, 1980.

¹⁷⁴S/14197, *ibid.*, Suppl. for July-Sept. 1980.

¹⁷⁵S/14193 and Corr. 1, *ibid.*

¹⁷⁶S/14201, Adopted without change.

In accordance with paragraph 5 of resolution 479 (1980), the Secretary-General submitted a report¹⁷⁷ on developments dated 30 September 1980.

On 5 November 1980, the President of the Council issued another statement¹⁷⁸ by which the members of the Council reiterated their full support for the use of the good offices of the Secretary-General and welcomed the fact that, in the exercise of his good offices, the Secretary-General was considering sending a representative to the region. The Council requested the Secretary-General to keep it fully informed about his efforts.

In a letter to the President of the Security Council dated 11 November 1980,¹⁷⁹ the Secretary-General, referring to the statement of 5 November, informed him that after consultations with the Governments of Iran and Iraq, and with their agreement, he had asked Mr. Olof Palme of Sweden to serve as his Special Representative. Mr. Palme would be leaving for the area as soon as possible. By a letter of the same date,¹⁸⁰ the President of the Council informed the Secretary-General of the Council's agreement with the proposed arrangements.

**2. Subsidiary organs proposed but not established

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

1. Subsidiary organs established

CASE 12

Committee established under resolution 421 (1977)

During its consideration of the question of South Africa, following the imposition of a mandatory arms embargo against South Africa under resolution 418 (1977), the Council, at its 2052nd meeting, on 9 November 1977, unanimously adopted a draft resolution¹⁸¹ sponsored by Benin, the Libyan Arab Jamahiriya and Mauritius as resolution 421 (1977), the operative part of which reads as follows:

The Security Council,

1. Decides to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council, consisting of all the members of the Council, to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) To examine the report on the progress of the implementation of resolution 418 (1977) which will be submitted by the Secretary-General;

(b) To study ways and means by which the mandatory arms embargo could be made more effective against South Africa and to make recommendations to the Council;

(c) To seek from all States further information regarding the action taken by them concerning the effective implementation of the provisions laid down in resolution 418 (1977);

2. Calls upon all States to co-operate fully with the Committee in regard to the fulfilment of its tasks concerning the effective implementation of the provisions of resolution 418 (1977) and to supply such information as may be sought by the Committee in pursuance of the present resolution;

3. Requests the Secretary-General to provide all necessary assistance to the Committee and to make the necessary arrangements in the Secretariat for that purpose, including the provision of appropriate staff for the servicing of the Committee.

¹⁷⁷S/14205, *ibid.*

¹⁷⁸S/14244, *ibid.*, Resolutions and Decisions of the Security Council, 1980, pp. 23 and 24.

¹⁷⁹S/14251, *ibid.*, Suppl. for Oct.-Dec. 1980.

¹⁸⁰S/14252, *ibid.*

¹⁸¹S/12477, Adopted without change.

In statements made following the vote, several members of the Council commented on the procedures that should be followed by the newly created Committee for the performance of its functions. The representative of Canada placed on record his delegation's belief that the Committee should adopt procedures similar to those that had been evolved for the Committee established under resolution 253 (1968). Other members expressed similar views, while the representative of the Libyan Arab Jamahiriya stated that, in the view of his delegation, it should be ensured that the machinery created for the implementation of the arms embargo against South Africa would be more effective than that which had been created for the implementation of sanctions against Southern Rhodesia under resolution 253 (1968).¹⁸²

In a note verbale addressed to the Secretary-General, dated 3 April 1979,¹⁸³ the Mission of Benin suggested that the members of the Council should consider revising the methods of work of the Committee, as well as those of the Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia, pointing out that, apart from the 15 members of the Council, Member States remained totally ignorant of the work of the two Committees and of the treatment of the information communicated to them. Benin recommended that the meetings of the Committees should be public and open to participation by States and individuals who could help the Committees to do objective and profitable work.

On 26 December 1979, the Committee submitted to the Council a report on the question of nuclear collaboration with South Africa,¹⁸⁴ which set out the different views of the members of the Committee on measures to be recommended to the Council in order to avert the danger of South Africa's acquiring nuclear weapons. By a letter dated 31 December 1979,¹⁸⁵ the Chairman transmitted the Committee's report on its work for the first two years, from 28 January 1978 to 20 December 1979, including an account of the Committee's substantive activities during that period and of the guidelines adopted by the Committee for the conduct of its work.

At its 2231st meeting, on 13 June 1980, the Council unanimously adopted a draft resolution¹⁸⁶ that had been prepared in the course of consultations as resolution 473 (1980), paragraph 11 of which reads as follows:

The Security Council,

11. Requests the Security Council Committee established by resolution 421 (1977) concerning the question of South Africa, in pursuance of resolution 418 (1977), to redouble its efforts to secure full implementation of the arms embargo against South Africa by recommending by 15 September 1980 measures to close all loop-holes in the arms embargo, reinforce and make it more comprehensive;¹⁸⁷

Following the vote, the representative of France noted that his delegation understood the phrase "reinforce and make it more comprehensive" to mean that the Committee should recommend to the Council measures to secure the full implementation of resolution 418 (1977), since any other interpretation would run counter to the mandate entrusted to the Committee in resolution 421 (1977).¹⁸⁸

In compliance with the request contained in paragraph 11 of resolution 473 (1980), the Chairman of the Committee, on 19 September 1980, transmitted the Committee's report on ways and means of making the mandatory arms embargo against South Africa more effective.¹⁸⁹ The report covered the objectives, scope and State obligations set out in resolution 418 (1977), the problems encountered in the implementation of the embargo, and the Committee's conclusions and recommendations, including the reservations expressed by some of the members of the Committee.

The Council considered the Committee's report at its 2261st meeting on 19 December 1980. In the course of the meeting, the representative of Zambia made a statement in which he expressed his delegation's concern at the rampant violations of the arms embargo and asserted that the working procedures of the Committee needed to be revised in order to ensure that it would be made more effective. He proposed that the Committee should establish a system of verification and independent investigation since, in the view of his delegation, excessive reliance on secondary sources undermined the Committee's ability to discharge its functions. In that regard, he suggested that the workings of the Security Council Commission on the Middle East established under resolution 446 (1979)¹⁹⁰ might provide a model.¹⁹¹

****2. Subsidiary organs proposed but not established**

¹⁸² For the relevant statements see the 2052nd and 2053rd meetings, especially the statements by Canada (2052nd mtg., para. 77) and the Libyan Arab Jamahiriya (2053rd mtg., para. 50).

¹⁸³ S/13247, OR, 34th yr., Suppl. for April-June 1979.

¹⁸⁴ S/13708, *ibid.*, Suppl. for Oct.-Dec. 1979.

¹⁸⁵ S/13721, *ibid.*

¹⁸⁶ S/13995. Adopted without change.

¹⁸⁷ In a statement made after the vote, the representative of the United Kingdom indicated that his delegation did not regard paragraph 11 as prejudging the question of whether the arms embargo should be extended (2231st mtg., para. 50).

¹⁸⁸ 2231st mtg., para. 61.

¹⁸⁹ S/14179, OR, 35th yr., Suppl. for July-Sept. 1980.

¹⁹⁰ See case 9 above.

¹⁹¹ 2261st mtg., paras. 34-44.

****Part II**

****CONSIDERATION OF PROCEDURES RELATIVE TO SUBSIDIARY ORGANS**

****A. CONSIDERATION OF PROCEDURE IN THE ESTABLISHMENT OF SUBSIDIARY ORGANS**

****B. CONSIDERATION OF THE PROCEDURE OF CONSULTATION BETWEEN PERMANENT MEMBERS**

****C. CONSIDERATION OF THE PROCEDURE OF DELEGATION OF FUNCTIONS**

****D. CONSIDERATION OF THE PROCEDURE OF MODIFICATION OF TERMS OF REFERENCE**

****E. CONSIDERATION OF THE PROCEDURE OF TERMINATION**

Chapter VI

RELATIONS WITH OTHER UNITED NATIONS ORGANS

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INTRODUCTORY NOTE

The present chapter, as in previous volumes, deals with the 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 previous volumes of the *Repertoire* of the transmission by the Trusteeship Council to the Security Council of questionnaires and reports (part III).

No material was found for the period under review that would require treatment under parts II, IV and V, relating, respectively, to relations with the Economic and Social Council, the International Court of Justice and 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 are treated in part I of this 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 being 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. No material for inclusion was found for the period covered by this *Supplement*. The Section, therefore, contains only a note concerning notifications by the Secretary-General to the Assembly under Article 12, paragraph 2. Section B deals with the practices and proceedings related to the convocation of a special session of the Assembly (case 1) in conformity with Article 12, paragraph 1, indicating that the Council may request the Assembly to make recommendations with regard to a dispute or situation in respect of which the Council is exercising its functions.

The second category comprises instances where the decision by the Council must be taken before that of the General Assembly; e.g., 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 (case 2). There was no material for the period under review bearing on the conditions of accession to the Statute of the International Court of Justice.

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 (cases 3 to 5).

Section F deals with relations between the Council and subsidiary organs of the General Assembly. One case describes the relationship between the Council and an organ established by the Assembly during the period under review (case 6). Additional entries under this heading are presented in a tabular format, as in the previous *Supplement*. Section G contains a tabulation of recommendations to the Security Council adopted by the General Assembly in the form of resolutions. Section H contains references to the annual and special reports of the Security 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

During the period under review, there was no discussion in the Council on the question of the respective competence of the Council and the General Assembly to

deal with a matter relating to the maintenance of international peace and security, which the Council had considered and then referred to the Assembly.

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 as "matters relative to the maintenance of international peace and security" for the purpose of Article 12, paragraph 2, are excluded from the notification, e.g., 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 Assembly.¹

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 which have been 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 CONVOCAATION OF A SPECIAL SESSION OF THE GENERAL ASSEMBLY

NOTE

No special session of the General Assembly was convened at the call of the Council during the period under review. On one occasion, the Council called an emergency special session of the Assembly.² The relevant proceedings of the Council are set forth in the case history entered below.

CASE 1

At its 2185th to 2190th meetings, from 5 to 9 January 1980, the Council met in response to a letter³ dated 3 January 1980 from 52 Member States regarding Afghanistan. At the 2190th meeting, on 7 January 1980, a six-power draft resolution⁴ sponsored by Bangladesh, Jamaica, the Niger, the Philippines, Tunisia and Zambia was voted upon and was not adopted owing to the negative vote of a permanent member of the Council. In the absence of any objection, the meeting was suspended after the vote, and was resumed on 9 January, when the

¹ For retention or deletion of items from the Secretary-General's summary statement, see chapter II, part IV, section B.

² During the period under review, one other emergency special session of the General Assembly was convened, but not at the request of the Council.

³ S/13724 and Add.1 and 2, *OR*, 35th yr., *Suppl. for Jan.-March 1980*.

⁴ S/13729, *ibid*.

President drew attention to the following joint draft resolution, sponsored by Mexico and the Philippines:⁵

The Security Council,

Having considered the item on the agenda of its 2185th meeting, as contained in document S/Agenda/2185,

Taking into account that the lack of unanimity of its permanent members at the 2190th meeting has prevented it from exercising its primary responsibility for the maintenance of international peace and security,

Decides to call an emergency special session of the General Assembly to examine the question contained in document S/Agenda/2185.

The representative of the USSR stated that his delegation objected categorically to the proposal for the convening of an emergency session of the General Assembly to discuss the so-called situation in Afghanistan because it was contrary to the clearly expressed will of the people and Government of Afghanistan and constituted a violation of the sovereignty of that country. Such a discussion was contrary to the aims and principles of the United Nations Charter, in particular the provisions of Article 2, paragraph 7, of the Charter, and his delegation would therefore vote against the draft resolution.⁶

The representative of the German Democratic Republic stated that his delegation considered any discussion in the United Nations of the so-called situation in Afghanistan as intervention in the internal affairs of a State Member of the United Nations. For the same reasons for which his delegation had opposed the inclusion of that item in the agenda of the Council it opposed its discussion in the General Assembly.⁷

At the same meeting, the Council adopted the joint draft resolution by 12 votes to 2, with 1 abstention.⁸

**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 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 2).

⁵ S/13731. Adopted without change; see resolution 462 (1980).

⁶ 2190th and Corr.1 and Add.1 *ibid.*, paras. 166-169.

⁷ *Ibid.*, paras. 174-177.

⁸ *Ibid.*, para. 178.

CASE 2

At its 1978th meeting, held in private on 7 December 1976, the Council considered the question of the recommendation for the appointment of Secretary-General of the United Nations, and unanimously decided to recommend to the Assembly that Mr. Kurt Waldheim be appointed as Secretary-General of the United Nations for a second term of office.⁹ On the same date, the President (Romania) transmitted this recommendation to the President of the Assembly.¹⁰

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

****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 fulfills 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

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 1855th meeting, on 17 November 1975, the 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 1976.¹¹ Prior to the balloting, the President (USSR) referred to the memorandum¹² submitted by the Secretary-General and reminded the members of the Council that, in accordance with Article 10, paragraph 1, of the Statute of the Court, the candidate 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. However, should there be more than five candidates obtaining the required majority, a new vote on all candidates would be taken according to the procedure that had been followed in the past.

⁹See official communiqué of the 1978th mtg. held in private on 7 December 1976.

¹⁰GAOR, 31st sess., Annexes, agenda item 17, document A/31/393.

¹¹1855th mtg., para. 1.

¹²A/10181-S/11801, see GAOR, 30th sess., Annexes, agenda item 17.

A vote was taken by secret ballot and three candidates received the required majority. The President stated that, in view of that fact, the Council had to proceed to a ballot for the fourth and fifth seats. On the second and third ballots the fourth and fifth candidates received the required majority. The President thereupon stated that he would transmit the results of the election to the President of the General Assembly, and asked the Council to remain in suspended session until the President of the Assembly had informed the Council of the results of the voting in the Assembly.¹³ After a brief suspension of the meeting, the president announced that he had received a letter from the President of the Assembly informing the Council that five candidates had been elected by the Assembly at its 2408th plenary meeting.

The President then stated that, since the same candidates had also received the majority of votes in the Council, they had been elected members of the International Court of Justice for a term of office of nine years, beginning on 6 February 1976.¹⁴

CASE 4

At its 2093rd meeting, on 31 October 1978, the 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 1979.¹⁵ After the first vote by secret ballot, four candidates had received the required majority and, after the fourteenth ballot, the fifth candidate received the required majority. The same five candidates were elected by the General Assembly. Accordingly, they had been elected members of the International Court of Justice for a term of nine years beginning on 6 February 1979.

CASE 5

At its 2255th meeting, on 12 November 1980, the Council considered the date of elections to fill two vacancies that had occurred in the International Court of Justice. The President (United Kingdom), referring to a note¹⁶ from the Secretary-General, stated that the recent deaths of two members of the Court had created vacancies that would have to be filled.¹⁷ He reminded the members of the Council that, under Article 14 of the Statute of the International Court of Justice, the Council was required to fix the date of the election to fill any vacancy in the Court, and drew their attention to a draft resolution¹⁸ on the matter.

There being no objection, the President proceeded to put the draft resolution to a vote. It received 15 votes in favour, and was adopted unanimously as resolution 480 (1980),¹⁹ by which the Council decided that elections to fill the vacancies would take place on 15 January 1981 at a meeting of the Council and at a meeting of the General Assembly at its resumed thirty-fifth session.

F. RELATIONS WITH SUBSIDIARY ORGANS ESTABLISHED BY THE GENERAL ASSEMBLY

NOTE

The case history below (case 6) describes the relationship between a new subsidiary organ established by the

¹³1855th mtg., paras. 9-13.

¹⁴*Ibid.*, paras. 14-15.

¹⁵2093rd mtg., para. 1. For details of the procedure followed in this case see case 3.

¹⁶S/14246, OR, 35th yr., Suppl. for Oct.-Dec. 1980.

¹⁷2255th mtg., para. 3.

¹⁸S/14253. Adopted without change; see resolution 480 (1980).

¹⁹2255th mtg., para. 7.

General Assembly and the Council. In addition, a tabulation of the relations between the Council and other organs, which have been dealt with in past *Supplements*, is included. The tables list communications from these organs (including some communications that were not included in the case history), their participation in some Council discussions, and resolutions adopted by the Council containing references to them.

CASE 6

By resolution 3376 (XXX) of 10 November 1975, the General Assembly established the Committee on the Exercise of the Inalienable Rights of the Palestinian People, which was asked to consider and to recommend to the Assembly a programme of implementation designed to enable the Palestinian people to exercise the rights recognized in paragraphs 1 and 2 of General Assembly resolution 3236 (XXIX) of 22 November 1974.²⁰ The Committee was also asked to submit its report to the Secretary-General no later than 1 June 1976 for transmission to the Council. The Council was requested to consider the question of the exercise by the Palestinian people of its inalienable rights as soon as possible thereafter.²¹

By letter dated 28 May 1976, the Chairman submitted the report of the Committee to the Secretary-General and asked that it be transmitted to the Council for its consideration.²² In its report²³ the Committee recommended that the Council should set a timetable for the complete withdrawal of Israeli occupation forces, with a deadline of 1 June 1977, that the Council should establish temporary peace-keeping forces, and that a temporary United Nations administration should be set up and charged with handing over the evacuated territories to the Palestine Liberation Organization (PLO). Pending the evacuation of those territories, Israel should refrain from any violation of human rights in the occupied territories and from its policy of establishing Jewish settlements.

At its 1924th meeting, on 9 June 1976, the Council included the Committee's report in its agenda under the title "The question of the exercise by the Palestinian people of its inalienable rights" and considered the question at its 1924th, 1928th and 1933rd-1938th meetings, on 9, 18 and 24-29 June 1976. At its 1924th meeting, in response to a request by the Chairman of the Committee, the Council decided to invite the Chairman, Rapporteur and other members of the Committee to participate in the discussion under rule 39 of the provisional rules of procedure. During its consideration of the item, the Council also decided to invite: the representative of the PLO, Mr. Amin Hilmy II and the representatives of Afghanistan, Algeria, Bahrain, Bulgaria, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Egypt, German Democratic Republic, Guinea, Hungary, India, Indonesia, Iraq, Jordan, Lao People's Democratic Republic, Mauritania, Morocco, Oman, Poland, Qatar, Saudi Arabia, Somalia, Syrian Arab Republic, Tunisia, United Arab Emirates and Yugoslavia to participate in the debate without a vote.²⁴

During the 1924th meeting, the Chairman of the Committee opened the discussion and introduced the Committee's report, suggesting that the erroneous approach of dealing with the Palestinian problem only from the

²⁰GA resolution 3376 (XXX), paras. 3 and 4.

²¹*Ibid.*, paras. 7 and 8.

²²For the letter, see GAOR, 31st sess., Suppl. No. 35.

²³S/12760, dated 29 May 1976. For the text of the report, see GAOR, 31st sess., Suppl. No. 35.

²⁴For details, see chapter III of the present *Supplement*.

humanitarian aspect of aid to the refugees was the basic cause of the aggravation of the Arab-Israeli conflict. The determination of the Palestinians in recent years had helped to correct that error, he said, leading to the adoption of a number of United Nations resolutions reaffirming and spelling out the inalienable rights of the Palestinian people. He stated that all the Committee's recommendations had their basis in resolutions and decisions adopted by the General Assembly or the Council and proceeded to discuss the Committee's report and the recommendations submitted to the Council for consideration and approval. He concluded by pointing out that the Committee's proposals required in-depth involvement by the United Nations and that the Council's reaction was eagerly awaited.¹⁵

At the 1938th meeting, the representative of the United Republic of Tanzania introduced a draft resolution¹⁶ sponsored by Guyana, Pakistan, Panama and the United Republic of Cameroon, by which, in its operative part, the Council would have taken note of the Committee's report and affirmed the inalienable rights of the Palestinian people to self-determination, including the right of return and the right to national independence and sovereignty in Palestine.¹⁷

During the same meeting, the representative of the United States criticized the report of the Committee as misguided in its basic approach since, in the view of his Government, the issues in the Middle East were too complex to be resolved by committees and required serious negotiations by the parties. His delegation maintained its support for the framework contained in Council resolutions 242 (1967) and 338 (1973). Regarding the draft resolution, he indicated that his delegation judged the draft as totally devoid of balance, stressing the rights and interests of one party, and rejected in particular the affirmation of specific political rights for the Palestinians because his Government remained convinced that those rights and interests must be negotiated by the parties before they could be defined in resolutions of the Council. For those reasons, his delegation intended to vote against the draft resolution.¹⁸

The representative of the PLO then addressed the Council, stressing that it was high time that the Council addressed itself to the question of Palestinian rights. He expressed full support for the resolutions adopted by the General Assembly and for the recommendations contained in the report of the Committee, and explained the significance of the recommendations for the people of Palestine. He concluded by appealing to the Council and its members to confront the core of the Middle East problem, to promote the implementation of the Assembly resolutions, not to fall victim to procedures and modalities that would not be appropriate to the question of Palestine and to adopt measures that would contribute significantly to the restoration of justice and peace in Palestine.¹⁹

At the same meeting, the draft resolution was put to a vote and received 10 votes to 1, with 4 abstentions, and was not adopted owing to the negative vote of a permanent member.²⁰

In explanation of the vote, the representative of France suggested that, in regard to paragraph 1 of the draft

resolution, the Council's taking note of the report of the Committee did not justify having recourse to a draft resolution. Instead, the Council could have left it to the President to draw conclusions from the debate at a stage when the report was still a provisional document to be reviewed by the Committee before being transmitted to the General Assembly.²¹

In a letter to the President of the Council, dated 8 June 1977,²² the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People drew the Council's attention to General Assembly resolution 31/20, by which the Assembly endorsed the recommendations in the Committee's report and urged the Council to consider them again as soon as possible in order to take the necessary measures to ensure their implementation. In another letter, dated 13 September 1977,²³ the Chairman referred again to Assembly resolution 31/20 and asked the President of the Council to hold consultations with a view to convening a meeting of the Council on the subject. He added that, in the Committee's opinion, the meeting should be held before the Assembly considered its agenda item "Question of Palestine" so that the Committee could submit its conclusions on the discussion in the Council to the Assembly. He attached a copy of the Committee's report²⁴ to the letter.

At its 2041st meeting, on 27 October 1977, the Council included the Chairman's letter of 13 September 1977 on its agenda, and considered the question at that meeting. The Council decided to invite, under rule 39 of the provisional rules of procedure, the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, and invited the representatives of Egypt and the Syrian Arab Republic, as well as the representative of the PLO.²⁵

The Chairman of the Committee opened the Council's discussion, recalling that the General Assembly at its thirty-first session had decided to endorse the recommendations contained in the Committee's report and had urged the Council to consider those recommendations again so as to achieve early progress towards a solution to the question of Palestine. His Committee had been charged by the Assembly with promoting the implementation of its recommendations and reporting back to the Assembly at its thirty-second session. He noted that in the Assembly debate on the question of Palestine the vast majority of delegations had supported the Committee's report and agreed that the question was the central element in the Middle East conflict, which could be brought to a lasting peace settlement only if the legitimate rights and aspirations of the Palestinian people were taken into account. The Chairman pointed out that the task of the Committee had consisted above all in righting the basic imbalance that had characterized the various United Nations approaches to the question of Palestine. He mentioned various suggestions that the Committee had made to help facilitate the Council's work towards a positive approach to the Palestine problem, and said that the main concern now should be the implementation of decisions that had been adopted by the United Nations. Finally, he emphasized once again that by adopting the Committee's recommendations the Council would increase considerably the chances for a peaceful settlement in the Middle East.²⁶

¹⁵ 1924th mtg., paras. 19-48.

¹⁶ S. 12119, OR, 31st yr., Suppl. for April-June 1976.

¹⁷ 1938th mtg., paras. 24-31.

¹⁸ *Ibid.*, paras. 61-65.

¹⁹ *Ibid.*, paras. 68-79.

²⁰ For the vote, see 1938th mtg., para. 119.

²¹ 1938th mtg., paras. 125-128.

²² S. 12345, OR, 32nd yr., Suppl. for April-June 1977.

²³ S. 12399, OR, 32nd yr., Suppl. for July-Sept. 1977.

²⁴ See note 22 above.

²⁵ For details, see chapter III of the present Supplement.

²⁶ See 2041st mtg., paras. 12-47.

At the end of the 2041st meeting, the President stated that, after prior consultations with members of the Council, it had been agreed to adjourn the debate on the topic. The next meeting of the Council on the issue would be fixed after consultations among members.⁴¹

Subsequently, the Committee, through its Chairman or Acting Chairman, addressed a number of letters to the President of the Council requesting Council action of one kind or another. By letter dated 18 January 1978,⁴² the Chairman of the Committee, noting that the question of the future of the Palestinian people had been receiving increasing attention in the context of recent talks, drew the Council's attention to the fundamental principles relating to the question as contained in the Committee's report to the General Assembly, which should be applied in any effort to bring about a just and lasting peace in the Middle East. In a letter dated 20 March 1978,⁴³ condemning Israeli aggression against Lebanon and endorsing the Council's request that Israel immediately cease military action against Lebanon and withdraw its forces, the Chairman stated that many innocent lives might have been saved if the Council had exercised its responsibilities by contributing to the efforts to find a solution to the question of Palestine. He expressed the Committee's belief that it was imperative that the Council take more energetic and determined action to bring about the establishment of peace in the Middle East, including, without further postponement, a positive response to the Assembly recommendations on the question of Palestine.

In another letter, dated 22 August 1978,⁴⁴ on the harsh and inhuman treatment by the Israeli authorities of Palestinians in their custody, the Chairman of the Committee asked the Council to take appropriate action to ensure that the prisoners' demands for improvement would be met. By letter dated 27 September 1978,⁴⁵ he drew the Council's attention to paragraph 4 of General Assembly resolution 32/40 A, in which the Council was urged to take a decision as soon as possible on the recommendations endorsed by the Assembly in its resolution 31/20, and expressed the Committee's hope that the Council would soon take a decision on its recommendations. In a further letter, dated 2 March 1979,⁴⁶ the Acting Chairman expressed the Committee's concern at the increasingly repressive measures taken by the Israeli authorities against the Palestinian people in the illegally occupied territories, and at Israel's implementation of a policy, which, he stated, was clearly aimed at establishing permanent dominion over those territories. He asked that the Council take up those matters at its upcoming meeting requested by Jordan.

On 13 March 1979, the Chairman of the Committee addressed a letter⁴⁷ to the President of the Council drawing the Council's attention to General Assembly resolution 33/28, in which the Assembly once again urged the Council to take a decision as soon as possible on the Committee's recommendations. The Assembly also authorized and requested the Committee, should the Council fail to consider or take a decision on the recommendations by 1 June 1979, to consider that situation and make whatever suggestions it deemed appropriate, and asked the Committee to keep the question of Palestine under review and to report or make suggestions to the Assembly or to the Council as it deemed appropriate. The President

of the Council responded with a letter to the Chairman of the Committee dated 24 May 1979,⁴⁸ informing him that the members of the Council were following the matter with great attention, with a view to holding a meeting of the Council at an early date. In a letter dated 27 June 1979,⁴⁹ the Chairman referred to the President's letter of 24 May 1979 and informed him that the Committee had concluded that the Council should resume its consideration of the Committee's recommendations as soon as possible, since considerable time had elapsed since the last discussion of those issues at the 2041st meeting, on 27 October 1977.

At its 2155th meeting, on 29 June 1979, the Council included the two letters from the Chairman of the Committee in its agenda and considered the question at its 2155th and 2160th to 2163rd meetings, on 29 June, 27 July and 23 and 24 August 1979. In accordance with past practice, the Council decided to invite the Chairman of the Committee to participate in the discussion under rule 39 of the provisional rules of procedure. During its deliberations on the question, the Council also decided to invite the Rapporteur of the Committee, the representative of the PLO, and the representatives of Afghanistan, Cuba, Egypt, the German Democratic Republic, Iraq, Israel, Jordan, the Lao People's Democratic Republic, Morocco, Senegal, Sri Lanka, the Syrian Arab Republic, Tunisia, Turkey and Yugoslavia to participate without vote in the discussion.⁵⁰

Opening the discussion at the 2155th meeting, the Chairman of the Committee reminded the members of the Council of the General Assembly's endorsement of the Committee's recommendations and of its recurrent request that the Council consider and adopt those recommendations in order to facilitate the ongoing attempts to resolve the Palestinian question. The Council had been seized of the question since October 1977 and certain members of the Council had succeeded in suspending the examination of the Committee's report, but the members of the Committee felt that they could not accept further delay. The Chairman pointed to Assembly resolution 32/28 of 7 December 1978, in which a deadline of 1 June 1979 had been set for the Council's renewed consideration of the issue. He restated the basic aims set by his Committee, pointed to the congruence between them and the objectives set by the Ministers for Foreign Affairs of the European Community in their statement of 18 June 1979, and appealed once more to the Council to assist in achieving progress in the issues of the Middle East and, in particular, of the Palestine question.⁵¹

At the 2160th meeting, on 27 July 1979, the Rapporteur of the Committee said that over the years a quasi-unanimous international consensus had laboriously been devised on the essential parameters of an equitable solution in the Middle East. Those parameters had not yet been incorporated in a unanimous Council pronouncement. He rejected charges that the Committee had specifically been set up to by-pass Council resolution 242 (1967); the Committee had never ignored that resolution, but had tried to put it in the proper perspective. If justice were to prevail on the Middle East issue, a matter in which the United Nations had a clear responsibility, the Committee felt that its recommendations should be taken into account in all negotiations.⁵²

⁴¹ See 2041st mtg., para. 134.

⁴² S. 12531, *OR*, 33rd yr., *Suppl. for Jan.-March 1978*.

⁴³ S. 12614, *ibid.*

⁴⁴ S. 12820, *ibid.*, *Suppl. for July-Sept. 1978*.

⁴⁵ S. 12874, *ibid.*

⁴⁶ S. 13132, *ibid.*, 34th yr., *Suppl. for Jan.-March 1979*.

⁴⁷ S. 13164, *ibid.*

⁴⁸ S. 13349, *ibid.*, *Suppl. for April-June 1979*.

⁴⁹ S. 13318, *ibid.*

⁵⁰ For details, see chapter III of the present *Supplement*.

⁵¹ 2155th mtg., paras. 11-14.

⁵² 2160th mtg., paras. 6-28.

At the beginning of the 2162nd meeting, on 24 August 1979, the President drew the Council's attention to the text of a draft resolution³⁹ sponsored by Senegal. At the same meeting, the Chairman of the Committee, speaking also in his capacity as representative of Senegal, introduced the draft resolution that his Committee had prepared. He noted that, in preparing the draft, the Committee had made major sacrifices regarding its basic positions in an effort to accommodate all the members of the Council, and added that certain members of the Council refused to co-operate with the Committee on the pretext that they had not voted in favour of the resolution setting up that body. He then introduced in detail the draft resolution, which, in its preambular part, would have the Council, convinced that the question of Palestine was at the core of the conflict in the Middle East, reaffirm the urgent need to establish a just and lasting peace through a comprehensive settlement based on full respect for the purposes and principles of the Charter of the United Nations, and for its resolutions of the problem of the Middle East and the question of Palestine; express its concern over the continuing deterioration of the situation in the Middle East and deeply deplore Israel's persistence in its occupation of the Arab territories, including Jerusalem, and its refusal to implement the relevant United Nations resolutions; reaffirm the principle of the inadmissibility of the acquisition of territories by force; and reaffirm its resolutions on the Middle East and the question of Palestine, particularly resolutions 232 (1967), 242 (1967), 252 (1968) and 338 (1973). In operative paragraph 1, the Council would have affirmed (a) that the Palestinian people should be enabled to exercise their inalienable rights of self-determination, national independence and sovereignty in Palestine; and (b) the right of the Palestinian refugees wishing to return to their homes and live at peace with their neighbours to do so, and the right of those choosing not to return to receive compensation for their property. In operative paragraph 2, the Council would have decided that the provisions contained in paragraph 1 should be taken fully into account in all international efforts and conferences organized within the framework of the United Nations for the establishment of a just and lasting peace in the Middle East. In conclusion, the Chairman pointed out that the members of his Committee had agreed to omit any mention of a "Palestinian State" as an example of the flexibility shown and urged the Council to decide quickly and in the interest of the Palestinian people.⁴⁰

The draft resolution was not put to a vote. At the end of the 2163rd meeting, on 24 August 1979, the President announced that the date and time of the next meeting of the Council for consideration of the agenda item would be fixed following consultations among the members of the Council, and adjourned the meeting.⁴¹

In a letter dated 18 October 1979,⁴² the Chairman of the Committee drew the Council's attention to the reported decision by the Israeli Government to authorize the expansion of seven settlements in the occupied Arab territories, and attached an annex containing the text of the "Master plan for the development of settlements in Judea and Samaria" by the World Zionist Organization. He stated in his letter that the situation called for urgent and vigorous action, particularly by the Council, which could make an important contribution to the easing of tensions and the re-establishment of peace in the region

by adopting the Committee's recommendations as soon as possible. In a letter dated 20 February 1980,⁴³ the Acting Chairman drew attention to the reported decision by the Israeli Cabinet to authorize a settlement in the heart of the Arab city of Al-Khalil, located in the occupied Arab territories. He called for urgent action, particularly by the Council, to convince Israel of the danger of its settlement policies and the necessity for its immediate and complete withdrawal from the illegally occupied territories.

In a letter dated 6 March 1980,⁴⁴ the Acting Chairman of the Committee drew attention to paragraphs 7 and 8 of General Assembly resolution 34/65 A, in which the Assembly had once again urged the Council to consider the Committee's recommendations and to act on them, and had reiterated its request that, should the Council fail to act by 31 March 1980, the Committee consider the situation and make appropriate suggestions. He restated the basic principles as formulated by his Committee for the pursuit of a comprehensive settlement of the Middle East issue, including the Palestinian question, and noted that since the Council had not voted on the draft resolution that had been presented during its deliberations in August 1979 it was still seized of the question. He asked that the Council take practical measures with a view to implementing the Committee's recommendations. By letter dated 14 March 1980,⁴⁵ the Chairman expressed on behalf of the Committee deep concern at the recent expropriation by the Israeli authorities of vast areas of Arab-owned lands in the vicinity of Jerusalem in order to establish new settlements, stating that the situation demanded action by the Council to prevent its becoming an increasing threat to international peace and security. In another letter, dated 19 March 1980,⁴⁶ he expressed concern over the decision by the Israeli Government to seize 375 acres of Arab land near Bethlehem, and expressed the belief that concrete and urgent action by the Council on the basis of Assembly resolution 34/65 A for the implementation of the Committee's recommendations would undoubtedly lead to the solution of the question of Palestine and consequently of the problem of the Middle East as a whole. In a further letter, dated 24 March 1980,⁴⁷ the Chairman referred to his letter of 6 March 1980, in which the Council's attention had been drawn to paragraphs 7 and 8 of Assembly resolution 34/65 A, and, noting that the date mentioned in paragraph 8 to that resolution was imminent, asked that the Council be convened urgently.

At its 2204th meeting, the Council resumed its consideration of the item; it included the letters dated 6 March 1980 and 24 March 1980 in its agenda, and considered the question at the 2204th to 2208th, 2219th and 2220th meetings, on 31 March to 9 April and 29 and 30 April 1980. During its deliberations the Council decided to invite the Chairman and the Rapporteur of the Committee, under rule 39 of the provisional rules of procedure, and also the representative of the PLO and Mr. Clovis Maksoud and the representatives of Algeria, Bahrain, Bulgaria, Cuba, Democratic Yemen, Egypt, Guyana, Hungary, India, Iraq, Israel, Jordan, Lebanon, Madagascar, Morocco, Qatar, Saudi Arabia, the Syrian Arab Republic, the Ukrainian SSR, the United Arab Emirates, Viet Nam, Yemen and Yugoslavia to participate without vote in the discussion of the item.⁴⁸

³⁹ S/13811, *ibid.*, 35th yr., Suppl. for Jan.-March 1980.

⁴⁰ S/13832, *ibid.*

⁴¹ S/13843, *ibid.*

⁴² S/13849, *ibid.*

⁴³ S/13855, *ibid.*

⁴⁴ For details, see chapter III of the present Supplement.

³⁹ S/13511, *OR*, 34th yr., Suppl. for July-Sept. 1979.

⁴⁰ 2162nd mtg., paras. 5-15.

⁴¹ 2163rd mtg., para. 187.

⁴² S/13558, *OR*, 34th yr., Suppl. for Oct.-Dec. 1979.

At the 2204th meeting, the Chairman of the Committee, as the first speaker in the debate, reminded the Council members that the Palestinian issue had been on the Council's agenda since 1976 and that the Committee's recommendations were all based on previous Council and General Assembly resolutions. He also pointed out that the Committee had clearly refused a *sine die* postponement of the discussion of the question of Palestine in the Council, but noted with regret that certain Council members had continually requested further delay and thus had prevented the Council from acting. He warned that the Council's inaction allowed Israel to present the world with further *faits accomplis* that made progress towards peace ever more difficult. He reaffirmed on behalf of the Committee Israel's right to exist, but added that, on the pretext of its desire for absolute security, Israel could not totally deny the existence of Arab Palestine and of the legitimate and inalienable rights of the Palestinian people.⁵⁹

The Rapporteur of the Committee then pointed out that the solution proposed by the United Nations was objective and comprehensive and contained a legal endorsement of the right of Israel to exist within secure borders. That opinion had been repeatedly confirmed by the present United Nations membership, and accepted by the PLO through its support of the Committee's recommendations.⁶⁰

At the beginning of the 2219th meeting, the President drew the Council's attention to a draft resolution⁶¹ sponsored by Tunisia.⁶² The representative of Tunisia introduced the draft resolution, which had been prepared by the Committee, at the 2220th meeting. In its preambular part, the Council would have taken note of General Assembly resolution 34/65; stated its conviction that the question of Palestine was at the core of the Middle East conflict; reaffirmed the urgent need to establish a just and lasting peace through a comprehensive settlement based on full respect for the United Nations Charter and United Nations resolutions on the problem of the Middle East and the question of Palestine; expressed concern over the deterioration of the situation in the Middle East, and deplored Israel's persistence in occupying the Arab territories and refusing to implement the relevant United Nations resolutions; and reaffirmed the principle of the inadmissibility of the acquisition of territory by force. In the operative part of the draft resolution, the Council would have (a) affirmed (i) that the Palestinian people should be enabled to exercise its inalienable right of self-determination, including the right to establish an independent State in Palestine; (ii) the right of Palestinian refugees wishing to return to their homes and live at peace with their neighbours to do so, and the right of those choosing not to return to receive equitable compensation for their property; (b) reaffirmed that Israel should withdraw from all Arab territories occupied since 1967, including Jerusalem; (c) decided that arrangements should be established to guarantee the sovereignty, territorial integrity and political independence of all States in the area, including the State of Palestine envisaged in paragraph 1 (a) ((a)(i) above) and the right to live in peace within secure and recognized boundaries; (d) decided that the provisions in paragraphs 1, 2 and 3 should be taken fully into account in all international efforts organized within a United Nations framework for the establishment of peace in the Middle East; (e) requested the Secretary-General to take all the necessary steps as soon as possible

for the implementation of the resolution and to report to the Council on the progress achieved; and (f) decided to meet within six months to consider the Secretary-General's report on the implementation of the resolution and in order to pursue its responsibilities regarding such implementation.⁶³

Prior to the vote on the draft resolution, at the same meeting, the representative of the United States indicated that his delegation would oppose the draft resolution, as his Government was committed to the approach embedded in the Camp David accords as the only workable framework for a Middle East settlement, and did not view the draft resolution as an acceptable alternative.⁶⁴

The President then put the draft resolution to the vote. It received 10 votes to 1, with 4 abstentions, and was not adopted owing to the negative vote of a permanent member of the Council.⁶⁵ At the end of the 2220th meeting, the President stated that the Council had concluded the present stage of its consideration of that item on its agenda.⁶⁶

The Council did not consider the question again in 1980, although it continued to receive communications from the Committee. In a letter to the President of the Council dated 14 May 1980,⁶⁷ the Acting Chairman expressed the Committee's concern at Israel's refusal to re-admit the mayors of Al-Khalil (Hebron) and Halhoul and the Sharia judge of Al-Khalil, despite the adoption by the Council of resolution 468 (1980), which called upon the Government of Israel to facilitate their immediate return. He stated that this demonstrated that the Government of Israel had no intention of helping to find a peaceful solution to the question of Palestine, and that in the face of such an attitude concrete and practical action by the Council was urgently called for, in order to prevent a deterioration of the situation and a threat to international peace and security. He noted that the Committee had urged Council action on many previous occasions, and that delay only allowed the situation to deteriorate further.

In another letter, dated 2 June 1980,⁶⁸ the Chairman of the Committee drew attention to the most recent outrages committed against the Arab inhabitants of the occupied territories, including *inter alia*, four separate bomb explosions that had maimed the elected mayors of two communities and had killed or wounded a total of 22 other persons. Such actions, he stated, were designed to silence the demands of the Arab inhabitants for their just rights, and it was imperative that the Council take urgent and decisive action to prevent a deterioration of the situation.

On 12 June 1980, the Acting Chairman of the Committee addressed a letter to the President of the Council,⁶⁹ in which he drew attention to the declaration by the Prime Minister of Israel regarding plans to establish further settlements in the occupied Arab territories, recalling that such decisions constituted a flagrant violation of international law, world public opinion and the resolutions adopted by the General Assembly and the Council, including Council resolution 465 (1980), which called upon the Government of Israel to dismantle existing settlements and to stop establishing new settlements. Once again, he called upon the Council to take urgent and

⁵⁹ 2204th mtg., paras. 12-37.

⁶⁰ *Ibid.*, paras. 39-65.

⁶¹ S/13911, OR, 35th yr., Suppl. for April-June 1980.

⁶² 2219th mtg., para. 3.

⁶³ 2220th mtg., paras. 80-84.

⁶⁴ *Ibid.*, paras. 139-150.

⁶⁵ *Ibid.*, para. 151.

⁶⁶ *Ibid.*, para. 193.

⁶⁷ S/13940, OR, 35th yr., Suppl. for April-June 1980.

⁶⁸ S/13978, *ibid.*

⁶⁹ S/13997, *ibid.*

decisive measures to prevent the deterioration of the situation in the region.

In another letter, dated 4 August 1980,⁷⁰ the Chairman of the Committee expressed grave concern at the latest action taken by Israel in finalizing its plans to make Jerusalem the capital of Israel. He expressed the Committee's conviction that the Council should examine practical ways and means to secure full implementation of Council resolution 476 (1980), which, *inter alia*, called upon Israel to abide by Council resolutions and to stop

persisting in the policy and measures affecting the character and status of the Holy City of Jerusalem.

In a letter dated 9 December 1980,⁷¹ the Chairman referred again to the case of the mayors of Al-Khalil (Hebron) and Halhoul, stating that the Government of Israel had confirmed its earlier decision to expel the two mayors, and called for firm action by the Council in insisting that the mayors should be allowed to return to their homes and families in accordance with the specific requests contained in Council resolutions 468 (1980) and 469 (1980).

⁷⁰S/14090, *ibid.*, Suppl. for July-Sept. 1980.

⁷¹S/14292, *ibid.*, Suppl. for Oct.-Dec. 1980.

I. 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

Document symbol	Date	Subject
S/11742	2.7.75	Transmitting the text of a resolution on the question of Southern Rhodesia adopted by the Special Committee on 17 June 1975 (A/AC.109/494), which recommended that the Council initiate a programme of assistance to Mozambique as provided for in Articles 49 and 50 of the Charter (para. 5, section B), and that it consider expanding the scope of sanctions against Southern Rhodesia to include all the measures envisaged under Article 41 of the Charter (para. 6, section B).
S/11745	6.7.75	Transmitting the text of a consensus on the question of Namibia adopted by the Special Committee on 18 June 1975 (A/AC.109/495), which urged the Council to consider adopting measures, including those provided for under Chapter VII of the Charter, to secure South Africa's compliance with United Nations decisions, recommended that the Council declare mandatory the arms embargo against South Africa (para. 6) and urged those permanent members of the Council whose negative votes had blocked various proposals on Namibia to reconsider their negative attitudes (para. 7).
S/12098	18.6.76	Transmitting the text of a resolution on the situation in Southern Rhodesia adopted by the Special Committee on 16 June 1976 (A/AC.109/531), which urged the Council to expand the sanctions against Southern Rhodesia to include all measures envisaged under Article 41 of the Charter (para. 7).
S/12099	18.6.76	Transmitting the text of a consensus on the question of Namibia adopted by the Special Committee on 17 June 1976 (A/AC.109/533), which suggested that if South Africa failed to comply with Council resolution 385 (1976) the Council should consider adopting measures under Chapter VII of the Charter.
S/12105	21.6.76	Transmitting the report of the <i>Ad Hoc</i> Group established by the Special Committee at its 1029th meeting which, <i>inter alia</i> , stated that if South Africa failed to comply with Council resolution 385 (1976) the Council should consider adopting measures under Chapter VII of the Charter.
S/12297	14.3.77	Transmitting the text of a consensus on the question of Namibia adopted by the Special Committee on 14 March 1977 (A/AC.109/544), which requested that the Council consider adopting measures, including those provided for under Chapter VII of the Charter, to secure South Africa's speedy compliance with Council resolution 385 (1976) (para. 6), and recommended that the Council declare mandatory the arms embargo against South Africa (para. 7).
S/12344/ Rev. I	22.7.77	Transmitting the text of the report of the International Conference in Support of the Peoples of Zimbabwe and Namibia, held at Maputo from 16 to 21 May 1977, which <i>inter alia</i> , urged the Council to consider expanding the scope of sanctions against Southern Rhodesia to include all the measures envisaged under Article 41 of the Charter, and called upon the Council to impose a mandatory arms embargo against South Africa.
S/12380	11.8.77	Transmitting the text of a resolution on the question of Southern Rhodesia adopted by the Special Committee on 8 August 1977 (A/AC.109/555), which asked the Council to undertake a periodic review of the question of economic assistance to Mozambique and Zambia (para. 5) and to expand the scope of sanctions against

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
		Southern Rhodesia to include all the measures envisaged under Article 41 of the Charter (para. 6).
S/12381	18.8.77	Transmitting the text of a resolution on foreign economic and other interests in southern Africa adopted by the Special Committee on 2 August 1977 (A/AC.109/549), which once again pressed the Council to consider expanding the scope of sanctions against Southern Rhodesia (para. 10).
S/12645	14.4.78	Transmitting the text of a consensus on the question of Namibia adopted by the Special Committee on 13 April 1978, which, <i>inter alia</i> , recommended that the Council consider taking measures, including those provided for under Chapter VII of the Charter, to secure South Africa's speedy compliance with the Council's decisions (para. 9).
S/12806	11.8.78	Transmitting the text of a resolution on the question of Southern Rhodesia adopted by the Special Committee on 10 August 1978 (A/AC.109/564), which asked the Council to undertake a periodic review of the question of economic assistance to Mozambique and Zambia (para. 5), to consider expanding the scope of sanctions against Southern Rhodesia (para. 6) and to consider imposing a mandatory embargo on the supply of petroleum and petroleum products to South Africa (para. 7).
S/12831	1.9.78	Transmitting the text of a resolution on foreign economic and other interests in southern Africa adopted by the Special Committee on 28 August 1978 (A/AC.109/572), which condemned the policies of States that had violated or failed to enforce the mandatory sanctions against Southern Rhodesia (para. 9), and invited the Council to consider expanding the scope of sanctions against Southern Rhodesia to include all the measures envisaged under Article 41 of the Charter (para. 10).
S/13283	27.4.79	Transmitting the section on Southern Rhodesia of the Final Document on the Decolonization of Zimbabwe and Namibia adopted by the Special Committee on 27 April 1979, which, <i>inter alia</i> , again asked the Council to consider expanding the scope of sanctions against Southern Rhodesia, and asked the Council to consider imposing sanctions against South Africa, including, as a first step, a mandatory embargo on the supply of petroleum and petroleum products to South Africa.
S/13321	15.5.79	Transmitting the section on Namibia of the Final Document on the Decolonization of Zimbabwe and Namibia adopted by the Special Committee on 27 April 1979, which, <i>inter alia</i> , asked the Council to consider taking measures to secure South Africa's speedy compliance with Council decisions, including those provided for under Chapter VII of the Charter, particularly the imposition of comprehensive economic sanctions, including a trade embargo, an oil embargo and a complete arms embargo.
S/13493	13.8.79	Transmitting the text of a resolution on foreign economic and other interests in southern Africa adopted by the Special Committee on 8 August 1979 (A/AC.109/583), which condemned the policies of States that had violated or failed to enforce the mandatory sanctions against Southern Rhodesia (para. 9), and invited the Council to consider expanding the scope of sanctions against Southern Rhodesia to include all the measures envisaged under Article 41 of the Charter (para. 10).
S/14133	28.8.80	Transmitting the text of a consensus on the question of Namibia adopted by the Special Committee on 21 August 1980 (A/AC.109/632), which recommended that the Council consider imposing comprehensive and mandatory sanctions against South Africa under Chapter VII of the Charter (para. 12).

(b) COMMUNICATIONS FROM THE SPECIAL COMMITTEE AGAINST APARTHEID

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
S/11708	3.6.75	Transmitting the text of the Declaration and recommendations of the Seminar on South Africa, held in Paris from 28 April to 2 May 1975, which, <i>inter alia</i> , called upon the Council to adopt a mandatory arms embargo against South Africa under Chapter VII of the Charter
S/11709	2.6.75	Transmitting the text of a statement dated 25 April 1975 (A/AC.131/1-24) on the murder of one Namibian and the serious wounding of 10 others by the South African police on 23 April 1975.

Document symbol	Date	Subject
S/11846	6.10.75	Submitting the report of the Special Committee, adopted on 24 September 1975, which, <i>inter alia</i> , noted that while there had been progress during the year on implementing the arms embargo against South Africa, the Council had failed to take action under Chapter VII of the Charter to make the embargo mandatory, and recommended that the General Assembly specifically request those countries that had vetoed a draft resolution calling for a mandatory arms embargo to stop opposing it.
S/12092	4.6.76	Transmitting the text of the declaration and the programme of action adopted by the International Seminar on the Eradication of <i>Apartheid</i> and in Support of the Struggle for Liberation in South Africa, held at Havana from 24 to 28 May 1976, which stated, <i>inter alia</i> , that it was imperative that the Council made the arms embargo that it had laid down in 1963 mandatory and comprehensive under Chapter VII of the Charter.
S/12150 and Add.1, Add.2 and Add.3	25.10.76, 4.8.76, 15.9.76 and 26.10.76	Submitting the annual report of the Special Committee including the report of the Special Committee, adopted on 5 October 1976 (A/31/22), which, <i>inter alia</i> , recommended that the General Assembly and the international community exert their influence to persuade the three permanent members of the Council that had prevented the Council from determining the existence of a threat to the peace in South Africa and from adopting mandatory measures under Chapter VII of the Charter to facilitate such measures, that the Assembly call upon the Council to adopt a comprehensive and mandatory arms embargo against South Africa, that the Council take effective action to prevent South Africa from developing its nuclear capabilities, and that the Council condemn South Africa for its acts of aggression against the "front-line" States and adopt various measures in support of those States; also submitted were the report of the Special Committee on the Soweto massacre and its aftermath, adopted on 3 August 1976 (S/12150/Add.1), the report of the Special Committee on relations between Israel and South Africa, adopted on 8 September 1976 (S/12150/Add.2), and the report of the Special Committee on information activity against <i>apartheid</i> by the United Nations and the specialized agencies, adopted on 5 October 1976 (S/12150/Add.3).
S/12363 and Add.1 and Add.2-3	26.7.77 and 7.11.77	Submitting the annual report of the Special Committee, including the report of the Special Committee adopted on 1 November 1977 (A/32/22), which, <i>inter alia</i> , emphasized the need for the Council to take action under Chapter VII of the Charter, especially on military and nuclear collaboration with South Africa and loans to and investments in South Africa, and recommended that the General Assembly appeal to the three permanent members of the Security Council that continued to resist a determination of the threat to peace and action under Chapter VII of the Charter to co-operate in taking such action; also submitted were the special report of the Second International Trade Union Conference for Action against <i>Apartheid</i> , adopted on 21 June 1977 (S/12363/Add.1), the special report on the International <i>Apartheid</i> Year, adopted on 28 October 1977 (S/12363/Add.2), and the special report on relations between Israel and South Africa, adopted on 28 October 1977 (S/12363/Add.3).
S/12434	1.11.77	Letter to the Secretary-General dated 7 October 1977 requesting that he bring to the attention of the General Assembly and the Council the report of the World Conference for Action against <i>Apartheid</i> , held at Lagos from 22 to 26 August 1977.
S/12514	29.12.77	Transmitting the text of a statement dated 12 December 1977 by Mr. Abdul S. Minty, Honorary Secretary of the British Anti- <i>Apartheid</i> Movement, on the mandatory arms embargo against South Africa laid down by the Council in resolution 418 (1977), in which he highlighted areas in which the embargo might be circumvented, and stated that strict monitoring and supervisory machinery was needed to ensure that the resolution would be implemented comprehensively and strictly.
S/12536	23.1.78	Transmitting the text of a letter dated 19 January 1978 calling upon the Council to take measures to secure the full implementation of Council resolution 417 (1977); enclosed was a review of developments in South Africa since the adoption of that resolution.
S/12733	12.6.78	Letter dated 9 June 1978 transmitting the summary records of two meetings that the Special Committee had held on military and nuclear collaboration with South Africa (A/AC.115/SR.382 and 383) and calling for mandatory measures under Chapter VII of the Charter to prevent all forms of military and nuclear co-operation with the illegal régime.

Document symbol	Date	Subject
S/12858/ Add.1 and Add.2	22.9.78 and 20.11.78	Transmitting the text of the report of the Special Committee on the policies of <i>Apartheid</i> of the Government of South Africa, including a special report on oil sanctions against South Africa, dated 21 September 1978 (S/12858/Add.1), which recommended that the Council adopt a mandatory embargo under Chapter VII of the Charter on the supply of petroleum products to South Africa, drawing attention to the provisions of resolution CM/Res.634 (XXXI) of the Council of Ministers of the Organization of African Unity (OAU); and a special report on recent developments in the relations between Israel and South Africa, dated 15 November 1978 (S/12858/Add.2).
S/12925	22.11.78	Submitting the annual report of the Special Committee, adopted on 15 November 1978, which, <i>inter alia</i> , recommended the launching of an international mobilization against <i>apartheid</i> , which should, among other things, take steps to persuade recalcitrant Governments to facilitate mandatory decisions by the Council under Chapter VII of the Charter; stated that it was essential that the Council declare that any military or nuclear collaboration with South Africa constituted a threat to international peace and security; and called for urgent mandatory action by the Council to bring about the total cessation of all supplies of petroleum, petroleum products or other strategic materials to South Africa, loans to and investments in South Africa, guarantees or other inducements for investment in South Africa, tariffs and other preferences for imports from South Africa, and all trade with South Africa.
S/13157	9.3.79	Letter dated 7 March 1979 transmitting the text of the report of the United Nations Seminar on Nuclear Collaboration with South Africa and drawing attention to the Seminar's recommendation that the Council urgently consider the situation arising from the South African régime's efforts to acquire nuclear weapon capability, and adopt a mandatory decision under Chapter VII of the Charter to end all nuclear collaboration with South Africa.
S/13391	13.6.79	Transmitting the text of the declaration adopted at the special session of the Special Committee held at Kingston from 22 to 25 May 1979, which, <i>inter alia</i> , called upon the Council to impose effective and mandatory sanctions under Chapter VII of the Charter against South Africa.
S/13429	3.7.79	Letter dated 11 June 1979 transmitting the summary record of the Special Committee's 429th meeting, at which it heard experts on loans to and investments in South Africa, emphasizing the importance of urgent action to stop all loans to South Africa.
S/13501	17.8.79	Letter dated 20 July 1979 transmitting the summary record of the Special Committee's 430th meeting, at which it heard an expert on the oil embargo against South Africa, emphasizing the importance of urgent action to impose an effective oil embargo against South Africa.
S/13548	20.9.79	Transmitting the text of a statement dated 11 September 1979 condemning the proposed proclamation of the so-called "independence" of Venda, and recalling General Assembly resolution 31/105 N in which the Assembly unanimously reaffirmed its denunciation of the establishment of bantustans.
S/13596 and Add.1	2.11.79	Submitting the annual report of the Special Committee, adopted on 25 October 1979, which, <i>inter alia</i> , expressed strong support for the OAU position that the Council should consider the situation in South Africa without further delay with a view to the imposition of mandatory sanctions against South Africa under Chapter VII of the Charter, with particular attention to the strengthening of the arms embargo, the imposition of an oil embargo and the termination of all collaboration in the nuclear field (S/13596); also submitted was the special report of the Special Committee on recent developments in the relations between Israel and South Africa (S/13596/Add.1).
S/13869	1.4.80	Letter dated 27 March 1980 transmitting with an endorsement the text of the Declaration of the International Seminar on an Oil Embargo against South Africa, held at Amsterdam from 14 to 16 March 1980, stating that the Special Committee hoped that the Council would consider without delay imposing a mandatory oil embargo against South Africa.
S/14156, and Add.1, Add.2 and Add.3	24.9.80, 22.10.80, 17.10.80 and 3.11.80	Submitting the annual report of the Special Committee, including the first special report of the Special Committee on the implementation of United Nations resolutions on <i>apartheid</i> by Governments and intergovernmental organizations, dated 22 October 1980 (S/14156/

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
		Add. 1), which concluded that large-scale collaboration with South Africa in violation of General Assembly resolutions continued, and called upon the Council to impose mandatory sanctions against South Africa under Chapter VII of the Charter, also submitted were the second special report of the Special Committee on recent developments concerning relations between Israel and South Africa, dated 17 October 1980 (S/14156/Add.2) and the third special report of the Special Committee on the proposed International Conference on Sanctions against South Africa, dated 3 November 1980 (S/14156/Add.3).
S/14160	16.9.80	Transmitting the text of the Declaration of the International Non-Governmental Organizations Action Conference for Sanctions against South Africa, held at Geneva from 30 June to 3 July 1980, which, <i>inter alia</i> , appealed to all members of the international community to join in the campaign for comprehensive mandatory sanctions against South Africa.
S/14279	2.12.80	Transmitting the text of a statement issued on 1 December 1980 on the sentences imposed by the Pretoria Supreme Court on nine members of the African National Congress of South Africa (ANC), including death sentences on three men.
S/14280	2.12.80	Transmitting the text of a statement dated 26 November 1980 on the moves taken by the South African régime to grant so-called "independence" to Ciskei.

(c) COMMUNICATIONS FROM THE UNITED NATIONS COUNCIL FOR NAMIBIA

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
S/11834	29.8.75	Transmitting the text of a statement dated 29 August 1975 (A/AC.131/L.31) on a wave of arrests and detentions of Namibians by the South African régime connected with the so-called constitutional convention scheduled for 1 September 1975.
S/12079	19.5.76	Transmitting the text of a statement dated 13 May 1976 on the announced death sentences passed by the illegal South African Administration in Namibia upon two members of the South West Africa People's Organization (SWAPO).
S/12185	23.8.76	Transmitting the text of a statement dated 18 August 1976 on the so-called proposals of South Africa on the future of Namibia (see S/12080), asserting that South Africa had failed to comply with the terms of Security Council resolution 385 (1976), and asking the Security Council to consider taking appropriate measures.
S/12201	17.9.76	Transmitting the texts of the joint communiqués issued on the consultations held between the Mission of the United Nations Council for Namibia and the Governments of Botswana, Zambia and Angola on 1, 5 and 7 September 1976 respectively.
S/12344/ Rev.1	22.7.77	See entry under table 1 (a) above.
S/12397	14.9.77	Transmitting the text of a statement dated 7 September 1977 condemning South Africa's decisions to separate Walvis Bay from the rest of Namibia and to administer it directly as part of the Cape Province of South Africa.
S/12398	14.9.77	Transmitting the text of a statement dated 7 September 1977 condemning the reported intention of the Government of South Africa to carry out nuclear tests at South African nuclear installations in the Kalahari desert region of Namibia.
S/12491	14.12.77	Transmitting the text of a statement dated 14 December 1977 condemning the reported arrests of SWAPO leaders and supporters by the South African régime.
S/12631	6.4.78	Transmitting the text of the 1978 Lusaka Declaration of the United Nations Council for Namibia adopted on 23 March 1978, which, <i>inter alia</i> , recommended that the General Assembly urge the Security Council to apply the measures necessary to terminate South Africa's illegal occupation of Namibia.
S/12691	5.5.78	Transmitting the text of a statement dated 5 May 1978 condemning an act of aggression by South Africa against Angola and the people of Namibia and calling upon the Security Council to consider imposing mandatory and comprehensive economic sanctions, an oil embargo and an arms embargo against South Africa.

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
S/12755	23.6.78	Transmitting the text of a statement dated 20 June 1978 condemning South Africa's proclamation on the registration of voters in Namibia.
S/12931	21.11.78	Transmitting the text of a statement on invitations issued by the South African Government to journalists and others to follow the so-called "elections" that were to be held in Namibia in December 1978.
S/12951	4.12.78	Letter dated 1 December 1978 supporting the request by the Chairman of the African Group (see S/12945) that the Security Council meet on 4 December 1978 to consider the Secretary-General's report on the question of Namibia in the light of the challenge to Security Council resolutions presented by the South African Government's decision to carry out so-called "elections" in Namibia.
S/12959	8.12.78	Transmitting the text of a statement dated 8 December 1978 by a Namibian citizen bearing witness to acts of harassment, intimidation and manipulation carried out by the South African authorities in connection with the so-called "elections" being imposed upon the Namibian people.
S/13136	5.3.79	Transmitting the text of a statement dated 2 March 1979 condemning certain remarks of the South African Prime Minister, P. W. Botha, which expressed formal recognition of the illegal Constituent Assembly of South West Africa.
S/13158	9.3.79	Transmitting the text of a statement dated 8 March 1979 on an act of aggression by South Africa against Angola and the people of Namibia calling upon the Security Council to consider measures under Chapter VII of the Charter to end South Africa's illegal occupation of Namibia and to stop its acts of aggression against neighbouring States.
S/13268	25.4.79	Transmitting the text of a statement dated 24 April 1979 on the so-called decision of the illegal Constituent Assembly in Namibia to set up a so-called "interim government" for Namibia by the middle of May 1979.
S/13287	1.5.79	Transmitting the text of a statement dated 30 April 1979 on the arrests and detentions of more than 40 leaders of SWAPO throughout Namibia by the illegal South African Administration.
S/13310	17.5.79	Transmitting the text of a statement dated 30 April 1979 by the Deputy Secretary for Information and Publicity of SWAPO containing lists of leaders and members of SWAPO recently arrested and detained by the illegal South African administration in Namibia.
S/13325 and Corr.1	15.5.79	Transmitting the text of a statement dated 11 May 1979 on the illegal South African Administration's initiatives on the future of Namibia, drawing the Security Council's attention to South Africa's defiance of United Nations decisions, and asking the Security Council to consider taking appropriate measures under Chapter VII of the Charter.
S/13326	25.5.79	Transmitting the text of statements of heads of State or Government, ministers for foreign affairs, heads of specialized agencies and national solidarity groups received by the President of the Council on the occasion of the meeting held on 4 May 1979 to proclaim the International Year of Solidarity with the People of Namibia.
S/13469	25.7.79	Transmitting the text of a statement dated 24 July 1979 condemning a wave of arrests of and atrocities against the people of Namibia by South Africa.
S/13590	26.10.79	Transmitting the text of a statement dated 26 October 1979 on the revelation of a nuclear explosion carried out by the Government of South Africa.
S/13991	11.6.80	Transmitting the text of the Algiers Declaration and Programme of Action adopted by the United Nations Council for Namibia on 1 June 1980, which, <i>inter alia</i> , asked the Security Council to impose comprehensive and mandatory sanctions against South Africa under Chapter VII of the Charter, and to declare categorically that Walvis Bay was an integral part of Namibia.
S/14014	9.7.80	Transmitting the text of the report of the Mission of Consultation of the United Nations Council for Namibia to the Federal Republic of Germany, France and the United Kingdom, which visited those countries from 21 April to 1 May 1980.
S/14015	9.7.80	Transmitting the text of the report of the Mission of Consultation of the United Nations Council for Namibia to Australia and New Zealand, which visited those countries from 7 to 15 May 1980.

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
S/14050	3.7.80	Letter dated 3 July 1980 on the illegal South African Administration's establishment of a so-called "Council of Ministers" in Namibia.
S/14052	8.7.80	Transmitting the text of a statement dated 3 July 1980 on the illegal South African Administration's establishment of a so-called "Council of Ministers" in Namibia, again asking the Security Council to impose comprehensive and mandatory sanctions against South Africa under Chapter VII of the Charter.
S/14065	15.8.80	Transmitting the text of the report of the Mission of Consultation of the United Nations Council for Namibia to the United States of America and Canada, which visited those countries from 11 to 17 May 1980.
S/14066	15.8.80	Transmitting the text of the report of the Mission of Consultation of the United Nations Council for Namibia to Cuba, Panama, Jamaica, Barbados and Trinidad and Tobago, which visited those countries from 26 April to 13 May 1980.
S/14067	19.8.80	Transmitting the text of the report of the Mission of Consultation of the United Nations Council for Namibia to Ecuador, Mexico and Guyana, which visited those countries from 14 to 24 April 1980 and from 17 to 20 May 1980.
S/14083	20.8.80	Transmitting the text of the report of the Mission of Consultation of the United Nations Council for Namibia to the Libyan Arab Jamahiriya, Iraq and Kuwait, which visited those countries from 2 to 11 June 1980.
S/14186	30.9.80	Transmitting the text of a statement dated 19 September 1980 denouncing the intention of the illegal South African Administration in Namibia to establish compulsory military service for all Namibians between the ages of 16 and 25.
S/14220	16.10.80	Transmitting the text of the Declaration approved at the International Conference in Solidarity with the Struggle of the People of Namibia, held in Paris from 11 to 13 September 1980, which, <i>inter alia</i> , urged the Security Council to meet not later than 15 October 1980 to impose comprehensive and mandatory sanctions against South Africa, including an oil embargo, and to declare categorically that Walvis Bay and all the off-shore islands of Namibia were integral and uncontestable parts of the Territory.

(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/12308	28.3.77	Letter dated 28 March 1977 drawing the Council's attention to the decision of the Palestine National Congress to endorse the Committee's recommendations as a positive and progressive step towards achieving the aspirations and rights of the Palestinian people, and to declare that any settlement affecting the rights of the Palestinian people concluded in its absence would be null and void.
S/12377	29.7.77	Letter dated 28 July 1977 on the establishment of three Israeli settlements on the West Bank.
S/13210	2.4.79	Letter dated 30 March 1979 expressing concern over recent developments in the situation in the Middle East.
S/13291	2.5.79	Letter dated 2 May 1979 expressing concern over the recent decision of the Government of Israel to authorize two new settlements in the occupied Arab territories.
S/13322	15.5.79	Letter dated 11 May 1979 expressing concern over the systematic and increasingly repressive measures taken by the Israeli authorities against the Palestinian people in the occupied territories.
S/13334	17.5.79	Letter dated 17 May 1979 expressing disagreement with the statements of the representative of Israel in a letter to the Secretary-General dated 9 May 1979 (A/34/211).
S/13482	2.8.79	Letter dated 1 August 1979 expressing concern over the statement made by the representative of the United States in explanation of his delegation's abstention in the vote on Security Council resolution 452 (1979).
S/13624	13.11.79	Letter dated 13 November 1979 expressing deep concern about the arrest and intended deportation of the Mayor of Nablus, stating that steps by the Council would be necessitated to dissuade the Israeli authorities from such actions.

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
S/13839	12.3.80	Letter dated 12 March 1980 conveying the Committee's satisfaction at the Council's unanimous adoption of resolution 465 (1980).
S/13840	12.3.80	Letter dated 12 March 1980 concerning the statement by the President of the United States regarding Council resolution 465 (1980).
S/13854	24.3.80	Letter dated 24 March 1980 expressing concern at the decision of the Israeli Government to establish new settlements in the city of Al-Khalil in occupied Palestinian territory.
S/14089	6.8.80	Letter dated 4 August 1980 drawing attention to the inhuman treatment by the Israeli authorities of imprisoned inhabitants of the occupied Arab territories.
S/14209	7.10.80	Letter dated 29 September 1980 regarding the recent ruling of the Supreme Court of Israel on the case of the mayors of Hebron and Halhoul.
S/14235	27.10.80	Letter dated 24 October 1980 calling upon the international community to insist that the mayors of Hebron and Halhoul be allowed to return to their homes and families.
S/14261	20.11.80	Letter dated 19 November 1980 expressing deep concern at the wounding of 11 students of Bir Zeit University protesting the closure of the University to prevent its observance of Palestine week.
S/14291	9.12.80	Letter dated 8 December 1980 on the arrest of the President of Bir Zeit University.

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>
United Nations Council for Namibia	1823rd meeting	Situation in Namibia	30 May-6 June 1975, 1823rd-1829th meetings
United Nations Council for Namibia	1880th meeting	Situation in Namibia	27-30 January 1976, 1880th-1885th meetings
Special Committee against Apartheid	1881st meeting	Situation in Namibia	27-30 January 1976, 1881st-1885th meetings
Special Committee against Apartheid*	1900th meeting	Complaint by Kenya concerning aggression by South Africa against Angola	26-31 March 1976, 1900th-1906th meetings
United Nations Council for Namibia	1902nd meeting	Complaint by Kenya concerning aggression by South Africa against Angola	29-31 March 1976, 1902nd-1906th meetings
Committee on the Exercise of the Inalienable Rights of the Palestinian People	1924th meeting	Question of the exercise by the Palestinian people of its inalienable rights	9, 18 and 24-29 June 1976, 1924th, 1928th and 1933rd-1938th meetings
Special Committee against Apartheid	1929th meeting	Situation in South Africa	18-19 June 1976, 1929th-1930th meetings
United Nations Council for Namibia	1944th meeting	Complaint by Zambia against South Africa	27-30 July 1976, 1944th-1948th meetings
Special Committee against Apartheid	1945th meeting	Complaint by Zambia against South Africa	28-30 July 1976, 1945th-1948th meetings
Special Committee against Apartheid and United Nations Council for Namibia	1954th meeting	Situation in Namibia	31 August and 28 September-19 October 1976, 1954th and 1956th-1963rd meetings
United Nations Council for Namibia	1988th meeting	Question of South Africa	21-31 March 1977, 1988th-1992nd, 1944th, 1994th, 1996th, 1998th and 1999th 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	2041st meeting	Question of the exercise by the Palestinian people of its inalienable rights	27 October 1977, 2041st meeting
Special Committee against Apartheid	2042nd meeting	Question of South Africa	28 October-4 November 1977, 2042nd-2046th meetings
Special Committee against Apartheid	2053rd meeting	Question of South Africa	9 December 1977, 2053rd meeting
United Nations Council for Namibia	2078th meeting	Complaint by Angola against South Africa	6 May 1978, 2078th meeting
United Nations Council for Namibia	2082nd meeting	Situation in Namibia	27 July 1978, 2082nd meeting
Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	2087th meeting	Situation in Namibia	29-30 September 1978, 2087th and 2088th meetings
United Nations Council for Namibia	2092nd meeting	Situation in Namibia	31 October-13 November 1978, 2092nd and 2094th-2098th meetings
United Nations Council for Namibia	2103rd meeting	Situation in Namibia	4-5 December 1978, 2103rd and 2104th meetings
Committee on the Exercise of the Inalienable Rights of the Palestinian People	2123rd meeting	Situation in the occupied Arab territories	9-16, 19 and 22 March 1979, 2123rd-2128th, 2131st and 2134th meetings
Committee on the Exercise of the Inalienable Rights of the Palestinian People	2155th meeting	Question of the exercise by the Palestinian people of its inalienable rights	29 June, 27 July-24 August 1979, 2155th and 2160th-2163rd meetings
Committee on the Exercise of the Inalienable Rights of the Palestinian People	2156th meeting	Situation in the occupied Arab territories	18-20 July 1979, 2156th-2159th meetings
Committee on the Exercise of the Inalienable Rights of the Palestinian People	2199th meeting	Situation in the occupied Arab territories	22 February-1 March 1980, 2199th-2203rd meetings
Committee on the Exercise of the Inalienable Rights of the Palestinian People	2204th meeting	Question of the exercise by the Palestinian people of its inalienable rights	31 March-9 April and 29 and 30 April 1980, 2204th-2208th and 2219th and 2220th meetings
Special Committee against Apartheid ^b	2225th meeting	Question of South Africa	4-13 June 1980, 2225th, 2227th-2229th and 2231st 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	2236th meeting	Situation in the Middle East	26-30 June 1980, 2236th, 2238th, 2239th, 2241st and 2242nd meetings
United Nations Council for Namibia	2240th meeting	Complaint by Angola against South Africa	27 June 1980, 2240th meeting

^aThe Chairman of the Special Committee against *Apartheid* was invited by the Council as the representative of Guinea, and addressed the Council in both capacities.

^bThe Chairman of the Special Committee against *Apartheid* was invited by the Council as the representative of Nigeria, and addressed the Council in both capacities.

3. Resolutions adopted by the Security Council containing references to subsidiary organs of the General Assembly

<i>Resolution No.</i>	<i>Date of adoption</i>	<i>Agenda item</i>	<i>Relevant paragraphs</i>
384 (1975)	22.12.75	Situation in Timor	"Noting that General Assembly resolution 3485 (XXX) of 12 December 1975, <i>inter alia</i> , requested 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 send a fact-finding mission to East Timor," (preamb. para. 5).
385 (1976)	30.1.76	Situation in Namibia	"Having heard the statement of the President of the United Nations Council for Namibia," ^a (preamb. para. 1); "Recalling General Assembly resolution 2145 (XXI) of 27 October 1966, by which the Assembly terminated South Africa's Mandate over the Territory of Namibia, and resolution 2248 (S-V) of 19 May 1967, by which it established a United Nations Council for Namibia, as well as all other subsequent resolutions on Namibia, in particular resolution 3295 (XXIX) of 13 December 1974 and resolution 3399 (XXX) of 26 November 1975," (preamb. para. 3).
417 (1977)	31.10.77	Question of South Africa	"Requests the Secretary-General, in co-operation with the Special Committee against <i>Apartheid</i> , to follow the situation and report to the Security Council, as appropriate, on the implementation of the present resolution, and to submit a first report not later than 17 February 1978" (para. 6).
439 (1978)	13.11.78	Situation in Namibia	"Having heard and considered the statement of the President of the United Nations Council for Namibia," ^b (preamb. para. 4).
473 (1980)	13.6.80	Question of South Africa	"Taking note of the letter of 27 March 1980 from the Chairman of the Special Committee against <i>Apartheid</i> concerning an oil embargo against South Africa," ^c (preamb. para. 10).

^aFor the text of the statement, see 1880th mtg., paras. 10-31, intervention by Mr. Kamana.

^bFor the text of the statement, see 2092nd mtg., paras. 101-114, intervention by Miss Konie.

^cFor the text of the letter, see S/13869, OR, 35th yr., Suppl. for April-June 1980, pp. 1 and 2.

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

NOTE

During the period under review, the General Assembly made a number of recommendations to the Council regarding items that were already on the agenda of the Council. As in the previous *Supplement of the Repertoire*, the last column of the tabulation below relates to the action taken by the Council in connection with such recommendations.

Tabulations of recommendations

<i>General Assembly resolution</i>	<i>Subject of recommendation</i>	<i>Action by the Council</i>
3375 (XXX) 10 November 1975	Invitation to the PLO to participate in the efforts for peace in the Middle East	Taken up for consideration at the 1870th meeting in accordance with the decision of the Council in resolution 381 (1975) of 30 November 1975 ^a
3376 (XXX) 10 November 1975	Question of Palestine	Taken up for consideration at the 1928th meeting
3397 (XXX) 21 November 1975	Question of Southern Rhodesia	Taken up for consideration at the 1907th meeting. Resolution 388 (1976) of 6 April 1976 was adopted ^a

<i>General Assembly resolution</i>	<i>Subject of recommendation</i>	<i>Action by the Council</i>
3399 (XXX) 26 November 1975	Question of Namibia	Taken up for consideration at the 1880th meeting. Resolution 385 (1976) of 30 January 1976 was adopted
3411 G (XXX) 10 December 1975	Policies of <i>apartheid</i> of the Government of South Africa	None
3414 (XXX) 5 December 1975	Situation in the Middle East	Taken up for consideration at the 1870th meeting in accordance with the decision of the Security Council in resolution 381 (1975) of 30 November 1975 ^a
3485 (XXX) 12 December 1975	Question of Timor	Taken up for consideration at the 1864th meeting at the request of Portugal dated 7 December 1975 (S/11899) and at the 1908th meeting. Resolutions 384 (1975) of 22 December 1975 and 389 (1976) of 22 April 1976 were adopted ^a
31/6 D and K 9 November 1976	Policies of <i>apartheid</i> of the Government of South Africa	Taken up for consideration at the 1988th meeting at the request of Nigeria dated 9 March 1977 (S/12295) and at the 2036th meeting at the request of Tunisia dated 20 October 1977 (S/12420). Resolutions 417 (1977) of 31 October 1977 and 418 (1977) of 4 November 1977 were adopted ^a
31/12 12 November 1976	Question of Cyprus	Taken up for consideration at the 2026th meeting at the request of Cyprus dated 26 August 1977 (S/12387). Resolution 414 (1977) of 15 September 1977 was adopted ^a
31/20 24 November 1976	Question of Palestine	Taken up for consideration at the 2041st meeting at the request of the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People dated 13 September 1977 (S/12399) ^a
31/21 26 November 1976	Admission of new members to the United Nations: Viet Nam	Taken up for consideration at the 2023rd meeting. Resolution 413 (1977) of 20 July 1977 was adopted ^a
31/33 30 November 1976	Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa	None
31/53 1 December 1976	Question of Timor	None
1/61 9 December 1976	Situation in the Middle East	None
31/62 9 December 1976	Peace Conference on the Middle East	Taken up for consideration at the 1993rd meeting at the request of Egypt dated 23 March 1977 (S/12306) ^a
31/92 14 December 1976	Implementation of the Declaration on the Strengthening of International Security	None
31/146 20 December 1976	Situation in Namibia resulting from the illegal occupation of the territory by South Africa	None
31/154 B 20 December 1976	Question of Southern Rhodesia	Taken up for consideration at the 2014th meeting at the request of Mozambique dated 22 June 1977 (S/12350 and Add.1). Resolution 411 (1977) of 30 June 1977 was adopted ^a
32/5 28 October 1977	Recent illegal Israeli measures in the occupied Arab territories designed to change the legal status, geographical nature and demographic composition of those territories in contravention of the principles of the Charter of the United Nations, of Israel's international obligations under the fourth Geneva Convention of 1949 and of United Nations resolutions, and obstruction of efforts aimed at achieving a just and lasting peace in the Middle East	None
32/9 D 4 November 1977	Question of Namibia	Taken up for consideration at the 2082nd, 2087th and 2092nd meetings at the request of Burundi dated 24 October 1978 (S/12906). Resolutions 431 (1978) and 432 (1978) of 27 July 1978, 435 (1978) of 29 September 1978 and 439 (1978) of 13 November 1978 were adopted ^a
32/15 9 November 1977	Question of Cyprus	Taken up for consideration at the 2099th meeting at the request of Cyprus dated 7 November 1978 (S/12918). Resolution 440 (1978) of 27 November 1978 was adopted ^a
32/20 25 November 1977	Situation in the Middle East	None
32/34 28 November 1977	Question of East Timor	None
32/35 28 November 1977	Activities of foreign economic and other interests which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Southern Rhodesia and Namibia and in all other Territories under colonial domination and efforts to eliminate colonialism, <i>apartheid</i> and racial discrimination in southern Africa	None

<i>General Assembly resolution</i>	<i>Subject of recommendation</i>	<i>Action by the Council</i>
32/40 A 2 December 1977	Question of Palestine	None
32/81 12 December 1977	Implementation of the Declaration on the Denuclearization of Africa	None
32/105 A to O 14 and 16 December 1977	Policies of <i>apartheid</i> of the Government of South Africa	Taken up for consideration at the 2052nd meeting at the request of the United Republic of Cameroon dated 5 December 1977 (S/12470) and at the 2056th meeting at the request of Gabon, Mauritius and Nigeria dated 25 January 1978 (S/12538). Resolution 421 (1977) of 9 December 1977 was adopted ^a
32/116 B 16 December 1977	Question of Southern Rhodesia	None
33/15 9 November 1978	Question of Cyprus	None
33/25 29 November 1978	Adverse consequences for the enjoyment of human rights of military, economic and other forms of assistance given to colonial and racist régimes in southern Africa	None
33/28 A 7 December 1978	Question of Palestine	Taken up for consideration at the 2155th meeting at the request of the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People dated 27 June 1979 (S/13418) ^a
33/29 7 December 1978	Situation in the Middle East	None
33/38 B 13 December 1978	Question of Southern Rhodesia	Taken up for consideration at the 2119th meeting at the request of Equatorial Guinea dated 28 February 1979 (S/13121). Resolution 445 (1979) of 8 March 1979 was adopted ^a
33/39 13 December 1978	Question of East Timor	None
33/40 13 December 1978	Activities of foreign economic and other interests which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Southern Rhodesia and Namibia and in all other Territories under colonial domination and efforts to eliminate colonialism, <i>apartheid</i> and racial discrimination in southern Africa	None
33/63 14 December 1978	Implementation of the Declaration on the Denuclearization of Africa	None
33/182 A and B 21 December 1978	Question of Namibia	None
33/183 E, G, H and O 24 January 1979	Policies of <i>apartheid</i> of the Government of South Africa	None
33/206 31 May 1979	Question of Namibia	None
34/30 20 November 1979	Question of Cyprus	None
34/41 21 November 1979	Activities of foreign economic and other interests which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Southern Rhodesia and Namibia and in all other Territories under colonial domination and efforts to eliminate colonialism, <i>apartheid</i> and racial discrimination in southern Africa	None
34/65 A 29 November 1979	Question of Palestine	Taken up for consideration at the 2204th meeting at the request of the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People dated 24 March 1980 (S/13855) ^a
34/70 6 December 1979	Situation in the Middle East	None
34/76 A 11 December 1979	Implementation of the Declaration on the Denuclearization of Africa	None
34/89 11 December 1979	Israeli nuclear armament	None

General Assembly resolution	Subject of recommendation	Action by the Council
34/92 G 12 December 1979	Question of Namibia	Taken up for consideration at the 2263rd meeting at the request of Tunisia dated 29 January 1981 (S/14347)*
34/93 A-Q 12 December 1979	Policies of <i>apartheid</i> of the Government of South Africa	Taken up for consideration at the 2225th meeting at the request of Morocco dated 29 May 1980 (S/13969). Resolution 473 (1980) of 13 June 1980 was adopted*
34/192 18 December 1979	Question of Southern Rhodesia	Taken up for consideration at the 2192nd meeting at the request of Malawi dated 25 January 1980 (S/13764). Resolution 463 (1980) of 2 February 1980 was adopted*
ES-6/2 14 January 1980	Situation in Afghanistan and its implications for international peace and security	None
ES-7/2 29 July 1980	Question of Palestine	None
35/32 14 November 1980	Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa	None
35/122 F 11 December 1980	Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories	Taken up for consideration at the 2259th meeting. Resolution 484 (1980) of 19 December 1980 was adopted*
35/146 A and B 12 December 1980	Implementation of the Declaration on the Denuclearization of Africa	None
35/154 12 December 1980	Conclusion of an international convention on the strengthening of the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons	None
35/156 I 12 December 1980	General and complete disarmament	None
35/158 12 December 1980	Implementation of the Declaration on the Strengthening of International Peace and Security	None
35/169 A 15 December 1980	Question of Palestine	None
35/206 A to Q 16 December 1980	Policies of <i>apartheid</i> of the Government of South Africa	None
35/219 A 17 December 1980	Use of Arabic in the subsidiary organs of the General Assembly, in the Security Council and in the Economic and Social Council: amendments to rules 51, 52, 54 and 56 of the rules of procedure of the Assembly	Taken up for consideration at the 2410th meeting. Resolution 528 (1982) of 21 December 1982 was adopted

*No inference is intended that the action of the Council in this instance was taken in response to the recommendation of the General Assembly.

H. REPORTS OF THE SECURITY COUNCIL TO THE GENERAL ASSEMBLY

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 Council continued during the period under review to submit annual reports to the General Assembly.⁷² It further

⁷² Annual reports were approved by the Council at the following meetings held in private: 31st report, 1840th meeting, 22 September 1975; 32nd report, 1965th meeting, 28 October 1976; 33rd report, 2050th meeting, 25 November 1977; 34th report, 2102nd meeting, 30 November 1978; 35th report, 2173rd meeting, 29 November 1979; and 36th report, 2249th meeting, 14 October 1980.

transmitted to the Assembly its recommendations on several applications for membership,⁷³ pursuant to paragraph 2 of rule 60 of its provisional rules of procedure. It also submitted special reports⁷⁴ to the Assembly on the question of admission of a new member following its 1836th meeting, on 11 August 1975, and following its 1972nd meeting, on 15 November 1976, in accordance with paragraph 3 of rule 60 of the provisional rules of procedure.

⁷³ Cape Verde (A/10187, 18 August 1975); Sao Tome and Principe (A/10188, 18 August 1975); Mozambique (A/10189, 18 August 1975); Papua New Guinea (A/10261, 22 September 1975); Comoros (A/10302, 17 October 1975); Suriname (A/10413, 1 December 1975); Seychelles (A/31/173-S/12164, 16 August 1976); Angola (A/31/340, 22 November 1976); Djibouti (A/32/136, 7 July 1977); Viet Nam (A/32/152, 20 July 1977); Solomon Islands (A/33/207, 17 August 1978); Dominica (A/33/442, 6 December 1978); Saint Lucia (A/34/464, 12 September 1979); Saint Vincent and the Grenadines (A/35/107, 19 February 1980); and Zimbabwe (A/S-11/10, 30 July 1980).

⁷⁴ GAOR, 30th sess., Annexes, agenda item 22, document A/10179 and GAOR, 31st sess., Annexes, agenda item 26, document A/31/330.

****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, have, therefore, continued to be based on the revised questionnaire transmitted to the Security Council on 24 July 1953.⁷⁵

Between 1 January 1975 and 31 December 1980, the Secretary-General transmitted to the Security Council the following reports of the Trusteeship Council on the Trust

⁷⁵The revised questionnaire was further amended at the 1166th meeting of the Trusteeship Council on 7 July 1961. The document was circulated as T/1010/Rev.1.

Territory of the Pacific Islands, which continued to be the only Territory designated as a strategic area:

Twenty-seventh report adopted during the forty-second session of the Trusteeship Council, 7 June 1975;⁷⁶

Twenty-eighth report adopted during the forty-third session of the Trusteeship Council, 13 July 1976;⁷⁷

Twenty-ninth report adopted during the forty-fourth session of the Trusteeship Council, 23 June 1977;⁷⁸

Thirtieth report adopted during the forty-fifth session of the Trusteeship Council, 8 June 1978;⁷⁹

Thirty-first report adopted during the forty-sixth session of the Trusteeship Council, 15 June 1979;⁸⁰

Thirty-second report adopted during the forty-seventh session of the Trusteeship Council, 12 June 1980.⁸¹

⁷⁶S/11735, *OR*, 30th yr., *Special Supplement No. 1*.

⁷⁷S/12214, *ibid.*, 31st yr., *Special Supplement No. 1*.

⁷⁸S/12390, *ibid.*, 32nd yr., *Special Supplement No. 1*.

⁷⁹S/12791, *ibid.*, 33rd yr., *Special Supplement No. 1*.

⁸⁰S/13759, *ibid.*, 34th yr., *Special Supplement No. 1*.

⁸¹S/14258, *ibid.*, 35th yr., *Special Supplement No. 1*.

****Part IV******RELATIONS WITH THE INTERNATIONAL COURT OF JUSTICE******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 *Supplement of the Repertoire* follows the format adopted for the previous supplements. Part I sets forth in tabular form the applications for admission considered and the decisions taken by the Security Council during the period under review. Parts II-VI concern the procedures employed by the Council in the consideration of the applications. Part VII deals with practices relating to the applicability of Articles 5 and 6 of the Charter.

The Council did not adopt new rules of procedures 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, 1975-1980

NOTE

The following table is a continuation of the one in the previous volumes of the *Repertoire*, which should be consulted for an explanation of its organization. The modifications in the table introduced in the earlier supplements have been maintained.

A. APPLICATIONS RECOMMENDED BY THE SECURITY COUNCIL

In the period 1 January 1975-31 December 1980, the Council recommended the following States for admission to membership in the United Nations:

- (a) At the 1838th meeting, on 18 August 1975, Cape Verde was recommended unanimously;
- (b) At the 1838th meeting, on 18 August 1975, Sao Tome and Principe was recommended unanimously;
- (c) At the 1838th meeting, on 18 August 1975, Mozambique was recommended unanimously;
- (d) At the 1841st meeting, on 22 September 1975, Papua New Guinea was recommended unanimously;
- (e) At the 1848th meeting, on 17 October 1975, the Comoros was recommended by 14 votes to none with one member not participating in the voting;
- (f) At the 1858th meeting, on 1 December 1975, Suriname was recommended unanimously;
- (g) At the 1974th meeting, on 22 November 1976, Angola was recommended by 13 votes to none, with 1 abstention, and with 1 member not participating in the voting;
- (h) At the 1952nd meeting, on 16 August 1976, the Seychelles was recommended unanimously;
- (i) At the 1977th meeting, on 1 December 1976, Western Samoa was recommended unanimously;
- (j) At the 2021st meeting, on 7 July 1977, Djibouti was recommended unanimously;
- (k) At the 2025th meeting, on 20 July 1977, Viet Nam was recommended by consensus;
- (l) At the 2084th meeting, on 17 August 1978, Solomon Islands was recommended unanimously;
- (m) At the 2105th meeting, on 6 December 1978, Dominica was recommended unanimously;
- (n) At the 2167th meeting, on 12 September 1979, Saint Lucia was recommended unanimously;

(o) At the 2198th meeting, on 19 February 1980, Saint Vincent and the Grenadines was recommended unanimously;

(p) At the 2244th meeting, on 30 July 1980, Zimbabwe was recommended unanimously.

B. APPLICATIONS THAT FAILED TO OBTAIN A RECOMMENDATION

During the period under review, the applications of the Republic of South Viet-Nam and the Democratic Republic of Viet-Nam failed to obtain the Council's recommendation.¹ The applications of Angola² and the Socialist Republic of Viet Nam³ failed to obtain a recommendation upon their initial consideration but were recommended upon reconsideration.

C. DISCUSSION OF THE QUESTION IN THE SECURITY COUNCIL, 1975-1980

The Council held a total of 44 meetings⁴ to consider applications for admission during this period of six years. With the exception of the Vietnamese application, the discussions involved applications of newly independent States.

¹At the 1836th and 1846th meetings, on 11 August and 30 September 1975, both applications failed to obtain a recommendation for admission owing to the negative vote of a permanent member. In 1977, the two applications lapsed as a result of the admission of the Socialist Republic of Viet Nam.

²At the 1932nd meeting, on 23 June 1976, Angola failed to obtain a recommendation for admission owing to the negative vote of a permanent member. The application was reconsidered and a recommendation was adopted at the 1974th meeting.

³At the 1972nd meeting, on 15 November 1976, the Socialist Republic of Viet Nam failed to obtain a recommendation for admission owing to the negative vote of a permanent member. The application was reconsidered and a recommendation was adopted at the 2025th meeting.

⁴1834th (6 August 1975), 1835th and 1836th (11 August 1975), 1837th and 1838th (18 August 1975), 1839th and 1841st (22 September 1975), 1842nd (26 September 1975), 1843rd and 1844th (29 September 1975), 1845th and 1846th (30 September 1975), 1847th and 1848th (17 October 1975), 1857th and 1858th (1 December 1975), 1931st (22 June 1976), 1932nd (23 June 1976), 1951st and 1952nd (16 August 1976), 1955th (10 September 1976), 1970th (12 November 1976), 1971st and 1972nd (15 November 1976), 1973rd (19 November 1976), 1974th (22 November 1976), 1976th and 1977th (1 December 1976), 2020th and 2021st (7 July 1977), 2022nd (18 July 1977), 2023rd and 2024th (19 July 1977), 2025th (20 July 1977), 2083rd (16 August 1978), 2084th (17 August 1978), 2104th (5 December 1978), 2105th (6 December 1978), 2166th and 2167th (12 September 1979), 2197th and 2198th (19 February 1980), 2243rd (29 July 1980) and 2244th meetings (30 July 1980).

D. APPLICATIONS PENDING ON 1 JANUARY 1975

<i>Applicant</i>	<i>Date of application</i>	<i>Document</i>
Republic of Korea	19 January 1949	OR, 4th yr., Suppl. for Feb. 1949
Democratic People's Republic of Korea	9 February 1949	S/1247, <i>ibid.</i> , 4th yr., 12.
Viet-Nam	17 December 1951 ^a	S/2446, <i>ibid.</i> , 7th yr., Suppl. for Jan.-March 1952
Democratic Republic of Viet-Nam	(i) 22 November 1948 ^b	S/2780, <i>ibid.</i> , Suppl. for July-Sept. 1952
	(ii) 29 December 1951 ^a	S/2466, <i>ibid.</i> , Suppl. for Jan.-March 1952

^aThe application lapsed in 1977 with the admission of the Socialist Republic of Viet Nam.

^bCirculated on 17 September 1952 as S/2780 (see *Repertoire of the Practice of the Security Council, Supplement 1952-1953*, p. 91, case 1).

E. APPLICATIONS SUBMITTED BETWEEN 1 JANUARY 1975 AND 31 DECEMBER 1980^a

<i>Applicant</i>	<i>Date of application</i>	<i>Document^b</i>
Republic of South Viet-Nam	15 July 1975	S/11756, OR, 30th yr., Suppl. for July-Sept. 1975
Democratic Republic of Viet-Nam	16 July 1975	S/11761, <i>ibid.</i>
Cape Verde	21 July 1975	S/11800, <i>ibid.</i>
Republic of Korea	30 July 1975	S/11783, <i>ibid.</i>
Mozambique	31 July 1975	S/11805, <i>ibid.</i>
Sao Tome and Principe	13 August 1975	S/11804, <i>ibid.</i>
Papua New Guinea	16 September 1975	S/11823, <i>ibid.</i>
Comoros	29 September 1975	S/11848, <i>ibid.</i> , Suppl. for Oct.-Dec. 1975
Suriname	25 November 1975	S/11884, <i>ibid.</i>
Angola	22 April 1976	S/12064, <i>ibid.</i> , 31st yr., Suppl. for April-June 1976
Seychelles	23 July 1976	S/12164, <i>ibid.</i>
Viet Nam	10 August 1976	S/12183, <i>ibid.</i>
Western Samoa	29 November 1976	S/12245, <i>ibid.</i> , Suppl. for Oct.-Dec. 1976
Djibouti	30 June 1977	S/12357, <i>ibid.</i> , 32nd yr., Suppl. for July-Sept. 1977
Solomon Islands	24 July 1978	S/12801, <i>ibid.</i> , 33rd yr., Suppl. for July-Sept. 1978
Dominica	21 November 1978	S/12942, <i>ibid.</i> , Suppl. for Oct.-Dec. 1978
Saint Lucia	28 August 1979	S/13530, <i>ibid.</i> , 34th yr., Suppl. for July-Sept. 1979
Saint Vincent and the Grenadines	8 January 1980	S/13784, <i>ibid.</i> , 35th yr., Suppl. for Jan.-March 1980
Zimbabwe	17 July 1980	S/14064, <i>ibid.</i> , Suppl. for July-Sept. 1980

^aThe material set forth in this table is a continuation, for the period covered by the present *Supplement*, of the data included in part III of earlier volumes concerning presentation of applications.

^bIncludes the formal declaration in each case.

F. VOTES IN THE SECURITY COUNCIL ON DRAFT RESOLUTIONS AND AMENDMENTS CONCERNING APPLICATIONS FOR ADMISSION TO MEMBERSHIP IN THE UNITED NATIONS, 1975-1980^a

<i>Draft resolution</i>	<i>Meeting and date</i>	<i>Result of vote</i>
<i>Republic of South Viet-Nam</i> , Byelorussian SSR, China, Guyana, Iraq, Mauritania, Sweden, USSR, United Republic of Cameroon, United Republic of Tanzania, d.r. (S/11795) ^b recommending admission	1836th 11.8.75	13-1-1 not adopted
<i>Democratic Republic of Viet-Nam</i> , Byelorussian SSR, China, Guyana, Iraq, Mauritania, Sweden, USSR, United Republic of Cameroon, United Republic of Tanzania, d.r. (S/11796) ^b recommending admission	1836th 11.8.75	13-1-1 not adopted
<i>Cape Verde</i> , Committee on the Admission of New Members, d.r. (S/11806) recommending admission	1838th 18.8.75	Unanimously adopted
<i>Sao Tome and Principe</i> , Committee on the Admission of New Members, d.r. (S/11806) recommending admission	1838th 18.8.75	Unanimously adopted
<i>Mozambique</i> , Committee on the Admission of New Members, d.r. (S/11806) recommending admission	1838th 18.8.75	Unanimously adopted
<i>Papua New Guinea</i> , Committee on the Admission of New Members, d.r. (S/11829) recommending admission	1841st 22.9.75	Unanimously adopted

<i>Draft resolution</i>	<i>Meeting and date</i>	<i>Result of vote</i>
<i>Republic of South Viet-Nam, Byelorussian SSR, China, Guyana, Iraq, Mauritania, Sweden, USSR, United Republic of Cameroon, United Republic of Tanzania, d.r. (S/11832) recommending admission</i>	1846th 30.9.75	14-1 ^c -0 not adopted
<i>Democratic Republic of Viet-Nam, Byelorussian SSR, China, Guyana, Iraq, Mauritania, Sweden, USSR, United Republic of Cameroon, United Republic of Tanzania, d.r. (S/11833) recommending admission</i>	1846th 30.9.75	14-1 ^c -0 not adopted
<i>Comoros, Committee on the Admission of New Members, d.r. (S/11850) recommending admission</i>	1848th 17.10.75	14-0-0 ^d adopted
<i>Suriname, Committee on the Admission of New Members, d.r. (S/11891) recommending admission</i>	1858th 1.12.75	Unanimously adopted
<i>Angola, Benin, Guyana, Libyan Arab Republic, Romania, USSR, United Republic of Tanzania, d.r. (S/12110)^b recommending admission</i>	1932nd 23.6.76	13-1 ^c -0 not adopted
<i>Seychelles, Committee on the Admission of New Members, d.r. (S/12177) recommending admission</i>	1952nd 16.8.76	Unanimously adopted
<i>Viet Nam, Benin, China, France, Guyana, Libyan Arab Republic, Pakistan, Panama, Romania, Sweden, USSR, United Republic of Tanzania, d.r. (S/12226)^b recommending admission</i>	1972nd 15.11.76	14-1 ^c -0 not adopted
<i>Angola, Committee on the Admission of New Members, d.r. (S/12234) recommending admission</i>	1974th 22.11.76	13-0-1 ^d adopted
<i>Western Samoa, Committee on the Admission of New Members, d.r. (S/12249) recommending admission</i>	1977th 1.12.76	Unanimously adopted
<i>Djibouti, Benin, Canada, China, France, Germany, Federal Republic of, India, Libyan Arab Jamahiriya, Mauritius, Pakistan, Panama, Romania, USSR, United Kingdom, United States, Venezuela, d.r. (S/12358) recommending admission</i>	2021st 7.7.77	Unanimously adopted
<i>Viet Nam, Benin, China, France, India, Libyan Arab Jamahiriya, Mauritius, Pakistan, Panama, Romania, USSR, Venezuela, d.r. (S/12366) recommending admission</i>	2025th 20.7.77	Adopted by consensus
<i>Solomon Islands, Committee on the Admission of New Members, d.r. (S/12814) recommending admission</i>	2084th 17.8.78	Unanimously adopted
<i>Dominica, Committee on the Admission of New Members, d.r. (S/12956) recommending admission</i>	2105th 6.12.78	Unanimously adopted
<i>Saint Lucia, Committee on the Admission of New Members, d.r. (S/13535) recommending admission</i>	2167th 12.9.79	Unanimously adopted
<i>Saint Vincent and the Grenadines, Committee on the Admission of New Members, d.r. (S/13805) recommending admission</i>	2198th 19.2.80	Unanimously adopted
<i>Zimbabwe, Committee on the Admission of New Members, d.r. (S/14076) recommending admission</i>	2244th 30.7.80	Unanimously adopted

^aFor the participation of the non-members in the proceedings concerning the applications for admission, see chapter III of the present *Supplement*.

^bProposed at the Committee on the Admission of New Members.

^cNegative vote cast by a permanent member.

^dOne permanent member did not participate in the voting.

G. VOTES IN THE GENERAL ASSEMBLY ON DRAFT RESOLUTIONS CONCERNING SECURITY COUNCIL RECOMMENDATIONS FOR ADMISSION TO MEMBERSHIP IN THE UNITED NATIONS, 1975-1980

<i>Application</i>	<i>Plenary meeting and date</i>	<i>Vote</i>	<i>G A resolution</i>	<i>Result of proceedings</i>
1975				
Cape Verde	2351st mtg., 16.9	Unanimous	3363 (XXX)	Admitted
Sao Tome and Principe	2351st mtg., 16.9	Unanimous	3364 (XXX)	Admitted
Mozambique	2351st mtg., 16.9	Unanimous	3365 (XXX)	Admitted
Papua New Guinea	2383rd mtg., 10.10	Unanimous	3368 (XXX)	Admitted
Comoros	2402nd mtg., 12.11	Without vote	3385 (XXX)	Admitted
Suriname	2428th mtg., 4.12	Without vote	3413 (XXX)	Admitted
1976				
Seychelles	A/31/1st mtg., 21.9	By acclamation	31/1	Admitted
Angola	A/31/84th mtg., 1.12	116-0-1	31/44	Admitted
Western Samoa	A/31/100th mtg., 15.12	Unanimous	31/104	Admitted
1977				
Djibouti	A/32/1st mtg., 20.9	By acclamation	32/1	Admitted
Viet Nam	A/32/1st mtg., 20.9	By acclamation	32/2	Admitted
1978				
Solomon Islands	A/33/1st mtg., 19.9	Unanimously adopted	33/1	Admitted
Dominica	A/33/87th mtg., 18.12	By acclamation	33/107	Admitted

<i>Application</i>	<i>Plenary meeting and date</i>	<i>Vote</i>	<i>G A resolution</i>	<i>Result of proceedings</i>
1979 Saint Lucia	A/34/1st mtg., 18.9	By acclamation	34/1	Admitted
1980 Zimbabwe	A/S-11/1st mtg., 25.8	By acclamation	S-11/1	Admitted
Saint Vincent and the Grenadines	A/35/1st mtg., 16.9	By acclamation	35/1	Admitted

Part II

CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 58-60 OF THE PROVISIONAL RULES OF PROCEDURE

NOTE

During the period under review the Council frequently waived the application of rule 60 in preparing recommendations to the General Assembly concerning applications for membership.

Part III

PRESENTATION OF APPLICATIONS

NOTE

The material concerning the presentation of applications is substantially the same for the period under review as the list of applications submitted between 1 January 1975 and 31 December 1980, which appears in part I, section E, of the table of applications. Therefore, to avoid duplication, the data relating to the presentation of applications, which appeared in chapter VII, part III, of the original volume and the first two supplements of the *Repertoire*, may be found here in section E of the above table.

Part IV

REFERENCE OF APPLICATIONS TO THE COMMITTEE ON THE ADMISSION OF NEW MEMBERS

NOTE

During the period under review, rule 59 was waived on one occasion, when an application was reconsidered by the Security Council (case 1). All other applications were referred to the Committee, in accordance with rule 59.

A. BEFORE A RECOMMENDATION HAS BEEN FORWARDED OR A REPORT SUBMITTED TO THE GENERAL ASSEMBLY

- **1. Applications referred to the Committee by the President
- **2. Applications referred to the Committee by decision of the Security Council
- 3. Applications considered by the Security Council without reference to the Committee

CASE 1

At the 1842nd meeting, on 26 September 1975, in connection with the reconsideration of the applications of the Republic of South Viet-Nam and the Democratic Republic of Viet-Nam, the Council agreed not to refer these applications once again to the Committee on the Admission of New Members.⁵

**4. Applications reconsidered by the Security Council after reference to the Committee

**B. AFTER AN APPLICATION HAS BEEN SENT BACK BY THE GENERAL ASSEMBLY TO THE SECURITY COUNCIL FOR RECONSIDERATION

⁵1842nd mtg., para. 11.

****Part V******PROCEDURES IN THE CONSIDERATION OF APPLICATIONS WITHIN THE SECURITY COUNCIL******A. DISCUSSION OF APPLICATIONS******1. Order of the discussion of applications******2. Documentation submitted in the Security Council******B. VOTING ON APPLICATIONS****Part VI****THE ROLE OF THE GENERAL ASSEMBLY AND THE SECURITY COUNCIL****CASE 2**

At the 1971st meeting, on 15 November 1976, in connection with the application of the Socialist Republic of Viet-Nam, the representative of the Syrian Arab Republic stated that, in the spirit of the Charter, the right of veto enjoyed by the permanent members of the Council could not be legitimately used in order to block the admission of a new member so long as that new member was a peace-loving country and accepted the obligations contained in the Charter. The power to deny admission was rather given, in paragraph 1 of Article 4, to the Organization as a whole, and not to the Council. That understanding was confirmed in paragraph 2 of the same article. The action to be taken by the Council was described in that Article as a recommendation, while the action to be taken by the General Assembly was referred to as a decision. No country, not even a permanent

member of the Council, could impose conditions additional to those contained in Article 4. To invoke any other, irrelevant, considerations was not only unjustified and unacceptable but also a violation of the United Nations Charter and its provisions.

The representative of Madagascar said that with regard to the procedures for admission, the Council was only competent to make recommendations. The question, therefore, was what was the legal value of a veto cast in the exercise of that power that had been differentiated from the power of decision. It was also not true that the special responsibility of the Council for the maintenance of international peace and security, which also justified the existence of the right of veto, was limited to Chapters VI, VII, VIII and XII, and excluded Chapter II, which covered the procedure for the admission of new members.

Part VII**PRACTICES RELATIVE TO THE APPLICABILITY OF ARTICLES 5 AND 6 OF THE CHARTER****NOTE**

During the period under review, the Security Council did not take or consider any measures involving articles 5 or 6 of the Charter.

However, by letter dated 28 September 1975 addressed to the Secretary-General,⁶ the representative of Mexico transmitted a letter from the President of Mexico in which an extraordinary meeting of the Council had been requested so that in accordance with Articles 5 and 6 of the Charter of the United Nations it might recommend to the General Assembly that Spain be suspended from membership in the United Nations due to violations of human rights by the Spanish dictatorial régime.

No action was taken on the part of the Council concerning this request.

⁶S/11831. *OR*, 30th yr., *Suppl. for July-Sept. 1975*.

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 presented in chapters VIII-XII of the present *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 indicates the chain of proceedings on the substance of each of the questions included in the report of the Security Council to the General Assembly under the heading: "Questions considered by the Security Council under its responsibility for the maintenance of international peace and security." The range of questions covers broadly those that 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

The situation in Cyprus,² the situation in the Middle East,³ the situation in Namibia,⁴ the situation in Southern

Rhodesia⁵ and the complaint by Zambia,⁶ however, were included in the Council's agenda before the period under review and are, therefore, discussed in the order in which the Council resumed their consideration.

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 adopted in the compilation of this table or the inclusion of particular measures under the individual 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.

¹ For a tabulation of the data on submission, see chapter X, part III. As indicated in the editorial note, the questions included in the agenda of the Council during the years 1975-1980 appear under conventional short titles.

² *Repertoire of the Practice of the Security Council, Supplement 1959-1963*, pp. 219 and 220; *ibid.*, *Supplement 1964-1965*, pp. 108-127; *ibid.*, *Supplement 1966-1968*, pp. 105-113; *ibid.*, *Supplement 1969-1971*, pp. 121-126; and *ibid.*, *Supplement 1972-1974*, pp. 144-159 (until 1974, Complaint by the Government of Cyprus).

³ *ibid.*, *Supplement 1966-1968*, pp. 134-164; *ibid.*, *Supplement 1969-1971*, pp. 109-121; and *ibid.*, *Supplement 1972-1974*, pp. 114-144.

⁴ *ibid.*, *Supplement 1966-1968*, pp. 164-168; *ibid.*, *Supplement 1969-1971*, pp. 99-109; and *ibid.*, *Supplement 1972-1974*, pp. 159-167.

⁵ *ibid.*, *Supplement 1959-1963*, pp. 217-219; *ibid.*, *Supplement 1964-1965*, pp. 143-149; *ibid.*, *Supplement 1966-1968*, pp. 113-124; *ibid.*, *Supplement 1969-1971*, pp. 126-136; and *ibid.*, *Supplement 1972-1974*, pp. 102-114.

⁶ *ibid.*, *Supplement 1969-1971*, pp. 136-139; and *ibid.*, *Supplement 1972-1974*, pp. 173-179.

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.

I. Preliminary measures for the elucidation of fact

A. Establishment of a special mission:

Complaint by Benin:

Decision of 8 February 1977 (res. 404 (1977)), paras. 2 and 3

II. Determination of the nature of the question

A. Reaffirming that a situation constitutes a threat to international peace and security:

(i) Situation in Southern Rhodesia:

Decision of 6 April 1976 (res. 388 (1976)), preamble

Decision of 27 May 1977 (res. 409 (1977)), preamble

Decision of 14 March 1978 (res. 423 (1978)), preamble

Decision of 8 March 1979 (res. 445 (1979)), preamble

(ii) Complaint by Zambia:

Decision of 17 March 1978 (res. 424 (1978)), preamble

Decision of 23 November 1979 (res. 455 (1979)), preamble

(iii) Complaint by Mozambique:

Decision of 30 June 1977 (res. 411 (1977)), para. 4

- B. Recalling a determination that a situation constitutes a threat to international peace and security:
Complaint by Botswana:
Decision of 14 January 1977 (res. 403 (1977)), preamble
- C. Determining that the acquisition of arms constitutes a threat to the maintenance of international peace and security:
Question of South Africa:
Decision of 4 November 1977 (res. 418 (1977)), para. 1
- D. Gravely concerned at the situation created by aggressive acts:
(i) Request by Mozambique under Article 50 of the Charter:
Decision of 17 March 1976 (res. 386 (1976)), preamble
(ii) Complaint by Kenya concerning aggression by South Africa against Angola:
Decision of 31 March 1976 (res. 387 (1976)), preamble
(iii) Complaint by Angola against South Africa:
Decision of 2 November 1979 (res. 454 (1979)), preamble
- E. Deeply concerned at a situation that could have grave consequences for international peace and security:
Letter dated 25 November 1979 from the Secretary-General:
Decision of 4 December 1979 (res. 457 (1979)), preamble
- F. Concerned about the deterioration of a situation that constitutes a most serious threat to peace and security:
(i) Complaint by Mozambique:
Decision of 30 June 1977 (res. 411 (1977)), preamble
(ii) Letter dated 25 November 1979 from the Secretary-General:
Decision of 31 December 1979 (res. 461 (1979)), preamble
- G. Declaring that a situation seriously disturbs international peace and security in a region:
(i) Complaint by Mozambique:
Decision of 30 June 1977 (res. 411 (1977)), para. 2
(ii) Question of South Africa:
Decision of 13 June 1980 (res. 473 (1980)), para. 3
- H. Affirming that measures and actions obstruct the achievement of peace in a region:
Situation in the Middle East:
Decision of 30 June 1980 (res. 476 (1980)), para. 3
Decision of 20 August 1980 (res. 478 (1980)), para. 4
- I. Concerned about incidents entailing the risk of a threat to international peace and security:
Situation between Iran and Iraq:
Decision of 23 September 1980 (President's statement), para. 2
- J. Convinced that the continuance of a deteriorating situation could constitute a threat to international peace and security:
Complaint by Zambia against South Africa:
Decision of 30 July 1976 (res. 393 (1976)), preamble
- III. Injunctions to Governments and authorities involved in disputes and situations**
- A. Call for cessation of hostilities and military operations:
(i) Situation in the Middle East:
Decision of 19 March 1978 (res. 425 (1978)), para. 2
Decision of 6 October 1978 (res. 436 (1978)), para. 1
(ii) Complaint by Botswana:
Decision of 14 January 1977 (res. 403 (1977)), para. 4
(iii) Situation between Iran and Iraq:
Decision of 23 September 1980 (President's statement), para. 4
- B. Demand for an immediate end to foreign military intervention:
(i) Complaint by Zambia against South Africa:
Decision of 11 April 1980 (res. 466 (1980)), para. 2
(ii) Question of South Africa:
Decision of 13 June 1980 (res. 473 (1980)), para. 9
- C. Call to desist from actions violating the sovereignty and territorial integrity of another State:
(i) Complaint by Kenya concerning aggression by South Africa against Angola:
Decision of 31 March 1976 (res. 387 (1976)), para. 2
(ii) Situation in the Middle East:
Decision of 14 June 1979 (res. 450 (1979)), para. 2
(iii) Situation between Iran and Iraq:
Decision of 5 November 1980 (President's statement), para. 2
- D. Call to refrain from any action likely to aggravate the situation:
(i) Situation concerning Western Sahara:
Decision of 2 November 1975 (res. 379 (1975)), para. 1
(ii) Situation between Iran and Iraq:
Decision of 23 September 1980 (President's statement), para. 4
- E. Call to desist from utilizing an international Territory for aggressive acts against a neighbouring State:
(i) Complaint by Kenya concerning aggression by South Africa against Angola:
Decision of 31 March 1976 (res. 387 (1976)), para. 3
(ii) Complaint by Zambia against South Africa:
Decision of 30 July 1976 (res. 393 (1976)), para. 3
(iii) Complaint by Angola against South Africa:
Decision of 2 November 1979 (res. 454 (1979)), para. 4
- F. Call for full compensation for damages inflicted:
(i) Complaint by Kenya concerning aggression by South Africa against Angola:
Decision of 31 March 1976 (res. 387 (1976)), para. 4
(ii) Complaint by Zambia:
Decision of 23 November 1979 (res. 455 (1979)), para. 5
(iii) Situation in the Middle East:
Decision of 5 June 1980 (res. 471 (1980)), para. 3
(iv) Complaint by Angola against South Africa:
Decision of 27 June 1980 (res. 475 (1980)), para. 6
- G. Call for an end to violence and racial discrimination:
(i) Situation in South Africa:
Decision of 19 June 1976 (res. 392 (1976)), para. 5
(ii) Question of South Africa:
Decision of 13 June 1980 (res. 473 (1980)), para. 5
- H. Call for the reopening of border posts:
Complaint by Lesotho:
Decision of 22 December 1976 (res. 402 (1976)), para. 4
- I. Call for the release, protection and permitted departure of personnel held hostage:
Letter dated 25 November 1979 from the Secretary-General:
Decision of 4 December 1979 (res. 457 (1979)), para. 1
Decision of 31 December 1979 (res. 461 (1979)), para. 3
- J. Call for measures to dismantle the policy of apartheid:
Question of South Africa:
Decision of 13 June 1980 (res. 473 (1980)), para. 7
- IV. Measures (in connection with injunctions) to be taken by Governments and authorities involved in disputes and situations**
- A. Withdrawal of armed forces:
(i) Situation in Timor:
Decision of 22 December 1975 (res. 384 (1975)), para. 2
Decision of 22 April 1976 (res. 389 (1976)), para. 2
(ii) Situation in the Middle East:
Decision of 19 March 1978 (res. 425 (1978)), para. 2
Decision of 3 May 1978 (res. 427 (1978)), para. 3
(iii) Complaint by Angola against South Africa:
Decision of 6 May 1978 (res. 428 (1978)), para. 3
Decision of 2 November 1979 (res. 454 (1979)), para. 2
Decision of 27 June 1980 (res. 475 (1980)), para. 3
- B. Restraint by the parties:
(i) Situation in Cyprus:
Decision of 13 June 1975 (res. 370 (1975)), para. 3
Decision of 13 December 1975 (res. 383 (1975)), para. 3
Decision of 15 June 1976 (res. 391 (1976)), para. 3
Decision of 14 December 1976 (res. 401 (1976)), para. 3
Decision of 15 June 1977 (res. 410 (1977)), para. 3
Decision of 15 September 1977 (res. 414 (1977)), para. 2
Decision of 15 December 1977 (res. 422 (1977)), para. 3
(ii) Situation concerning Western Sahara:
Decision of 22 October 1975 (res. 377 (1975)), para. 2
(iii) Complaint by Greece against Turkey:
Decision of 25 August 1976 (res. 395 (1976)), para. 1
(iv) Letter dated 25 November 1979 from the Secretary-General:
Decision of 4 December 1979 (res. 457 (1979)), para. 3
Decision of 31 December 1979 (res. 461 (1979)), preamble
- C. Observance of the Geneva Conventions of 1949:
Situation in the Middle East:
Decision of 22 March 1979 (res. 446 (1979)), preamble, para. 3
Decision of 20 July 1979 (res. 452 (1979)), preamble

- Decision of 1 March 1980 (res. 465 (1980)), preamble
 Decision of 5 June 1980 (res. 471 (1980)), para. 4
 Decision of 19 December 1980 (res. 484 (1980)), paras. 1 and 2
- J. Release of all persons imprisoned or interned:
- (i) Situation in Namibia:
 Decision of 30 January 1976 (res. 385 (1976)), para. 11 (b)
 - (ii) Question of South Africa:
 Decision of 31 October 1977 (res. 417 (1977)), para. 3 (b)
 Decision of 13 June 1980 (res. 473 (1980)), para. 8
 - (iii) Letter dated 25 November 1979 from the Secretary-General:
 Decision of 31 December 1979 (res. 461 (1979)), para. 3
 - (iv) Situation in Southern Rhodesia:
 Decision of 2 February 1980 (res. 463 (1980)), para. 7
- E. Transfer of political power through free elections:
- (i) Situation in Namibia:
 Decision of 30 January 1976 (res. 385 (1976)), paras. 7 and 8
 - (ii) Situation in Southern Rhodesia:
 Decision of 2 February 1980 (res. 463 (1980)), para. 6
- F. Ceasing violations of the sovereignty and territorial integrity of other States:
- (i) Situation in Namibia:
 Decision of 30 July 1976 (res. 393 (1976)), para. 2
 - (ii) Complaint of Angola against South Africa:
 Decision of 28 March 1979 (res. 447 (1979)), para. 3
 Decision of 2 November 1979 (res. 454 (1979)), para. 2
- G. Demanding respect for the international status of the United Nations Force:
- Situation in the Middle East:
 Decision of 3 May 1978 (res. 427 (1978)), para. 4
- H. Demanding respect for the independence, sovereignty and territorial integrity of another State:
- (i) Complaint by Angola against South Africa:
 Decision of 6 May 1978 (res. 428 (1978)), para. 4
 Decision of 28 March 1979 (res. 447 (1979)), para. 3
 Decision of 2 November 1979 (res. 454 (1979)), para. 3
 Decision of 27 June 1980 (res. 475 (1980)), para. 3
 - (ii) Complaint by Zambia against South Africa:
 Decision of 11 April 1980 (res. 466 (1980)), para. 2
- I. Calling upon the parties:
1. To co-operate with the United Nations Force
 - (i) Situation in Cyprus:
 Decision of 13 June 1975 (res. 370 (1975)), para. 5
 Decision of 13 December 1975 (res. 383 (1975)), para. 5
 Decision of 15 June 1976 (res. 391 (1976)), para. 5
 Decision of 14 December 1976 (res. 401 (1976)), para. 5
 Decision of 15 June 1977 (res. 410 (1977)), para. 5
 Decision of 15 December 1977 (res. 422 (1977)), para. 5
 - (ii) Situation in the Middle East:
 Decision of 14 June 1979 (res. 450 (1979)), paras. 3 and 6
 Decision of 19 December 1979 (res. 459 (1979)), paras. 2 and 6
 2. To fulfil their obligations under the Charter:
 Situation between Iran and Iraq:
 Decision of 5 November 1980 (President's statement), para. 2
 3. To start immediately the implementation of a previous Security Council resolution:
 Situation in the Middle East:
 Decision of 17 April 1975 (res. 368 (1975)), operative para. (a)
 Decision of 28 May 1975 (res. 369 (1975)), operative para. (a)
 Decision of 24 July 1975 (res. 371 (1975)), para. 1
 Decision of 23 October 1975 (res. 378 (1975)), para. 1 (a)
 Decision of 28 May 1976 (res. 390 (1976)), operative para. (a)
 Decision of 22 October 1976 (res. 396 (1976)), para. 1 (a)
 Decision of 30 November 1976 (res. 398 (1976)), operative para. (a)
 Decision of 26 May 1977 (res. 408 (1977)), operative para. (a)
 Decision of 21 October 1977 (res. 416 (1977)), para. 1 (a)
 Decision of 30 November 1977 (res. 420 (1977)), operative para. (a)
- Decision of 31 May 1978 (res. 429 (1978)), operative para. (a)
 Decision of 18 September 1978 (res. 434 (1978)), para. 2
 Decision of 30 November 1978 (res. 441 (1978)), operative para. (a)
 Decision of 30 May 1979 (res. 449 (1979)), operative para. (a)
 Decision of 30 November 1979 (res. 456 (1979)), operative para. (a)
 Decision of 30 May 1980 (res. 470 (1980)), operative para. (a)
 Decision of 5 June 1980 (res. 471 (1980)), para. 4
 Decision of 30 June 1980 (res. 476 (1980)), para. 5
 Decision of 26 November 1980 (res. 481 (1980)), operative para. (a)
4. To allow the Red Cross to help the wounded in the area of conflict:
 Situation in the Middle East:
 Decision of 6 October 1978 (res. 436 (1978)), para. 2
5. To refrain from activities inconsistent with the objectives of the United Nations Force:
 Situation in the Middle East:
 Decision of 14 June 1979 (res. 450 (1979)), para. 3
 Decision of 19 December 1979 (res. 459 (1979)), para. 2
6. To resolve peacefully the remaining issues between them:
 Letter dated 25 November 1979 from the Secretary-General:
 Decision of 4 December 1979 (res. 457 (1979)), para. 2
7. To refrain from any further use of force:
 Situation between Iran and Iraq:
 Decision of 28 September 1980 (res. 479 (1980)), para. 1
- J. Demanding:
1. Complete implementation of United Nations decisions in regard to a former mandated territory:
 Situation in Namibia:
 Decision of 30 January 1976 (res. 385 (1976)), para. 9
 2. Abolition of the apartheid laws in a former mandated Territory:
 Situation in Namibia:
 Decision of 30 January 1976 (res. 385 (1976)), para. 11 (c)
 3. The unconditional return of all exiles:
 Situation in Namibia:
 Decision of 30 January 1976 (res. 385 (1976)), para. 11 (d)
 4. Full compliance with the Universal Declaration of Human Rights:
 Situation in Namibia:
 Decision of 30 January 1976 (res. 385 (1976)), para. 11 (a)
 5. The end of violence and repression against the opponents of apartheid:
 Question of South Africa:
 Decision of 31 October 1977 (res. 417 (1977)), para. 3 (a), (c) and (d)
 6. Abolition of the policy of bantustanization:
 Question of South Africa:
 Decision of 31 October 1977 (res. 417 (1977)), para. 3 (e) and (f)
 7. Cancellation of planned elections in a former mandated Territory:
 Situation in Namibia:
 Decision of 13 November 1978 (res. 439 (1978)), para. 4
- K. Calling upon the administering Power:
1. To put an end to illegal actions in a rebellious colony:
 - (i) Complaint by Zambia:
 Decision of 17 March 1978 (res. 424 (1978)), para. 4
 Decision of 23 November 1979 (res. 455 (1979)), para. 4
 - (ii) Situation in Southern Rhodesia:
 Decision of 14 March 1978 (res. 423 (1978)), para. 5
 Decision of 8 March 1979 (res. 445 (1979)), para. 4
 2. To grant the exercise of the right to self-determination and independence:
 Complaint by Zambia:
 Decision of 17 March 1978 (res. 424 (1978)), para. 4
 3. To ensure that no external forces remain in or enter a former mandated Territory:
 Situation in Southern Rhodesia:
 Decision of 21 December 1979 (res. 460 (1979)), para. 7
 Decision of 2 February 1980 (res. 463 (1980)), para. 4

4. To ensure the implementation of an agreement:
Situation in Southern Rhodesia:
Decision of 2 February 1980 (res. 463 (1980)), para. 3
5. To ensure that all eligible nationals freely participate in a forthcoming electoral process:
Situation in Southern Rhodesia:
Decision of 2 February 1980 (res. 463 (1980)), para. 5
- L. Calling upon an occupying Power to facilitate the immediate return of illegally expelled local officials of an occupied Territory:
Situation in the Middle East:
Decision of 8 May 1980 (res. 468 (1980)), para. 1
Decision of 20 May 1980 (res. 469 (1980)), para. 2
- M. Call for the withdrawal of participants in a march from a Territory:
Situation concerning Western Sahara:
Decision of 6 November 1975 (res. 380 (1975)), para. 2
- V. Measures (in connection with injunctions) to be taken by other Governments and authorities**
- A. Measures under Chapter VII of the Charter:
(i) Situation in Southern Rhodesia:
Decision of 6 April 1976 (res. 338 (1976)), preamble, paras. 1 and 2
Decision of 27 May 1977 (res. 409 (1977)), preamble, para. 1
(ii) Question of South Africa:
Decision of 4 November 1977 (res. 418 (1977)), preamble, paras. 2-4
- B. Measures under Article 41 of the Charter:
Situation in Southern Rhodesia:
Decision of 27 May 1977 (res. 409 (1977)), para. 3
- C. Urging all States to implement fully the sanctions:
(i) Situation in Southern Rhodesia:
Decision of 27 May 1977 (res. 409 (1977)), para. 2
Decision of 10 October 1978 (res. 437 (1978)), para. 3
Decision of 30 April 1979 (res. 448 (1979)), para. 3
(ii) Complaint by Mozambique:
Decision of 30 June 1977 (res. 411 (1977)), paras. 8 and 12
(iii) Question of South Africa:
Decision of 4 November 1977 (res. 418 (1977)), para. 5
Decision of 13 June 1980 (res. 473 (1980)), para. 10
(iv) Complaint by Angola against South Africa:
Decision of 27 June 1980 (res. 475 (1980)), para. 4
- D. Calling for strengthened sanctions:
Situation in Southern Rhodesia:
Decision of 27 May 1977 (res. 409 (1977)), para. 3
- E. Calling for the observance of an arms embargo:
Question of South Africa:
Decision of 4 November 1977 (res. 418 (1977)), para. 2
- F. Refraining from any action that might aggravate the situation:
Situation between Iran and Iraq:
Decision of 28 September 1980 (res. 479 (1980)), para. 3
- G. Calling upon States to provide immediate assistance:
(i) Request by Mozambique under Article 50 of the Charter:
Decision of 17 March 1976 (res. 386 (1976)), para. 4
(ii) Complaint by Lesotho against South Africa:
Decision of 22 December 1976 (res. 402 (1976)), para. 5
(iii) Complaint by Botswana:
Decision of 14 January 1977 (res. 403 (1977)), para. 8
(iv) Complaint by Benin:
Decision of 14 April 1977 (res. 405 (1977)), para. 8
Decision of 24 November 1977 (res. 419 (1977)), para. 5
(v) Complaint by Mozambique:
Decision of 30 June 1977 (res. 411 (1977)), paras. 9 and 10
(vi) Question of South Africa:
Decision of 31 October 1977 (res. 417 (1977)), para. 5
(vii) Situation in Southern Rhodesia:
Decision of 8 March 1979 (res. 445 (1979)), para. 3
(viii) Complaint by Angola against South Africa:
Decision of 28 March 1979 (res. 447 (1979)), para. 5
Decision of 2 November 1979 (res. 454 (1979)), para. 5
Decision of 27 June 1980 (res. 475 (1980)), para. 5
(ix) Complaint by Zambia:
Decision of 23 November 1979 (res. 455 (1979)), para. 6
- H. Requesting the United Nations and its agencies concerned to provide assistance:
(i) Request by Mozambique under Article 50 of the Charter:
Decision of 17 March 1976 (res. 386 (1976)), para. 5
(ii) Complaint by Lesotho:
Decision of 22 December 1976 (res. 402 (1976)), para. 6
Decision of 25 May 1977 (res. 407 (1977)), para. 7
(iii) Complaint by Botswana:
Decision of 14 January 1977 (res. 403 (1977)), para. 7
Decision of 25 May 1977 (res. 406 (1977)), para. 7
(iv) Complaint by Mozambique:
Decision of 30 June 1977 (res. 411 (1977)), para. 11
- I. Commending the decision to sever all economic relations:
Complaint by Mozambique:
Decision of 30 June 1977 (res. 411 (1977)), para. 6
- J. Calling upon all States to respect the sovereignty, independence and territorial integrity of a State:
(i) Situation in Cyprus:
Decision of 12 March 1975 (res. 367 (1975)), para. 1
(ii) Complaint by Benin:
Decision of 8 February 1977 (res. 404 (1977)), para. 1
(iii) Complaint by Mozambique:
Decision of 30 June 1977 (res. 411 (1977)), para. 7
- K. Urging all States concerned to co-operate with the efforts of the United Nations to achieve a peaceful solution:
Situation in Timor:
Decision of 22 December 1975 (res. 384 (1975)), para. 4
Decision of 22 April 1976 (res. 389 (1976)), para. 5
- VI. Measures for settlement**
- A. Call for negotiations:
(i) Situation in Cyprus:
Decision of 17 November 1978 (res. 440 (1978)), para. 3
Decision of 15 June 1979 (res. 451 (1979)), para. 2
Decision of 14 December 1979 (res. 458 (1979)), para. 2
Decision of 13 June 1980 (res. 472 (1980)), para. 2
Decision of 11 December 1980 (res. 482 (1980)), para. 2
(ii) Complaint by Greece against Turkey:
Decision of 25 August 1976 (res. 395 (1976)), para. 3
(iii) Situation in Southern Rhodesia:
Decision of 14 March 1978 (res. 423 (1978)), para. 6
(iv) Situation between Iran and Iraq:
Decision of 28 September 1980 (res. 479 (1980)), para. 2
- B. Endorsement of the pacific settlement of disputes:
(i) Complaint by Greece against Turkey:
Decision of 25 August 1976 (res. 395 (1976)), para. 2
(ii) Letter dated 25 November 1979 from the Secretary-General:
Decision of 4 December 1979 (res. 457 (1979)), para. 2
(iii) Question of South Africa:
Decision of 13 June 1980 (res. 473 (1980)), para. 6
(iv) Situation between Iran and Iraq:
Decision of 23 September 1980 (President's statement), para. 4
Decision of 28 September 1980 (res. 479 (1980)), paras. 1 and 2
Decision of 5 November 1980 (President's statement), para. 2
- C. Use of judicial means for the settlement of disputes:
Complaint by Greece against Turkey:
Decision of 25 August 1976 (res. 395 (1976)), para. 2
- D. Affirmation of the inalienable right of peoples to freedom, self-determination and independence:
(i) Situation in Timor:
Decision of 22 December 1975 (res. 384 (1975)), para. 1
Decision of 22 April 1976 (res. 389 (1976)), para. 1
(ii) Request by Mozambique under Article 50 of the Charter:
Decision of 17 March 1976 (res. 386 (1976)), preamble
(iii) Complaint by Botswana:
Decision of 14 January 1977 (res. 403 (1977)), preamble
(iv) Complaint by Mozambique:
Decision of 30 June 1977 (res. 411 (1977)), preamble, para. 5
(v) Question of South Africa:
Decision of 31 October 1977 (res. 417 (1977)), preamble

- (vi) Complaint by Angola against South Africa:
Decision of 6 May 1978 (res. 428 (1978)), preamble, para. 5
- (vii) Situation in Southern Rhodesia:
Decision of 21 December 1979 (res. 460 (1979)), para. 1
Decision of 2 February 1980 (res. 463 (1980)), para. 1
- E. Affirmation of national unity, sovereignty and territorial integrity:
- (i) Situation in Timor:
Decision of 22 December 1975 (res. 384 (1975)), para. 1
Decision of 22 April 1976 (res. 389 (1976)), para. 1
- (ii) Complaint by Angola against South Africa:
Decision of 6 May 1978 (res. 428 (1978)), para. 5
- (iii) Situation in the Middle East:
Decision of 26 April 1979 (President's statement), para. 3
- F. Call for the withdrawal from a former mandated Territory:
Complaint by Angola against South Africa:
Decision of 6 May 1978 (res. 428 (1978)), para. 7
- G. Decision to set up a United Nations Force:
- (i) Situation in the Middle East:
Decision of 19 March 1978 (res. 425 (1978)), para. 3
Decision of 19 March 1978 (res. 426 (1978)), para. 2
- (ii) Situation in Namibia:
Decision of 29 September 1978 (res. 435 (1978)), para. 3
- H. Requesting the Secretary-General to enter into consultations with the parties in a dispute or situation:
- (i) Situation concerning Western Sahara:
Decision of 22 October 1975 (res. 377 (1975)), para. 1
Decision of 2 November 1975 (res. 379 (1975)), para. 2
- (ii) Letter dated 25 November 1979 from the Secretary-General:
Decision of 4 December 1979 (res. 457 (1979)), para. 4
- I. Acting in accordance with Articles 49 and 50 of the Charter:
Request by Mozambique under Article 50 of the Charter:
Decision of 17 March 1976 (res. 386 (1976)), preamble
- VII. Provisions bearing on specific issues relating to the settlement**
- A. The Council affirming that the declaration of a "Federated Turkish State" does not prejudice the settlement of the Cyprus problem:
Situation in Cyprus:
Decision of 12 March 1975 (res. 367 (1975)), para. 3
- B. Expression of the Council's appreciation of:
1. The Secretary-General's effort regarding the establishment and operation of a United Nations Force:
Situation in the Middle East:
Decision of 19 March 1978 (res. 426 (1978)), para. 1
2. The efforts of the Secretary-General towards the full implementation of a Council resolution:
Situation in the Middle East:
Decision of 26 April 1979 (President's statement), para. 2
- C. Call by the Council for:
1. Rescission of measures designed to change the status of a territory:
Situation in the Middle East:
Decision of 20 July 1979 (res. 452 (1979)), para. 3
2. Denial of international recognition and of membership in international organizations to an illegal régime:
- (i) Situation in Southern Rhodesia:
Decision of 30 April 1979 (res. 448 (1979)), para. 3
- (ii) Question of South Africa:
Decision of 21 September 1979 (President's statement), para. 4
3. Strict adherence to and implementation of an agreement:
Situation in Southern Rhodesia:
Decision of 21 December 1979 (res. 460 (1979)), para. 6
Decision of 2 February 1980 (res. 463 (1980)), para. 2
- D. The Council formally calling upon:
1. The parties to co-operate with the Secretary-General in the discharge of his mission of good offices:
Situation in Cyprus:
Decision of 12 March 1975 (res. 367 (1975)), para. 7
2. All the parties concerned not to jeopardize the ongoing negotiations:
Situation in Cyprus:
Decision of 12 March 1975 (res. 367 (1975)), para. 8
3. All States to exercise vigilance against international mercenaries:
Complaint by Benin:
Decision of 14 April 1977 (res. 405 (1977)), para. 4
4. All States to prohibit the recruitment, training and transit of mercenaries:
Complaint by Benin:
Decision of 14 April 1977 (res. 405 (1977)), para. 5
5. All States to provide the Council with information about certain events:
Complaint by Benin:
Decision of 14 April 1977 (res. 405 (1977)), para. 10
Decision of 24 November 1977 (res. 419 (1977)), para. 3
6. An occupying Power to desist from actions that would change the legal status and geographical nature of occupied territories:
Situation in the Middle East:
Decision of 22 March 1979 (res. 446 (1979)), para. 3
Decision of 1 March 1980 (res. 465 (1980)), para. 6
7. A United Nations Force to take all effective measures deemed necessary:
Situation in the Middle East:
Decision of 19 January 1979 (res. 444 (1979)), para. 5
Decision of 19 December 1979 (res. 459 (1979)), para. 3
8. A Government to spare the lives of certain condemned individuals:
Question of South Africa:
Decision of 5 April 1979 (President's statement), para. 3
9. One of the parties concerned to give a reaction to a condition necessary for settlement:
Situation in Namibia:
Decision of 28 November 1979 (President's statement), para. 4
10. All States not to provide an occupying Power with assistance to be used in connection with settlements in the occupied territories:
Situation in the Middle East:
Decision of 1 March 1980 (res. 465 (1980)), para. 7
Decision of 5 June 1980 (res. 471 (1980)), para. 5
11. Member States to terminate sanctions:
Situation in Southern Rhodesia:
Decision of 21 December 1979 (res. 460 (1979)), para. 2
- E. Expression of concern by the Council about:
1. The prevailing state of tension:
Situation in the Middle East:
Decision of 26 April 1979 (President's statement), para. 2
2. The threatened deportation of a local official of an occupied territory:
Situation in the Middle East:
Decision of 14 November 1979 (President's statement), para. 1
3. The possible execution of an individual despite various appeals for clemency:
Question of South Africa:
Decision of 5 April 1979 (President's statement), para. 1
4. The prolonged detention of diplomatic personnel:
Letter dated 25 November 1979 from the Secretary-General:
Decision of 9 November 1979 (President's statement), para. 1
5. The failure of an occupying Power to provide adequate protection to the civilian population of occupied territories:
Situation in the Middle East:
Decision of 5 June 1980 (res. 471 (1980)), para. 2
6. The continuation of hostilities:
Situation between Iran and Iraq:
Decision of 5 November 1980 (President's statement), para. 2
7. The failure of sanctions:
Complaint by Mozambique:
Decision of 30 June 1977 (res. 411 (1977)), preamble
- F. Condemnation by the Council of:
1. Invasions, armed attacks and other acts of violence:
- (i) Request by Mozambique under Article 50 of the Charter:
Decision of 17 March 1976 (res. 386 (1976)), para. 2
- (ii) Complaint by Kenya concerning aggression by South Africa against Angola:
Decision of 31 March 1976 (res. 387 (1976)), para. 1

- (iii) Complaint by Zambia against South Africa:
 - Decision of 30 July 1976 (res. 393 (1976)), para. 1
 - Decision of 11 April 1980 (res. 466 (1980)), para. 1
- (iv) Complaint by Botswana:
 - Decision of 14 January 1977 (res. 403 (1977)), para. 1
- (v) Complaint by Benin:
 - Decision of 14 April 1977 (res. 405 (1977)), para. 2
- (vi) Complaint by Mozambique:
 - Decision of 30 June 1977 (res. 411 (1977)), para. 1
- (vii) Complaint by Zambia:
 - Decision of 17 March 1978 (res. 424 (1978)), para. 1
 - Decision of 23 November 1979 (res. 455 (1979)), para. 1
- (viii) Complaint by Angola against South Africa:
 - Decision of 6 May 1978 (res. 428 (1978)), para. 1
 - Decision of 28 March 1979 (res. 447 (1979)), para. 1
 - Decision of 2 November 1979 (res. 454 (1979)), para. 1
 - Decision of 27 June 1980 (res. 475 (1980)), para. 1
- (ix) Situation in Southern Rhodesia:
 - Decision of 8 March 1979 (res. 445 (1979)), para. 1
- (x) Situation in the Middle East:
 - Decision of 18 April 1980 (President's statement), para. 4
- 2. Illegal occupation and political repression:
 - (i) Situation in Namibia:
 - Decision of 30 January 1976 (res. 385 (1976)), para. 1
 - (ii) Complaint by Botswana:
 - Decision of 14 January 1977 (res. 403 (1977)), para. 2
 - (iii) Question of South Africa:
 - Decision of 31 October 1977 (res. 417 (1977)), para. 1
- 3. The policy of *apartheid*:
 - (i) Situation in Namibia:
 - Decision of 30 January 1976 (res. 385 (1976)), para. 2
 - (ii) Situation in South Africa:
 - Decision of 19 June 1976 (res. 392 (1976)), para. 1
 - (iii) Question of South Africa:
 - Decision of 13 June 1980 (res. 473 (1980)), para. 3
- 4. Attempts by a former mandatory Power to evade the demand of the United Nations for free elections in a former mandated territory:
 - Situation in Namibia:
 - Decision of 30 January 1976 (res. 385 (1976)), para. 6
- 5. The resort to massive violence against innocent people:
 - (i) Situation in South Africa:
 - Decision of 19 June 1976 (res. 392 (1976)), para. 1
 - (ii) Question of South Africa:
 - Decision of 31 October 1977 (res. 417 (1977)), para. 1
 - Decision of 13 June 1980 (res. 473 (1980)), para. 1
- 6. Any attempt to coerce another State into recognizing a bantustan:
 - Complaint by Lesotho against South Africa:
 - Decision of 22 December 1976 (res. 402 (1976)), para. 3
- 7. All forms of interference in internal affairs:
 - (i) Complaint by Benin:
 - Decision of 14 April 1977 (res. 405 (1977)), para. 6
 - (ii) Situation in Southern Rhodesia:
 - Decision of 2 February 1980 (res. 463 (1980)), para. 8
- 8. Support for an illegal régime and its acts of aggression:
 - Complaint by Mozambique:
 - Decision of 30 June 1977 (res. 411 (1977)), para. 3
- 9. All attempts by an illegal régime to retain power:
 - Situation in Southern Rhodesia:
 - Decision of 14 March 1978 (res. 423 (1978)), para. 1
 - Decision of 8 March 1979 (res. 445 (1979)), para. 5
 - Decision of 30 April 1979 (res. 448 (1979)), para. 1
- 10. The utilization of a former mandated Territory for the invasion of other States:
 - Complaint by Angola against South Africa:
 - Decision of 6 May 1978 (res. 428 (1978)), para. 2
 - Decision of 28 March 1979 (res. 447 (1979)), para. 2
 - Decision of 27 June 1980 (res. 475 (1980)), para. 2
- 11. The unilateral decision to hold elections in a former mandated territory:
 - Situation in Namibia:
 - Decision of 13 November 1978 (res. 439 (1978)), para. 1
- 12. The proclamation of the so-called "independence" of a bantustan:
 - Question of South Africa:
 - Decision of 21 September 1979 (President's statement), para. 3
- 13. Collusion in acts of aggression:
 - Complaint by Zambia:
 - Decision of 23 November 1979 (res. 455 (1979)), para. 2
- 14. Attacks on the headquarters of a United Nations Force:
 - Situation in the Middle East:
 - Decision of 24 April 1980 (res. 467 (1980)), para. 3
- 15. Assassination attempts against local officials of occupied territories:
 - Situation in the Middle East:
 - Decision of 5 June 1980 (res. 471 (1980)), para. 1
- 16. All actions contrary to the provisions of the mandate of a United Nations Force:
 - Situation in the Middle East:
 - Decision of 17 June 1980 (res. 474 (1980)), para. 3
- G. The Council formally declaring:
 - 1. Illegal legislative and administrative measures invalid:
 - (i) Situation in Namibia:
 - Decision of 29 September 1978 (res. 435 (1978)), para. 6
 - (ii) Situation in the Middle East:
 - Decision of 22 March 1979 (res. 446 (1979)), para. 1
 - Decision of 1 March 1980 (res. 465 (1980)), para. 5
 - Decision of 30 June 1980 (res. 476 (1980)), paras. 3 and 4
 - Decision of 20 August 1980 (res. 478 (1980)), para. 3
 - 2. That the liberation of southern Africa is necessary for peace and justice in the region:
 - Complaint by Zambia:
 - Decision of 30 July 1976 (res. 393 (1976)), para. 5
 - 3. Any internal settlement by the illegal régime unacceptable:
 - Situation in Southern Rhodesia:
 - Decision of 14 March 1978 (res. 423 (1978)), para. 2
 - 4. The termination of the illegal régime the prerequisite for a peaceful transition to majority rule and independence:
 - Situation in Southern Rhodesia:
 - Decision of 14 March 1978 (res. 423 (1978)), para. 3
 - 5. The holding of elections part of the transition to majority rule:
 - Situation in Southern Rhodesia:
 - Decision of 14 March 1978 (res. 423 (1978)), para. 4
 - 6. That the territorial integrity and unity must be assured through the reintegration of a bay within a Territory:
 - Situation in Namibia:
 - Decision of 27 July 1978 (res. 432 (1978)), para. 1
 - 7. That a former mandatory Power must not use a bay in a former mandated territory:
 - Situation in Namibia:
 - Decision of 27 July 1978 (res. 432 (1978)), para. 3
 - 8. Unilateral elections null and void:
 - (i) Situation in Namibia:
 - Decision of 18 November 1978 (res. 439 (1978)), para. 3
 - (ii) Situation in Southern Rhodesia:
 - Decision of 8 March 1979 (res. 445 (1979)), para. 6
 - Decision of 30 April 1979 (res. 448 (1979)), para. 2
 - 9. That the policies and practices of an occupying Power constitute a serious obstacle to achieving peace:
 - Situation in the Middle East:
 - Decision of 22 March 1979 (res. 446 (1979)), para. 1
 - Decision of 1 March 1980 (res. 465 (1980)), para. 5
 - 10. That policies and practices changing the demographic character of occupied territories violate the Geneva Conventions of 1949:
 - Situation in the Middle East:
 - Decision of 1 March 1980 (res. 465 (1980)), para. 5
 - Decision of 20 August 1980 (res. 478 (1980)), para. 2
 - 11. That the repressive policies of the *apartheid* régime aggravate the situation in South Africa:
 - Question of South Africa:
 - Decision of 13 June 1980 (res. 473 (1980)), para. 6
 - 12. It imperative that expelled local officials of occupied territories be enabled to return to their homes and resume their duties

- Situation in the Middle East:
Decision of 19 December 1980 (res. 484 (1980)), para. 3
- I. The Council deploring:
 1. The continuation or resumption of fighting:
Situation in the Middle East:
Decision of 14 June 1979 (res. 450 (1979)), para. 1
 2. The holding of a march:
Situation concerning Western Sahara:
Decision of 6 November 1975 (res. 380 (1975)), para. 1
 3. The collaboration and collusion with an illegal régime:
Complaint by Botswana:
Decision of 14 January 1977 (res. 403 (1977)), para. 3
 4. Attacks on a United Nations Force:
Situation in the Middle East:
Decision of 3 May 1978 (res. 427 (1978)), para. 4
 5. The lack of co-operation with the efforts of a United Nations Force to implement its mandate:
Situation in the Middle East:
Decision of 19 January 1979 (res. 444 (1979)), para. 1
 6. The refusal or failure to implement an order of the International Court of Justice:
Letter dated 25 November 1979 from the Secretary-General:
Decision of 31 December 1979 (res. 461 (1979)), para. 2
 7. The decision to prohibit the free travel of a local official of an occupied territory:
Situation in the Middle East:
Decision of 1 March 1980 (res. 465 (1980)), para. 4
 8. An occupying Power's continuation and persistence in pursuing certain policies:
Situation in the Middle East:
Decision of 1 March 1980 (res. 465 (1980)), para. 6
 - J. Endorsement by the Council of:
 1. General Assembly resolution:
Complaint by Lesotho against South Africa:
Decision of 22 December 1976 (res. 402 (1976)), para. 1
 2. The recommendations of a Mission or subsidiary organ:
 - (i) Complaint by Botswana:
Decision of 25 May 1977 (res. 406 (1977)), para. 4
 - (ii) Complaint by Lesotho against South Africa:
Decision of 25 May 1977 (res. 407 (1977)), para. 4
 - (iii) Situation in the Middle East:
Decision of 20 July 1979 (res. 452 (1979)), para. 2
Decision of 1 March 1980 (res. 465 (1980)), para. 2
 3. The appeal by the Secretary-General for assistance to Member States:
 - (i) Complaint by Botswana:
Decision of 25 May 1977 (res. 406 (1977)), para. 5
 - (ii) Complaint by Lesotho against South Africa:
Decision of 25 May 1977 (res. 407 (1977)), para. 5
 4. An increase in the strength of a United Nations Force:
Situation in the Middle East:
Decision of 3 May 1978 (res. 427 (1978)), para. 1
 5. A statement of the Secretary-General:
Situation in the Middle East:
Decision of 30 May 1979 (President's statement), para. 2
 6. An appeal by the President of the Security Council:
Question of South Africa:
Decision of 5 April 1979 (President's statement), para. 3
 - K. The Council formally expressing:
 1. Confidence that a United Nations Force will be maintained with efficiency and economy:
Situation in the Middle East:
Decision of 22 October 1976 (res. 396 (1976)), para. 2
Decision of 21 October 1977 (res. 416 (1977)), para. 2
Decision of 23 October 1978 (res. 438 (1978)), para. 3
 2. Sympathy to the victims of violence:
 - (i) Situation in South Africa:
Decision of 19 July 1976 (res. 392 (1976)), para. 2
 - (ii) Situation in the Middle East:
Decision of 18 April 1980 (President's statement), para. 5
 - (iii) Question of South Africa:
Decision of 13 June 1980 (res. 473 (1980)), para. 2
 3. Full support for the safeguarding of a State's sovereignty and territorial integrity:
Complaint by Botswana:
Decision of 25 May 1977 (res. 406 (1977)), para. 1
 4. Appreciation to the Secretary-General for having sent a mission:
 - (i) Complaint by Botswana:
Decision of 25 May 1977 (res. 406 (1977)), para. 2
 - (ii) Complaint by Lesotho against South Africa:
Decision of 25 May 1977 (res. 407 (1977)), para. 2
 5. Concern at recent developments:
 - (i) Situation in Cyprus:
Decision of 15 September 1977 (res. 414 (1977)), para. 1
 - (ii) Situation in the Middle East:
Decision of 15 May 1979 (President's statement), para. 5
 6. Concern at the lack of progress at the intercommunal talks:
Situation in Cyprus:
Decision of 15 September 1977 (res. 414 (1977)), para. 4
 7. Support for those fighting *apartheid*:
Question of South Africa:
Decision of 31 October 1977 (res. 417 (1977)), para. 2
 8. Hope that a Member State will continue to support the goal of majority rule:
Situation in Southern Rhodesia:
Decision of 10 October 1978 (res. 437 (1978)), para. 4
 9. Satisfaction with the declared policy of a Member State:
Situation in the Middle East:
Decision of 19 January 1979 (res. 444 (1979)), para. 3
Decision of 26 April 1979 (President's statement), para. 4
 10. The hope that the continuation and expansion of the activities of a Government will be encouraged:
Situation in the Middle East:
Decision of 19 January 1979 (President's statement), para. 2
- K. Extending the mandate of a United Nations Force:
 - (i) Situation in Cyprus:
Decision of 13 June 1975 (res. 370 (1975)), para. 4
Decision of 13 December 1975 (res. 383 (1975)), para. 4
Decision of 15 June 1976 (res. 391 (1976)), para. 4
Decision of 14 December 1976 (res. 401 (1976)), para. 4
Decision of 15 June 1977 (res. 410 (1977)), para. 4
Decision of 15 December 1977 (res. 422 (1977)), para. 4
Decision of 16 June 1978 (res. 430 (1978)), para. 1
Decision of 14 December 1978 (res. 443 (1978)), para. 1
Decision of 15 June 1979 (res. 451 (1979)), para. 1
Decision of 14 December 1979 (res. 458 (1979)), para. 1
Decision of 13 June 1980 (res. 472 (1980)), para. 1
Decision of 11 December 1980 (res. 482 (1980)), para. 1
 - (ii) Situation in the Middle East:
Decision of 17 April 1975 (res. 368 (1975)), operative para. (b)
Decision of 28 May 1975 (res. 369 (1975)), operative para. (b)
Decision of 24 July 1975 (res. 371 (1975)), para. 2
Decision of 23 October 1975 (res. 378 (1975)), para. 1 (b)
Decision of 30 November 1975 (res. 381 (1975)), operative para. (b)
Decision of 28 May 1976 (res. 390 (1976)), operative para. (b)
Decision of 22 October 1976 (res. 396 (1976)), para. 1 (b)
Decision of 30 November 1976 (res. 398 (1976)), operative para. (b)
Decision of 26 May 1977 (res. 408 (1977)), operative para. (b)
Decision of 21 October 1977 (res. 416 (1977)), para. 1 (b)
Decision of 30 November 1977 (res. 420 (1977)), operative para. (b)
Decision of 31 May 1978 (res. 429 (1978)), operative para. (b)
Decision of 18 September 1978 (res. 434 (1978)), para. 1
Decision of 23 October 1978 (res. 438 (1978)), para. 1
Decision of 30 November 1978 (res. 441 (1978)), operative para. (b)
Decision of 19 January 1979 (res. 444 (1979)), para. 4
Decision of 30 May 1979 (res. 449 (1979)), operative para. (b)
Decision of 14 June 1979 (res. 450 (1979)), para. 8
Decision of 30 November 1979 (res. 456 (1979)), operative para. (b)

- Decision of 19 December 1979 (res. 459 (1979)), para. 9
 Decision of 30 May 1980 (res. 470 (1980)), operative para. (b)
 Decision of 17 June 1980 (res. 474 (1980)), para. 1
 Decision of 26 November 1980 (res. 481 (1980)), operative para. (b)
 Decision of 17 December 1980 (res. 483 (1980)), para. 2
- L. Inviting or requesting the Secretary-General:
- To undertake a new mission of good offices:
 Situation in Cyprus:
 Decision of 12 March 1975 (res. 367 (1975)), para. 6
 - To continue a mission of good offices:
 (i) Situation in Cyprus:
 Decision of 13 June 1975 (res. 370 (1975)), para. 6
 Decision of 13 December 1975 (res. 383 (1975)), para. 6
 Decision of 15 June 1976 (res. 391 (1976)), para. 6
 Decision of 14 December 1976 (res. 401 (1976)), para. 6
 Decision of 15 June 1977 (res. 410 (1977)), para. 6
 Decision of 15 December 1977 (res. 422 (1977)), para. 6
 Decision of 16 June 1978 (res. 430 (1978)), para. 2
 Decision of 14 December 1978 (res. 443 (1978)), para. 2
 Decision of 15 June 1979 (res. 451 (1979)), para. 3
 Decision of 14 December 1979 (res. 458 (1979)), para. 3
 Decision of 13 June 1980 (res. 472 (1980)), para. 3
 Decision of 11 December 1980 (res. 482 (1980)), para. 3
 (ii) Letter dated 25 November 1979 from the Secretary-General:
 Decision of 9 November 1979 (President's statement), para. 1
- To organize financial assistance to a Member State:
 Complaint by Botswana:
 Decision of 14 January 1977 (res. 403 (1977)), para. 6
 - To take all effective measures deemed necessary:
 Situation in the Middle East:
 Decision of 19 January 1979 (res. 444 (1979)), para. 5
 Decision of 19 December 1979 (res. 459 (1979)), para. 3
 - To continue efforts to bring about a cease-fire:
 Situation in the Middle East:
 Decision of 6 October 1978 (res. 436 (1978)), para. 3
 - To convene a meeting of the Mixed Armistice Commission and reactivate the General Armistice Agreement:
 Situation in the Middle East:
 Decision of 24 April 1980 (res. 467 (1980)), para. 8
- M. The Council noting:
- That a Government has reserved its right to claim compensation:
 Complaint by Berlin:
 Decision of 14 April 1977 (res. 405 (1977)), para. 9
 - With regret and concern the entry of members of an illegal régime into the territory of a Member State:
 Situation in Southern Rhodesia:
 Decision of 10 October 1978 (res. 437 (1978)), para. 1
 - The declaration of a so-called "independent" state in pursuance of the policy of *apartheid* and bantustanization:
 Question of South Africa:
 Decision of 21 September 1979 (President's statement), para. 1
 - The acceptance by some of the parties concerned of a condition necessary for settlement:
 Situation in Namibia:
 Decision of 28 November 1979 (President's statement), para. 3
 - With satisfaction the resumption of intercommunal talks:
 Situation in Cyprus:
 Decision of 11 December 1980 (res. 482 (1980)), para. 2
 - With appreciation the efforts made by the Secretary-General, the United Nations Force and Governments:
 Situation in the Middle East:
 Decision of 19 January 1979 (res. 444 (1979)), para. 2
- N. Reaffirmation by the Council:
- Of the mode of operation of a United Nations Force:
 Situation in the Middle East:
 Decision of 14 June 1979 (res. 450 (1979)), para. 5
 Decision of 19 December 1979 (res. 459 (1979)), para. 7
 Decision of 17 December 1980 (res. 481 (1980)), para. 3
 - Of the legal responsibility of the United Nations over a former mandated Territory:
 Situation in Namibia:
 Decision of 30 January 1976 (res. 385 (1976)), preamble
- That the liberation of dependent peoples and the elimination of *apartheid* are necessary for peace and justice in a region:
 Complaint by Zambia:
 Decision of 17 March 1978 (res. 424 (1978)), para. 3
 - Of the objective of the withdrawal of an illegal administration from a former mandated Territory:
 Situation in Namibia:
 Decision of 29 September 1978 (res. 435 (1978)), para. 2
 - That the objectives of a United Nations Force must be attained:
 Situation in the Middle East:
 Decision of 14 June 1979 (res. 450 (1979)), para. 4
 Decision of 18 April 1980 (President's statement), para. 4
 - Of the obligation of all States parties to both the Vienna Convention on Diplomatic Relations of 1961 and the Vienna Convention on Consular Relations of 1963 to respect the inviolability of diplomatic personnel and establishments:
 Letter dated 25 November 1979 from the Secretary-General:
 Decision of 4 December 1979 (res. 457 (1979)), preamble
 - Of the need to end the occupation of occupied territories:
 Situation in the Middle East:
 Decision of 5 June 1980 (res. 471 (1980)), para. 6
 Decision of 30 June 1980 (res. 476 (1980)), para. 1
- O. Recognition by the Council of the legitimacy of the struggle against *apartheid*:
- Situation in South Africa: killings and violence by the *apartheid* régime in Soweto and other areas:
 Decision of 19 June 1976 (res. 392 (1976)), para. 4
 - Question of South Africa:
 Decision of 13 June 1980 (res. 473 (1980)), para. 4
- P. Expressing regret about:
- The unilateral declaration of a "Federated Turkish State":
 Situation in Cyprus:
 Decision of 12 March 1975 (res. 367 (1975)), para. 2
 - A recent development:
 Situation in the Middle East:
 Decision of 18 April 1980 (President's statement), para. 1
- Q. The Council requesting permission for a local official of an occupied territory to travel freely in order to appear before the Council:
 Situation in the Middle East:
 Decision of 1 March 1980 (res. 465 (1980)), para. 4
- R. Expressing support for:
- The Secretary-General in his efforts to end hostilities:
 (i) Situation in the Middle East:
 Decision of 6 October 1978 (res. 436 (1978)), para. 3
 Decision of 19 December 1979 (res. 459 (1979)), para. 2
 (ii) Situation between Iran and Iraq:
 Decision of 23 September 1980 (President's statement), para. 3
 Decision of 28 September 1980 (res. 479 (1980)), para. 4
 Decision of 5 November 1980 (President's statement), para. 4
 - Steps to reintegrate a bay into a former mandated Territory:
 Situation in Namibia:
 Decision of 27 July 1978 (res. 432 (1978)), para. 2
 - The Secretary-General's efforts to implement a resolution of the Council:
 Situation in Namibia:
 Decision of 28 November 1979 (President's statement), para. 2
 - A Government in its efforts to strengthen its authority in the area of operation of a United Nations Force:
 Situation in the Middle East:
 Decision of 17 December 1980 (res. 483 (1980)), para. 4
- S. Taking note of:
- The Secretary-General's efforts to solve the problems of a United Nations Force:
 Situation in the Middle East:
 Decision of 17 December 1980 (res. 483 (1980)), para. 5
 - Urgent economic needs of Member States:
 (i) Request by Mozambique under Article 50 of the Charter:
 Decision of 17 March 1976 (res. 386 (1976)), para. 3
 (ii) Complaint by Botswana:
 Decision of 14 January 1977 (res. 403 (1977)), para. 5

3. The wish of a Government to subject mercenaries to due process of law:
Complaint by Benin:
Decision of 24 November 1977 (res. 419 (1977)), para. 4
 4. The withdrawal of foreign forces from a State's territory:
Situation in the Middle East:
Decision of 3 May 1978 (res. 427 (1978)), para. 2
 5. Efforts by a Government to establish a presence in a part of its territory:
Situation in the Middle East:
Decision of 19 January 1979 (President's statement), para. 2
 6. The determination of a Government to draw up, in consultation with the Secretary-General, a programme of action to promote the restoration of its authority:
Situation in the Middle East:
Decision of 19 December 1979 (res. 459 (1979)), para. 4
 7. The efforts of a Government to obtain international recognition for the protection of archaeological and cultural sites:
Situation in the Middle East:
Decision of 19 December 1979 (res. 459 (1979)), para. 5
 8. A General Assembly resolution:
Question of South Africa:
Decision of 21 September 1979 (President's statement), para. 2
 9. The Secretary-General's willingness to go personally to the site of a dispute:
Letter dated 23 November 1979 from the Secretary-General:
Decision of 31 December 1979 (res. 461 (1979)), para. 4
 10. A sharp deterioration in relations and escalation of armed activities:
Situation between Iran and Iraq:
Decision of 23 September 1980 (President's statement), para. 1
- T. The Council urging:
1. All concerned to exert efforts towards the achievement of independence for a former mandated Territory:
Situation in Namibia:
Decision of 27 July 1978 (res. 431 (1978)), para. 3
 2. States to refrain from sending observers to an illegal election:
Situation in Southern Rhodesia:
Decision of 8 March 1979 (res. 445 (1979)), para. 7
 3. Governments of Member States to take effective measures to prohibit individuals and institutions under their jurisdiction from having any dealings with the so-called "independent" bantustans:
Question of South Africa:
Decision of 21 September 1979 (President's statement), para. 4
- U. The Council explicitly welcoming:
1. The establishment by the Secretary-General of a special account for assistance to a Member State:
 - (i) Complaint by Botswana:
Decision of 25 May 1977 (res. 406 (1977)), para. 6
 - (ii) Complaint by Lesotho against South Africa:
Decision of 25 May 1977 (res. 407 (1977)), para. 6
 2. The preparedness of a liberation movement to co-operate in implementing the Secretary-General's report:
Situation in Namibia:
Decision of 29 September 1978 (res. 435 (1978)), para. 4
 3. An agreement for the resumption of intercommunal talks:
Situation in Cyprus:
Decision of 15 June 1979 (res. 451 (1979)), preamble
 4. The fact that the Secretary-General is considering sending a representative to the region to facilitate negotiations for peace:
Situation between Iran and Iraq:
Decision of 5 November 1980 (President's statement), para. 3
- V. The Council taking note or account of an advisory opinion of the International Court of Justice:
Letter dated 25 November 1979 from the Secretary-General:
Decision of 31 December 1979 (res. 461 (1979)), preamble
- W. The Council commending:
1. Member States for their implementation of Council resolutions on sanctions in accordance with their obligations under Article 25 of the Charter of the United Nations:
 - (i) Request by Mozambique under Article 50 of the Charter:
Decision of 17 March 1976 (res. 386 (1976)), para. 1
 - (ii) Situation in Southern Rhodesia:
Decision of 21 December 1979 (res. 460 (1979)), para. 2
 2. The support of certain States for the liberation struggle of a dependent people:
 - (i) Complaint by Zambia against South Africa:
Decision of 30 July 1976 (res. 393 (1976)), para. 4
 - (ii) Complaint by Zambia:
Decision of 17 March 1978 (res. 424 (1978)), para. 2
Decision of 23 November 1979 (res. 455 (1979)), para. 3
 - (iii) Complaint by Angola against South Africa:
Decision of 6 May 1978 (res. 428 (1978)), para. 6
Decision of 28 March 1979 (res. 447 (1979)), para. 4
 - (iv) Situation in Southern Rhodesia:
Decision of 8 March 1979 (res. 445 (1979)), para. 2
 3. The decision not to recognize the "independence" of a bantustan:
Complaint by Lesotho against South Africa:
Decision of 22 December 1976 (res. 402 (1976)), para. 2
Decision of 25 May 1977 (res. 407 (1977)), para. 1
 4. The performance of a United Nations Force:
Situation in the Middle East:
Decision of 26 April 1979 (President's statement), para. 2
Decision of 14 June 1979 (res. 450 (1979)), para. 5
Decision of 19 December 1979 (res. 459 (1979)), para. 7
Decision of 17 December 1980 (res. 483 (1980)), para. 3
 5. Certain States for their restraint in the face of unwarranted armed provocations:
 - (i) Complaint by Zambia:
Decision of 23 November 1979 (res. 455 (1979)), para. 3
 - (ii) Complaint by Zambia against South Africa:
Decision of 11 April 1980 (res. 466 (1980)), para. 4
 6. The efforts of the Secretary-General to bring about the cessation of hostilities and enable a United Nations Force to carry out its mandate:
Situation in the Middle East:
Decision of 24 April 1980 (res. 467 (1980)), para. 4
Decision of 20 May 1980 (res. 469 (1980)), para. 3
Decision of 17 December 1980 (res. 483 (1980)), para. 3
 7. The efforts of the interested parties to bring about the cessation of hostilities and enable a United Nations Force to carry out its mandate:
Situation in the Middle East:
Decision of 24 April 1980 (res. 467 (1980)), para. 4
 8. A United Nations Force for its restraint in the fact of adverse circumstances:
Situation in the Middle East:
Decision of 24 April 1980 (res. 467 (1980)), para. 5
- X. Other provisions:
1. Considering that new efforts should be undertaken to assist the resumption of negotiations:
Situation in Cyprus:
Decision of 12 March 1975 (res. 367 (1975)), para. 5
 2. The dispatch of a mission to assess financial needs:
Complaint by Botswana:
Decision of 14 January 1977 (res. 403 (1977)), para. 6
 3. Inviting a Government to draw up a phased programme of activities to promote the restoration of its authority:
Situation in the Middle East:
Decision of 19 January 1979 (res. 444 (1979)), para. 5
Decision of 19 January 1979 (President's statement), para. 3
 4. Considering that all measures should be taken towards the implementation of the "phased programme of activities" and the protection of a United Nations Force and its headquarters:
Situation in the Middle East:
Decision of 26 April 1979 (President's statement), para. 4
Decision of 18 April 1980 (President's statement), para. 6
 5. Requesting the parties to reactivate the Mixed Armistice Commission:
Situation in the Middle East:
Decision of 19 December 1979 (res. 459 (1979)), para. 6
 6. Calling attention to the terms of reference and related provisions of a United Nations Force:

Situation in the Middle East:
Decision of 24 April 1980 (res. 467 (1980)), paras. 6 and 7

VIII. Measures to promote the implementation of resolutions

A. Measures to obtain compliance:

1. Reaffirming previous resolutions:

(a) Of the General Assembly:

- (i) Situation concerning Western Sahara:
Decision of 22 October 1975 (res. 377 (1975)),
preamble
Decision of 2 November 1975 (res. 379 (1975)),
preamble

- (ii) Situation in Southern Rhodesia:
Decision of 21 December 1979 (res. 460 (1979)),
preamble

(b) Of the Security Council:

(i) Situation in Cyprus:

- Decision of 13 June 1975 (res. 370 (1975)),
paras. 1 and 2
Decision of 13 December 1975 (res. 383 (1975)),
paras. 1 and 2
Decision of 15 June 1976 (res. 391 (1976)),
paras. 1 and 2
Decision of 14 December 1976 (res. 401 (1976)),
paras. 1 and 2
Decision of 15 June 1977 (res. 410 (1977)),
paras. 1 and 2
Decision of 15 September 1977 (res. 414 (1977)),
para. 3
Decision of 15 December 1977 (res. 422 (1977)),
paras. 1 and 2
Decision of 16 June 1978 (res. 430 (1978)),
preamble
Decision of 27 November 1978 (res. 440 (1978)),
preamble
Decision of 14 December 1978 (res. 443 (1978)),
preamble
Decision of 15 June 1979 (res. 451 (1979)),
preamble
Decision of 14 December 1979 (res. 458 (1979)),
preamble
Decision of 13 June 1980 (res. 472 (1980)),
preamble
Decision of 11 December 1980 (res. 482 (1980)),
preamble

(ii) Situation concerning Western Sahara:

- Decision of 2 November 1975 (res. 379 (1975)),
preamble

(iii) Situation in Southern Rhodesia:

- Decision of 6 April 1976 (res. 388 (1976)),
preamble
Decision of 27 May 1977 (res. 409 (1977)),
preamble
Decision of 8 March 1979 (res. 445 (1979)),
preamble
Decision of 30 April 1979 (res. 448 (1979)),
preamble

(iv) Complaint by Benin:

- Decision of 14 April 1977 (res. 405 (1977)),
para. 3
Decision of 24 November 1977 (res. 419 (1977)),
para. 1

(v) Situation in Namibia:

- Decision of 27 July 1978 (res. 432 (1978)),
preamble

(vi) Situation in the Middle East:

- Decision of 14 June 1979 (res. 450 (1979)),
para. 6
Decision of 19 December 1979 (res. 459 (1979)),
paras. 1 and 6
Decision of 24 April 1980 (res. 467 (1980)),
para. 1
Decision of 5 June 1980 (res. 471 (1980)),
preamble
Decision of 17 June 1980 (res. 474 (1980)),
para. 6

Decision of 30 June 1980 (res. 476 (1980)),
preamble

Decision of 17 December 1980 (res. 483 (1980)),
para. 7

(vii) Letter dated 25 November 1979 from the
Secretary-General:

Decision of 31 December 1979 (res. 461 (1979)),
para. 1

2. Reaffirming other previous decisions of the Council:

Situation in the Middle East:
Decision of 14 June 1979 (res. 450 (1979)), para. 6

3. Recalling previous resolutions of the Council:

(i) Complaint by Zambia:

Decision of 17 March 1978 (res. 424 (1978)),
preamble

Decision of 23 November 1979 (res. 455 (1979)),
preamble

(ii) Situation in Namibia:

Decision of 27 July 1978 (res. 432 (1978)), preamble

(iii) Situation in the Middle East:

Decision of 19 January 1979 (res. 444 (1979)),
preamble

Decision of 14 June 1979 (res. 450 (1979)), preamble

Decision of 19 December 1979 (res. 459 (1979)),
preamble

Decision of 1 March 1980 (res. 465 (1980)), preamble

Decision of 24 April 1980 (res. 467 (1980)), preamble

Decision of 5 June 1980 (res. 471 (1980)), preamble

Decision of 17 June 1980 (res. 474 (1980)), preamble

Decision of 20 August 1980 (res. 478 (1980)),
preamble

Decision of 17 December 1980 (res. 483 (1980)),
preamble

Decision of 19 December 1980 (res. 484 (1980)),
preamble

(iv) Situation in Southern Rhodesia:

Decision of 8 March 1979 (res. 445 (1979)), preamble

Decision of 30 April 1979 (res. 448 (1979)), preamble

Decision of 21 December 1979 (res. 460 (1979)),
preamble

Decision of 2 February 1980 (res. 463 (1980)),
preamble

(v) Complaint by Angola against South Africa:

Decision of 28 March 1979 (res. 447 (1979)),
preamble

Decision of 2 November 1979 (res. 454 (1979)),
preamble

Decision of 27 June 1980 (res. 475 (1980)), preamble

(vi) Question of South Africa:

Decision of 21 September 1979 (President's state-
ment), para. 2

Decision of 13 June 1980 (res. 473 (1980)), preamble

(vii) Letter dated 25 November 1979 from the Secretary- General:

Decision of 4 December 1979 (res. 457 (1979)),
preamble

Decision of 31 December 1979 (res. 461 (1979)),
preamble

(viii) Complaint by Zambia against South Africa:

Decision of 11 April 1980 (res. 466 (1980)), preamble

4. Recalling other previous decisions of the Council:

(i) Situation in the Middle East:

Decision of 19 January 1979 (res. 444 (1979)), preamble

Decision of 14 June 1979 (res. 450 (1979)), preamble

Decision of 19 December 1979 (res. 459 (1979)),
preamble

Decision of 1 March 1980 (res. 465 (1980)), preamble

Decision of 17 June 1980 (res. 474 (1980)), preamble

(ii) Letter dated 25 November 1979 from the Secretary- General:

Decision of 31 December 1979 (res. 461 (1979)),
preamble

5. Request for compliance with previous decisions:

(i) Situation in Cyprus:

Decision of 12 March 1975 (res. 367 (1975)), para. 4

(ii) Situation in the Middle East:

Decision of 14 June 1979 (res. 450 (1979)), para. 6

6. Request to States to exert influence to induce compliance:
 Situation in the Middle East:
 Decision of 19 January 1979 (res. 444 (1979)), para. 6
 Decision of 14 June 1979 (res. 450 (1979)), para. 7
 Decision of 19 December 1979 (res. 459 (1979)), para. 8
 Decision of 17 June 1980 (res. 474 (1980)), para. 5
 Decision of 17 December 1980 (res. 483 (1980)), para. 5
7. Declaration of intention to consider further measures under the Charter:
 (i) Complaint by Zambia:
 Decision of 17 March 1978 (res. 424 (1978)), para. 5
 (ii) Situation in Namibia:
 Decision of 13 November 1978 (res. 439 (1978)), para. 6
 (iii) Situation in the Middle East:
 Decision of 19 January 1979 (res. 444 (1979)), para. 7
 Decision of 14 June 1979 (res. 450 (1979)), para. 9
 Decision of 19 December 1979 (res. 459 (1979)), para. 10
 Decision of 17 June 1980 (res. 474 (1980)), para. 6
 Decision of 30 June 1980 (res. 476 (1980)), para. 6
 Decision of 17 December 1980 (res. 483 (1980)), para. 7
 (iv) Letter dated 25 November 1979 from the Secretary-General:
 Decision of 31 December 1979 (res. 461 (1979)), para. 6
 (v) Complaint by Zambia against South Africa:
 Decision of 11 April 1980 (res. 466 (1980)), para. 3
 (vi) Complaint by Angola against South Africa:
 Decision of 27 June 1980 (res. 475 (1980)), para. 7
8. Invoking Article 25 of the Charter:
 Situation in Southern Rhodesia:
 Decision of 10 October 1978 (res. 437 (1978)), para. 2
9. Invoking Article 2 (6) of the Charter:
 Situation in Southern Rhodesia:
 Decision of 6 April 1976 (res. 388 (1976)), para. 3
 Decision of 27 May 1977 (res. 409 (1977)), para. 2
10. Recognizing the need to explore ways and means of securing the full implementation of Council resolutions:
 Situation in the Middle East:
 Decision of 24 April 1980 (res. 467 (1980)), para. 10
- B. Requesting States to co-operate in the implementation of resolutions and decisions of the Council:
 (i) Question of South Africa:
 Decision of 31 October 1977 (res. 417 (1977)), para. 4
 Decision of 13 June 1980 (res. 473 (1980)), para. 10
 (ii) Situation in the Middle East:
 Decision of 17 June 1980 (res. 474 (1980)), para. 4
 Decision of 20 August 1980 (res. 478 (1980)), para. 5 (a) and (b)
 (iii) Complaint by Angola against South Africa:
 Decision of 27 June 1980 (res. 475 (1980)), para. 4
- C. Request to parties to co-operate in the implementation of Council resolutions:
 (i) Situation concerning Western Sahara:
 Decision of 6 November 1975 (res. 380 (1975)), para. 3
 (ii) Situation in Namibia:
 Decision of 29 September 1978 (res. 435 (1978)), para. 5
 Decision of 13 November 1978 (res. 439 (1978)), para. 5
 (iii) Situation in Cyprus:
 Decision of 27 November 1978 (res. 440 (1978)), para. 2
 (iv) Situation in the Middle East:
 Decision of 24 April 1980 (res. 467 (1980)), para. 9
 (v) Situation between Iran and Iraq:
 Decision of 5 November 1980 (President's statement), para. 4
- D. Condemning all actions contrary to the provisions of Council resolutions:
 Situation in the Middle East:
 Decision of 24 April 1980 (res. 467 (1980)), para. 2
- E. Deprecation of refusal or failure to implement the resolutions and decisions:
 I. Of the General Assembly:
 (i) Situation in the Middle East:
 Decision of 22 March 1979 (res. 446 (1979)), para. 2
 Decision of 30 June 1980 (res. 476 (1980)), para. 2
 (ii) Question of South Africa:
 Decision of 13 June 1980 (res. 473 (1980)), para. 1
2. Of the Security Council:
 (i) Situation in Namibia:
 Decision of 30 January 1976 (res. 385 (1976)), para. 5
 Decision of 13 November 1978 (res. 439 (1978)), paras. 1 and 2
 Decision of 28 November 1979 (President's statement), para. 2
 (ii) Situation in Southern Rhodesia:
 Decision of 10 October 1978 (res. 437 (1978)), para. 2
 (iii) Situation in the Middle East:
 Decision of 22 March 1979 (res. 446 (1979)), para. 2
 Decision of 20 May 1980 (res. 469 (1980)), para. 1
 Decision of 30 June 1980 (res. 476 (1980)), para. 2
 Decision of 20 August 1980 (res. 478 (1980)), para. 1
 (iv) Letter dated 25 November 1979 from the Secretary-General:
 Decision of 31 December 1979 (res. 461 (1979)), para. 2
 (v) Question of South Africa:
 Decision of 13 June 1980 (res. 473 (1980)), para. 1
- F. Authorizing or requesting the Secretary-General:
 1. To report on the implementation of a resolution or decision of the Council:
 (i) Situation in Cyprus:
 Decision of 12 March 1975 (res. 367 (1975)), para. 9
 Decision of 13 June 1975 (res. 370 (1975)), para. 6
 Decision of 13 December 1975 (res. 383 (1975)), para. 6
 Decision of 15 June 1976 (res. 391 (1976)), para. 6
 Decision of 14 December 1976 (res. 401 (1976)), para. 6
 Decision of 15 June 1977 (res. 410 (1977)), para. 6
 Decision of 15 September 1977 (res. 414 (1977)), para. 6
 Decision of 15 December 1977 (res. 422 (1977)), para. 6
 Decision of 16 June 1978 (res. 430 (1978)), para. 2
 Decision of 27 November 1978 (res. 440 (1978)), para. 4
 Decision of 14 December 1978 (res. 443 (1978)), para. 2
 Decision of 15 June 1979 (res. 451 (1979)), para. 3
 Decision of 14 December 1979 (res. 458 (1979)), para. 3
 Decision of 13 June 1980 (res. 472 (1980)), para. 3
 Decision of 11 December 1980 (res. 482 (1980)), para. 3
 (ii) Situation in the Middle East:
 Decision of 23 October 1975 (res. 378 (1975)), para. 1 (c)
 Decision of 30 November 1975 (res. 381 (1975)), operative para. (c)
 Decision of 19 March 1978 (res. 425 (1978)), para. 4
 Decision of 18 September 1978 (res. 434 (1978)), para. 3
 Decision of 19 January 1979 (President's statement), para. 4
 Decision of 8 May 1980 (res. 468 (1980)), para. 2
 Decision of 5 June 1980 (res. 471 (1980)), para. 7
 Decision of 20 August 1980 (res. 478 (1980)), para. 6
 Decision of 19 December 1980 (res. 484 (1980)), para. 4
 (iii) Situation in Timor:
 Decision of 22 December 1975 (res. 384 (1975)), para. 6
 Decision of 22 April 1976 (res. 389 (1976)), para. 4
 (iv) Complaint by Benin:
 Decision of 14 April 1977 (res. 405 (1977)), para. 11
 Decision of 24 November 1977 (res. 419 (1977)), para. 7
 (v) Situation in Southern Rhodesia:
 Decision of 29 September 1977 (res. 415 (1977)), para. 2
 Decision of 14 March 1978 (res. 423 (1978)), para. 7

- (vi) Question of South Africa:
 - Decision of 31 October 1977 (res. 417 (1977)), para. 6
 - Decision of 4 November 1977 (res. 418 (1977)), para. 6
 - Decision of 13 June 1980 (res. 473 (1980)), para. 12
- (vii) Situation in Namibia:
 - Decision of 27 July 1978 (res. 431 (1978)), para. 2
 - Decision of 29 September 1978 (res. 435 (1978)), para. 7
 - Decision of 13 November 1978 (res. 439 (1978)), para. 7
- (viii) Letter dated 25 November 1979 from the Secretary-General:
 - Decision of 4 December 1979 (res. 457 (1979)), para. 5
 - Decision of 31 December 1979 (res. 461 (1979)), para. 5
- (ix) Situation between Iran and Iraq:
 - Decision of 28 September 1980 (res. 479 (1980)), para. 5
- 2. To report on developments in a situation:
 - (i) Situation in the Middle East:
 - Decision of 17 April 1975 (res. 368 (1975)), operative para. (c)
 - Decision of 28 May 1975 (res. 369 (1975)), operative para. (c)
 - Decision of 24 July 1975 (res. 371 (1975)), para. 3
 - Decision of 23 October 1975 (res. 378 (1975)), para. 1 (c)
 - Decision of 30 November 1975 (res. 381 (1975)), operative para. (c)
 - Decision of 28 May 1976 (res. 390 (1976)), operative para. (c)
 - Decision of 22 October 1976 (res. 396 (1976)), para. 1 (c)
 - Decision of 26 May 1977 (res. 408 (1977)), operative para. (c)
 - Decision of 21 October 1977 (res. 416 (1977)), para. 1 (c)
 - Decision of 30 November 1977 (res. 420 (1977)), operative para. (c)
 - Decision of 31 May 1978 (res. 429 (1978)), operative para. (c)
 - Decision of 23 October 1978 (res. 438 (1978)), para. 2
 - Decision of 30 November 1978 (res. 441 (1978)), operative para. (c)
 - Decision of 30 May 1979 (res. 449 (1979)), operative para. (c)
 - Decision of 30 November 1979 (res. 456 (1979)), operative para. (c)
 - Decision of 24 April 1980 (res. 467 (1980)), para. 11
 - Decision of 20 May 1980 (res. 469 (1980)), para. 3
 - Decision of 30 May 1980 (res. 470 (1980)), operative para. (c)
 - Decision of 26 November 1980 (res. 481 (1980)), operative para. (c)
 - Decision of 17 December 1980 (res. 483 (1980)), para. 6
 - (ii) Situation between Iran and Iraq:
 - Decision of 5 November 1980 (President's statement), para. 5
- 3. To take appropriate actions and report to the Council:
 - (i) Situation in Timor:
 - Decision of 22 December 1975 (res. 384 (1975)), para. 6
 - (ii) Complaint by Lesotho against South Africa:
 - Decision of 22 December 1976 (res. 402 (1976)), para. 8
- 4. To undertake a mission of good offices:
 - (i) Situation in Cyprus:
 - Decision of 12 March 1975 (res. 367 (1975)), para. 6
 - (ii) Letter dated 25 November 1979 from the Secretary-General:
 - Decision of 4 December 1979 (res. 457 (1979)), para. 4
 - Decision of 31 December 1979 (res. 461 (1979)), para. 4
- 5. To appoint a representative or representatives:
 - (i) Situation in Southern Rhodesia:
 - Decision of 29 September 1977 (res. 415 (1977)), para. 1
 - (ii) Situation in Namibia:
 - Decision of 27 July 1978 (res. 431 (1978)), para. 1
- 6. To appoint a special representative to conduct an investigation:
 - Situation in Timor:
 - Decision of 22 December 1975 (res. 384 (1975)), para. 5
 - Decision of 22 April 1976 (res. 389 (1976)), para. 3
- 7. To hold consultations with the parties:
 - (i) Situation concerning Western Sahara:
 - Decision of 22 October 1975 (res. 377 (1975)), para. 1
 - Decision of 2 November 1975 (res. 379 (1975)), para. 2
 - (ii) Situation in the Middle East:
 - Decision of 19 January 1979 (res. 444 (1979)), para. 5
 - Decision of 17 December 1980 (res. 483 (1980)), para. 6
- 8. To assist a subsidiary organ in the discharge of its task:
 - (i) Complaint by Benin:
 - Decision of 8 February 1977 (res. 404 (1977)), para. 4
 - (ii) Question of South Africa:
 - Decision of 9 December 1977 (res. 421 (1977)), para. 3
 - (iii) Situation in the Middle East:
 - Decision of 22 March 1979 (res. 446 (1979)), para. 6
- 9. To organize a programme of assistance:
 - (i) Request by Mozambique under Article 50 of the Charter:
 - Decision of 17 March 1976 (res. 386 (1976)), para. 6
 - (ii) Complaint by Lesotho against South Africa:
 - Decision of 22 December 1976 (res. 402 (1976)), para. 7
 - Decision of 25 May 1977 (res. 407 (1977)), para. 6
 - (iii) Complaint by Benin:
 - Decision of 14 April 1977 (res. 405 (1977)), para. 7
 - Decision of 24 November 1977 (res. 419 (1977)), para. 6
 - (iv) Complaint by Botswana:
 - Decision of 25 May 1977 (res. 406 (1977)), para. 8
 - (v) Complaint by Mozambique:
 - Decision of 30 June 1977 (res. 411 (1977)), para. 13
 - (vi) Situation in Southern Rhodesia:
 - Decision of 21 December 1979 (res. 460 (1979)), para. 8
- 10. To obtain information on the casualties and damages resulting from acts of aggression:
 - Complaint by Angola against South Africa:
 - Decision of 28 March 1979 (res. 447 (1979)), para. 6
- 11. To submit a report containing requested information:
 - Complaint by Angola against South Africa:
 - Decision of 28 March 1979 (res. 447 (1979)), para. 7
- 12. To keep the Council informed of progress made:
 - Situation in Cyprus:
 - Decision of 15 June 1979 (res. 451 (1979)), para. 3
 - Decision of 14 December 1979 (res. 458 (1979)), para. 3
 - Decision of 13 June 1980 (res. 472 (1980)), para. 3
 - Decision of 11 December 1980 (res. 482 (1980)), para. 3
- 13. To continue his efforts to bring about the implementation of a Council resolution:
 - Situation in the Middle East:
 - Decision of 20 May 1980 (res. 469 (1980)), para. 3
- G. Measures involving subsidiary organs:
 - 1. Establishment or employment of subsidiary organs:
 - (i) Question of South Africa:
 - Decision of 9 December 1977 (res. 421 (1977)), para. 1
 - (ii) Situation in the Middle East:
 - Decision of 22 March 1979 (res. 446 (1979)), para. 4
 - (iii) Complaint by Zambia:
 - Decision of 23 November 1979 (res. 455 (1979)), para. 7
 - 2. Call for co-operation with subsidiary organs:
 - (i) Situation in Southern Rhodesia:
 - Decision of 29 September 1977 (res. 415 (1977)), para. 1
 - (ii) Question of South Africa:
 - Decision of 9 December 1977 (res. 421 (1977)), para. 2

- (iii) Situation in the Middle East:
Decision of 1 March 1980 (res. 465 (1980)), para. 3
3. Requesting a report from a subsidiary organ:
- (i) Situation in Southern Rhodesia:
Decision of 27 May 1977 (res. 409 (1977)), para. 3
Decision of 8 March 1979 (res. 445 (1979)), para. 8
- (ii) Complaint by Mozambique:
Decision of 30 June 1977 (res. 411 (1977)), para. 12
- (iii) Situation in the Middle East:
Decision of 20 July 1979 (res. 452 (1979)), para. 4
Decision of 1 March 1980 (res. 465 (1980)), para. 9
- (iv) Complaint by Zambia:
Decision of 23 November 1979 (res. 455 (1979)), para. 7
4. Taking note of reports of a subsidiary organ:
- (i) Complaint by Benin:
Decision of 14 April 1977 (res. 405 (1977)), para. 1
Decision of 24 November 1977 (res. 419 (1977)), paras. 1 and 2
- (ii) Complaint by Botswana:
Decision of 25 May 1977 (res. 406 (1977)), para. 3
- (iii) Complaint by Lesotho against South Africa:
Decision of 25 May 1977 (res. 407 (1977)), para. 3
5. Requesting a subsidiary organ to continue to examine a situation:
- (i) Situation in the Middle East:
Decision of 1 March 1980 (res. 465 (1980)), para. 8
- (ii) Question of South Africa:
Decision of 13 June 1980 (res. 473 (1980)), para. 11
6. Commending the work of a subsidiary organ:
Situation in the Middle East:
Decision of 20 July 1979 (res. 452 (1979)), para. 1
Decision of 1 March 1980 (res. 465 (1980)), para. 1
7. Dissolution of a subsidiary organ in accordance with rule 28 of the provisional rules of procedure:
Situation in Southern Rhodesia:
Decision of 21 December 1979 (res. 460 (1979)), para. 3
- H. Taking note of reports or activities of the Secretary-General and his representatives:
- (i) Situation in Namibia:
Decision of 29 September 1978 (res. 435 (1978)), para. 1
- (ii) Situation in the Middle East:
Decision of 17 June 1980 (res. 474 (1980)), paras. 2 and 4
Decision of 17 December 1980 (res. 483 (1980)), para. 1
- I. Recalling the advisory opinion of the International Court of Justice:
Situation in Namibia:
Decision of 30 January 1976 (res. 385 (1976)), preamble
- IX. Measures to ensure further consideration**
- A. Request for information regarding the implementation of a resolution.
1. From the Secretary-General:
- (i) Situation in the Middle East:
Decision of 17 April 1975 (res. 368 (1975)), operative para. (c)
Decision of 28 May 1975 (res. 369 (1975)), operative para. (c)
Decision of 24 July 1975 (res. 371 (1975)), para. 3
Decision of 23 October 1975 (res. 378 (1975)), para. 1 (c)
Decision of 28 May 1976 (res. 390 (1976)), operative para. (c)
Decision of 22 October 1976 (res. 396 (1976)), para. 1 (c)
Decision of 30 November 1976 (res. 398 (1976)), operative para. (c)
Decision of 26 May 1977 (res. 408 (1977)), operative para. (c)
Decision of 21 October 1977 (res. 416 (1977)), para. 1 (c)
Decision of 30 November 1977 (res. 420 (1977)), operative para. (c)
Decision of 19 March 1978 (res. 425 (1978)), para. 4
Decision of 31 May 1978 (res. 429 (1978)), operative para. (c)
Decision of 18 September 1978 (res. 434 (1978)), para. 1
Decision of 23 October 1978 (res. 438 (1978)), para. 2
Decision of 30 November 1978 (res. 441 (1978)), operative para. (c)
Decision of 30 May 1979 (res. 449 (1979)), operative para. (c)
Decision of 30 November 1979 (res. 456 (1979)), operative para. (c)
Decision of 24 April 1980 (res. 467 (1980)), para. 11
Decision of 8 May 1980 (res. 468 (1980)), para. 2
Decision of 20 May 1980 (res. 469 (1980)), para. 3
Decision of 30 May 1980 (res. 470 (1980)), operative para. (c)
Decision of 5 June 1980 (res. 471 (1980)), para. 7
Decision of 20 August 1980 (res. 478 (1980)), para. 6
Decision of 26 November 1980 (res. 481 (1980)), operative para. (c)
Decision of 19 December 1980 (res. 484 (1980)), para. 4
- (ii) Complaint by Kenya concerning aggression by South Africa against Angola:
Decision of 31 March 1976 (res. 387 (1976)), para. 5
- (iii) Question of South Africa:
Decision of 31 October 1977 (res. 417 (1977)), para. 6
Decision of 13 June 1980 (res. 473 (1980)), para. 12
- (iv) Situation in Southern Rhodesia:
Decision of 14 March 1978 (res. 423 (1978)), para. 7
- (v) Situation in Namibia:
Decision of 13 November 1978 (res. 439 (1978)), para. 7
- (vi) Situation in Cyprus:
Decision of 15 June 1979 (res. 451 (1979)), para. 3
Decision of 14 December 1979 (res. 458 (1979)), para. 3
Decision of 13 June 1980 (res. 472 (1980)), para. 3
Decision of 11 December 1980 (res. 482 (1980)), para. 3
- (vii) Letter dated 25 November 1979 from the Secretary-General:
Decision of 4 December 1979 (res. 457 (1979)), para. 5
- (viii) Situation between Iran and Iraq:
Decision of 28 September 1980 (res. 479 (1980)), para. 3
2. From specialized agencies and other organs of the United Nations:
Question of South Africa:
Decision of 31 October 1977 (res. 417 (1977)), para. 6
- B. Provision by express decision to consider the matter further:
- (i) Situation in Cyprus:
Decision of 12 March 1975 (res. 367 (1975)), para. 10
Decision of 27 November 1978 (res. 440 (1978)), para. 5
- (ii) Situation in Timor:
Decision of 22 December 1975 (res. 384 (1975)), para. 7
Decision of 22 April 1976 (res. 389 (1976)), para. 6
- (iii) Situation in Namibia:
Decision of 30 January 1976 (res. 385 (1976)), para. 12
Decision of 27 July 1978 (res. 432 (1978)), para. 4
- (iv) Situation in South Africa:
Decision of 19 June 1976 (res. 392 (1976)), para. 6
- (v) Complaint by Zambia against South Africa:
Decision of 30 July 1976 (res. 393 (1976)), para. 6
Decision of 11 April 1980 (res. 466 (1980)), para. 5
- (vi) Complaint by Lesotho against South Africa:
Decision of 22 December 1976 (res. 402 (1976)), para. 9
Decision of 25 May 1977 (res. 407 (1977)), para. 9
- (vii) Complaint by Botswana:
Decision of 14 January 1977 (res. 403 (1977)), para. 9
Decision of 25 May 1977 (res. 406 (1977)), para. 9
- (viii) Complaint by Benin:
Decision of 8 February 1977 (res. 404 (1977)), para. 5
Decision of 14 April 1977 (res. 405 (1977)), para. 12
Decision of 24 November 1977 (res. 419 (1977)), para. 8
- (ix) Situation in Southern Rhodesia:
Decision of 27 May 1977 (res. 409 (1977)), para. 3
Decision of 8 March 1979 (res. 445 (1979)), para. 9

- Decision of 21 December 1979 (res. 460 (1979)), para. 9
 Decision of 2 February 1980 (res. 463 (1980)), para. 10
- (ix) Complaint by Mozambique:
 Decision of 30 June 1977 (res. 411 (1977)), para. 14
- (x) Question of South Africa:
 Decision of 4 November 1977 (res. 418 (1977)), para. 7
 Decision of 13 June 1980 (res. 473 (1980)), para. 13
- (xi) Complaint by Zambia:
 Decision of 17 March 1978 (res. 424 (1978)), para. 5
 Decision of 23 November 1979 (res. 455 (1979)), para. 8
- (xii) Complaint by Angola against South Africa:
 Decision of 6 May 1978 (res. 428 (1978)), para. 8
 Decision of 2 November 1979 (res. 454 (1979)), para. 6
 Decision of 27 June 1980 (res. 475 (1980)), para. 8
- (xiii) Situation in the Middle East:
 Decision of 19 January 1979 (res. 444 (1979)), para. 8
 Decision of 22 March 1979 (res. 446 (1979)), para. 7
 Decision of 15 May 1979 (President's statement), para. 6
 Decision of 14 June 1979 (res. 450 (1979)), para. 10
 Decision of 19 December 1979 (res. 459 (1979)), para. 11
 Decision of 1 March 1980 (res. 465 (1980)), para. 9
- Decision of 17 June 1980 (res. 474 (1980)), para. 7
 Decision of 20 August 1980 (res. 478 (1980)), para. 7
- (xiv) Letter dated 25 November 1979 from the Secretary-General:
 Decision of 4 December 1979 (res. 457 (1979)), para. 5
 Decision of 31 December 1979 (res. 461 (1979)), para. 6
- C. Deferment of consideration for other efforts to materialize:
 Situation in the Middle East:
 Decision of 26 April 1979 (President's statement), para. 4
- D. Decision to meet following the submission of the Secretary-General's report:
 Complaint by Angola against South Africa:
 Decision of 28 March 1979 (res. 447 (1979)), para. 7
- X. Measures in connection with the inability of the Council to reach an agreement**
- A. Referring a question to the General Assembly under Assembly resolution 377 A (V):
 Letter dated 1 January 1980 from 52 Member States regarding Afghanistan:
 Decision of 9 January 1980 (res. 462 (1980)), operative para. 3

Part II

THE SITUATION IN CYPRUS

Decision of 12 March 1975 (1820th meeting): resolution 367 (1975)

On 18 February 1975, the Secretary-General submitted a special report⁷ to the Security Council on developments in Cyprus. The report contained an account of the talks between Mr. Clerides, representative of the Greek Cypriot Community, and Mr. Denktaş Vice-President of the Republic of Cyprus, that had produced an agreement on 8 January to begin the negotiations by discussing the powers and functions of the central government in a federal State. The two leaders had also agreed to continue their talks on humanitarian issues and had set up a sub-committee for that purpose. In his report the Secretary-General further informed the Council that, in pursuance of resolution 365 (1974), he had addressed identical notes to the parties concerned, asking them to provide all relevant information concerning steps they had taken or contemplated taking in regard to General Assembly resolution 3212 (XXIX). The replies received from the Governments of Greece and Cyprus were annexed to the report, as also were a statement issued by Mr. Denktaş on 13 February, announcing the restructuring and reorganization of the Turkish Cypriot Administration on the basis of a secular and federated State as well as the Turkish Cypriot constitutional proposals submitted by Mr. Denktaş for a bicomunal and biregional federal State. Also annexed to the Secretary-General's report were statements made by President Makarios and the Secretary-General with regard to those developments.

At the 1813th meeting on 20 February 1975, the Security Council adopted the provisional agenda without objection and invited the representatives⁸ of Cyprus, Greece and Turkey to participate in the discussion.⁹ The Council also extended an invitation to Mr. Vedat Celik, representative of the Turkish Cypriot community, under rule 39 of the provisional rules of procedure of the Council. In addition, the representatives of Bulgaria, Romania and Saudi Arabia were also invited, at their request, to participate in the discussion without the right to vote.

Speaking on behalf of Cyprus, Mr. Clerides stated that the cardinal principles for a solution to the Cyprus problem lay in General Assembly resolution 3212 (XXIX) — principles with which Turkey had not complied. Those principles were: respect for the independence, territorial integrity and sovereignty of Cyprus; speedy withdrawal of all foreign armed forces and cessation of all foreign interference in Cyprus; acknowledgement that the constitutional system of Cyprus concerned the two Cypriot communities; acceptance that the negotiations should be conducted freely and on an equal footing by the two communities; and a

commitment that all refugees should return to their homes in safety. However, these principles had been ignored by Turkey and through the declaration of a separate state by the Turkish Cypriot side, Turkey was trying to impose its own solution on Cyprus.¹⁰

The representative of Greece stated that Turkey had consistently followed a policy of intimidation and *faits accomplis* in dealing with the Cyprus problem, while Greece had sought a constructive compromise. Political negotiations had been continually torpedoed by Turkey, while Greece and the Greek Cypriots had offered a complete framework of principles upon which a federal State could be based. The Security Council had the duty and the means to implement its resolutions. Greece desired a settlement, but it could also live without one. He said that in view of the blackmail procedure of Turkey, Greece would not accept a solution, if not convinced that it had been accepted by Greek Cypriots of their own free will.¹¹

The representative of Turkey stated that the decision of Turkish Cypriots to form their Federated State was not a unilateral declaration of independence and did not go against the principles of United Nations resolutions. There would be no return to the *status quo ante*. Cyprus would have to be a bizonal State and a federative; physical separation of Turks and Greece was essential for the safety of the Turks.¹²

Mr. Celik, on behalf of the Turkish Cypriot community, said that his side had never wanted separation, but separation had been forced on them by the Greek Cypriot side. The spirit of the relevant Assembly and Council resolutions was that there were two equal national communities in Cyprus and that a solution should be found in the intercommunal talks on an equal footing. As progress was made towards a peaceful settlement, all foreign forces would be withdrawn and the humanitarian problem, including the problem of the refugees, would be solved. He said that the attempt to send a fact-finding mission to Cyprus was a first step towards a wider political conference on Cyprus, to which his side was opposed for well-known reasons: it was a Greek scheme to internationalize the Cyprus problem.¹³

The representative of the USSR expressed serious concern that the steps taken by the leadership of the Turkish community in Cyprus would inevitably lead to a separation of the Cyprus communities from each other and to their estrangement. He said these steps were in direct contravention of the decisions of the General Assembly. He charged that responsibility for the events lay with certain circles of the North Atlantic Treaty Organization (NATO) that were attempting to use Cyprus for their military and strategic purposes. He also stated that there was a deliberate attempt to keep the

⁷ S/11624 OR 10th yr. Suppl. for Jan. Mar. 1975, p. 24

⁸ 1813th mtg. following para. 2

⁹ For details, see chapter III

¹⁰ 1813th mtg., paras. 10-55

¹¹ *Ibid.* paras. 57-84

¹² *Ibid.* paras. 86-91

¹³ *Ibid.* paras. 95-156

United Nations outside direct active participation in the settlement of the crisis and called for the dispatch of a Council mission to Cyprus to acquaint itself with the situation and to report to the Council.¹⁴

At the 1814th meeting on 21 February, the Secretary-General made a statement concerning his meetings with Turkish and Greek leaders in Ankara and Athens on 19 February. He emphasized the great seriousness of the risks to peace and security in the eastern Mediterranean which the unresolved situation in Cyprus represented. From his talks he had gained the impression that the parties, and the world in general, expected the United Nations to shoulder the responsibilities in the matter. He believed that the intercommunal talks between Mr. Clerides and Mr. Denktas, in the presence of his Special Representative, could provide a basis for progress, although he recognized the need for a new approach to the negotiating process. Any solution, however, had to be based on United Nations resolutions and on the sovereignty, independence, territorial integrity and non-alignment of Cyprus.¹⁵

At the 1815th meeting on 24 February, the representative of France said that his Government deplored an action which led one of the communities to impose on the other terms of a settlement which the General Assembly and the Security Council had said should be the fruit of free negotiations.¹⁶

At the 1817th meeting on 27 February, the President, speaking in his capacity as the representative of China, stated that the external cause for the lack of a satisfactory solution was to be found in the attempts of the two super-Powers to put the island under their own influence and control.¹⁷

The representative of the United States stated that the Secretary-General's statement that he was prepared to facilitate the continuation of talks under new conditions and procedures provided legitimate hope for further progress. The representative of Sweden said his Government wished to explore with other members the possibilities of enlarging the role of the Secretary-General. The representative of Japan suggested that consideration might be given to reactivating the talks at a place outside Cyprus. He also thought it important that the Secretary-General be requested to report back promptly to the Security Council on the results of negotiations.¹⁸

At the 1818th meeting on 4 March 1975, the representative of the United Kingdom stated that his Government deplored the action of the Turkish Cypriot community with regard to the unilateral declaration of a Turkish Cypriot federated state partly because the timing was such that it had led to the suspension of the intercommunal talks at the moment when alternative constitutional proposals were on the table and real negotiations could have begun, and partly because it

considered the move likely to divide Cyprus further. He welcomed the statement of the Turkish Government and the Turkish Cypriot side that the proclamation was not a unilateral declaration of independence and that it precluded partition or annexation.¹⁹

At the 1820th meeting on 12 March 1975, the President (Costa Rica) stated that, as a result of prior consultations, an agreement had been reached on the text of a draft resolution²⁰ which, he proposed, be adopted without a vote. In the absence of any objection he declared the draft resolution adopted. The text reads as follows:

The Security Council.

Having considered the situation in Cyprus in response to the complaint submitted by the Government of the Republic of Cyprus,

Having heard the report of the Secretary-General and the statements made by the parties concerned,

Deeply concerned at the continuation of the crisis in Cyprus,

Recalling its previous resolutions, in particular resolution 365 (1974) of 13 December 1974 by which it endorsed General Assembly resolution 3212 (XXIX) adopted unanimously on 1 November 1974,

Noting the absence of progress towards the implementation of its resolutions,

1. *Calls once more upon* all States to respect the sovereignty, independence, territorial integrity and non-alignment of the Republic of Cyprus and urgently requests them, as well as the parties concerned, to refrain from any action which might prejudice that sovereignty, independence, territorial integrity and non-alignment, as well as from any attempt at partition of the island or its unification with any other country.

2. *Regrets* the unilateral decision of 13 February 1975 declaring that a part of the Republic of Cyprus would become "a Federated Turkish State" as, *inter alia*, tending to compromise the continuation of negotiations between the representatives of the two communities on an equal footing, the objective of which must continue to be to reach freely a solution providing for a political settlement and the establishment of a mutually acceptable constitutional arrangement, and expresses its concern over all unilateral actions by the parties which have compromised or may compromise the implementation of the relevant United Nations resolutions.

3. *Affirms* that the decision referred to in paragraph 2 above does not prejudice the final political settlement of the problem of Cyprus and takes note of the declaration that this was not its intention;

4. *Calls for* the urgent and effective implementation of all parts and provisions of General Assembly resolution 3212 (XXIX), endorsed by Security Council resolution 365 (1974).

5. *Considers* that new efforts should be undertaken to assist the resumption of the negotiations referred to in paragraph 4 of resolution 3212 (XXIX) between the representatives of the two communities.

6. *Requests* the Secretary-General accordingly to undertake a new mission of good offices and to that end to convene the parties under new agreed procedures and place himself personally at their disposal, so that the resumption, the intensification and the progress of comprehensive negotiations, carried out in a reciprocal spirit of understanding and of moderation under his personal auspices, and with his direction as appropriate, might thereby be facilitated.

7. *Calls upon* the representatives of the two communities to co-operate closely with the Secretary-General in the discharge of this new mission of good offices and asks them to accord personally a high priority to their negotiations.

8. *Calls upon* all the parties concerned to refrain from any action which might jeopardize the negotiations between the representatives of the two communities and to take steps which will facilitate the creation of the climate necessary for the success of those negotiations.

¹⁴ 1813th mtg., paras. 157-204.

¹⁵ 1814th mtg., paras. 1-13.

¹⁶ 1815th mtg., paras. 48-59.

¹⁷ 1817th mtg., paras. 21-24.

¹⁸ *Ibid.*, paras. 25-31.

¹⁹ 1818th mtg., paras. 4-22.

²⁰ S/11657, adopted without change as resolution 367 (1975).

9. *Requests* the Secretary-General to keep the Security Council informed of the progress made towards the implementation of resolution 365 (1974) and of the present resolution and to report to the Council whenever he considers it appropriate and, in any case, before 15 June 1975.

10. *Decides* to remain actively seized of the matter

Decision of 13 June 1975 (1830th meeting): resolution 370 (1975)

On 4 May 1975, the Secretary-General submitted an interim report²¹ to the Security Council in connection with the new mission of good offices entrusted to him in paragraph 6 of resolution 367 (1975). The report dealt with the first round of negotiations between the two Cypriot communities which had taken place at Vienna under his auspices from 28 April to 3 May 1975. Annexed to the report was the text of an agreed communiqué which was issued on 3 May. The parties had further agreed that the next meeting of the negotiations would be held at Vienna between 5 and 9 June 1975.

On 9 June the Secretary-General submitted his regular report²² to the Security Council incorporating information on the second round of the intercommunal talks held under his auspices from 5 to 7 June 1975. A communiqué issued following the talks had mentioned that some limited progress had been made without it having been possible to achieve agreement on the basic issues. It had been agreed that the next round of talks at Vienna would be held between 24 and 27 July. In addition to information about the intercommunal talks, the Secretary-General's report provided up-to-date details about the composition and deployment of the United Nations Peace-keeping Force in Cyprus (UNFICYP) and its operations in maintaining surveillance over the cease-fire. In that connection, it was noted that, since March, there had been a noticeable decline in the number of daily shooting violations, but more such incidents had involved cases of shooting at UNFICYP troops. Although mine-laying by both sides had decreased, its wide-scale use remained a matter of concern. The freedom of movement of UNFICYP was restricted in the northern part of the island, although teams distributing relief supplies and money had been afforded controlled access under Turkish military escort. In the southern areas UNFICYP continued to have complete freedom of movement. The Secretary-General reviewed the humanitarian and economic situation on the island and the activities of the United Nations in providing assistance on both sides. On the overall situation in Cyprus, the report underlined that the situation on the island was unstable and potentially dangerous and would remain so unless and until an agreed settlement of the basic problems could be reached. For that reason, it seemed to him that the negotiating process between the community representatives should be maintained and, if possible, accelerated. The Secretary-General considered the continued presence of UNFICYP to be essential, not only to maintain the cease-fire but also to facilitate the search for a

peaceful settlement, and recommended the extension of the Force's mandate for a further period of six months.

The Security Council considered the Secretary-General's report at its 1830th meeting held on 13 June 1975. At the same meeting the Council adopted the provisional agenda without objection and invited the representatives of Cyprus, Turkey and Greece to participate in the discussion without the right to vote.²³

Subsequently, the President drew attention to a draft resolution²⁴ prepared in the course of prior consultations and read out a revision to operative paragraph 6. He then put to the vote the revised draft resolution, which was adopted by 14 votes to none, with one member (China) not participating, as resolution 370 (1975).²⁵

The text reads as follows:

The Security Council,

Noting from the report of the Secretary-General of 9 June 1975 (S/1717 and Corr.1) that in existing circumstances the presence of the United Nations Peace-keeping Force in Cyprus is still needed to perform the tasks it is currently undertaking if the cease-fire is to be maintained in the island and the search for a peaceful settlement facilitated.

Noting from the report the conditions prevailing in the island,

Noting further that, in paragraphs 67 and 68 of his report, the Secretary-General has expressed the view, in connection with the talks in Vienna between the representatives of the two communities held pursuant to resolution 367 (1975) of 12 March 1975, that the negotiating process should be maintained and, if possible, accelerated and that its success would require from all parties determination, understanding and a willingness to make reciprocal gestures.

Noting also the statement by the Secretary-General contained in paragraph 69 of his report that the parties concerned had signified their concurrence in his recommendation that the Security Council extend the stationing of the Force in Cyprus for a further period of six months.

Noting 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 1975.

1. *Reaffirms* the provisions of resolution 186 (1964) of 4 March 1964, as well as subsequent resolutions and decisions on the establishment and maintenance of the United Nations Peace-keeping Force in Cyprus and on other aspects of the situation in Cyprus;

2. *Reaffirms once again* its resolution 365 (1974) of 13 December 1974, by which it endorsed General Assembly resolution 3212 (XXIX), adopted unanimously on 1 November 1974, and calls for their urgent and effective implementation and that of its resolution 367 (1975);

3. *Urges* the parties concerned to act with the utmost restraint and to continue and accelerate determined co-operative efforts to achieve the objectives of the Security Council;

4. *Extends once more* the stationing in Cyprus of the United Nations Peace-keeping Force, established under Security Council resolution 186 (1964) for a further period ending 15 December 1975 in the expectation that by then sufficient progress towards a final reduction of the Force;

5. *Appeals again* to all parties concerned to extend their full co-operation to the Force in its continuing performance of its duties;

6. *Requests* the Secretary-General to continue the mission of good offices entrusted to him by paragraph 6 of resolution 367 (1975), to keep the Council informed of the progress made, and to submit an interim report by 15 September 1975 and a definitive report not later than 15 December 1975.

²¹ For details see chapter III, paras 11725.

²² S/1725 Rev.1, adopted without change as resolution 370 (1975). See 1830th mtg., para. 8.

²³ S/11684, OR, 30th yr., Suppl. for April-June 1975, p. 20.

²⁴ S/1717, *ibid.*, p. 51.

In a statement after the voting the Secretary-General stated that he would continue to do his best to achieve progress in the talks although he did not wish to conceal his concern over the absence of substantive progress. He expressed the hope that the parties concerned would make the maximum efforts for finding a common ground for progress in the months ahead.²⁶

The representatives of Byelorussian SSR and the USSR stated that while they were not objecting to the extension of UNFICYP's mandate, they had to reiterate their caveat that voluntary basis of the financing of the Force be maintained.²⁷

The representative of China stated that his Government was in favour of that part of the resolution which called for the implementation of the Security Council's decision of 12 March 1975, but in view of its well-known position of principle on the question of United Nations forces, China had not participated in the vote.²⁸

Other members of the Council expressed appreciation of the work of UNFICYP and hope that the parties concerned would make greater efforts to resolve their differences in the intercommunal talks under the auspices of the Secretary-General at Vienna between 24 and 27 July.²⁹

The representative of Greece stated that 40 percent of the Island was still under military occupation by a foreign power and one third of the Greek Cypriot population were refugees in their own country. He emphasized the need for the intercommunal negotiation to be conducted in good faith and criticized the organization of the referendum in the northern part of the island in violation of Security Council resolution 367 (1975). Such action, he asserted, far from facilitating the negotiations, was contrary to the expressions of goodwill made by Turkish and Greek Prime Ministers at their meeting at Brussels on 31 May 1975.³⁰

Mr. Celik asserted that the reference in the Council's resolution to the Government of Cyprus was unacceptable as there was no Government representing both sides. He stated that the Turkish community would continue to co-operate with UNFICYP and help make its operation a success.³¹

The representative of Turkey stressed that the extension of the mandate of UNFICYP enjoyed his Government's support although it dissociated itself from any reference to a Cyprus Government. On the subject of the intercommunal talks he stated that the proposals of the Turkish Cypriot side for a transitional government of Cyprus represented an important development as was the reactivation of high-level talks between Greece and Turkey.³²

Mr. Clerides, on behalf of Cyprus, stated that the *fait accomplis* by Turkey and the Turkish Cypriots, such as the unilateral declaration and the referendum, if allowed to continue, would make it impossible to find a solution to the Cyprus problem. He stated that Turkey had given no indication that it was prepared to comply with earlier resolutions and there was ample evidence that by a series of calculated acts an attempt was being made to create a situation in Cyprus in which the island would be colonized by Turks from the mainland.³³

Decision of 13 December 1975 (1863rd meeting): resolution 383 (1975)

On 5 August 1975, the Secretary-General submitted an interim report³⁴ to the Security Council pursuant to the request contained in resolution 370 (1975) of 13 June 1975. Attached to the report was the text of an agreed press communiqué issued at the close of the Vienna talks on 2 August. The communiqué noted that preliminary discussions on the powers and functions of a federal Government and on the geographical aspects of a future Cyprus settlement had taken place and that the interlocutors would hold private talks on the geographical aspects in preparation for the fourth round of talks to be held in New York in September. In addition it had been agreed: that the Turkish Cypriots in the south of the island would be allowed to proceed to the north with UNFICYP assistance; that Greek Cypriots in the north would be free to stay and would be given every help to lead a normal life, including freedom of movement in the north; that those Greek Cypriots who wished to move south would be free to do so; that the United Nations would have free and normal access to Greek Cypriot villages in the north; and that priority would be given to the reunification of families, which might involve the transfer of a number of Greek Cypriots from the south to the north. Both sides had affirmed that they were not holding undeclared prisoners of war, but agreed to facilitate searches. The two sides had also declared that the Nicosia international airport, having been repaired, could be used, as a first step, by the United Nations for its needs.

On 10 September 1975, the Secretary-General submitted a second interim report³⁵ in which the text of an agreed press communiqué issued at the conclusion of the fourth round of talks held in New York, was reproduced. The communiqué stated that the Secretary-General had extensive consultations with Mr. Glafacos Clerides and Mr. Rauf Denktaş and that a formal meeting had been held on 10 September. In the absence of concrete proposals, the talks had been adjourned, but it had been agreed that the Secretary-General would remain in contact with the parties regarding future action.

On 13 September the Secretary-General submitted a third interim report³⁶ on the intercommunal talks, and

²⁶ 1830th mtg., paras. 10-12.

²⁷ *Ibid.*, paras. 73-82, 104-109.

²⁸ *Ibid.*, paras. 14-15.

²⁹ For the texts of other relevant statements, see 1830th meeting: United States, paras. 16-19; Japan, paras. 20-27; France, paras. 28-34; United Kingdom, paras. 35-46; Italy, paras. 47-54; Sweden, paras. 55-62; Guyana, paras. 87-95.

³⁰ *Ibid.*, paras. 115-132.

³¹ *Ibid.*, paras. 134-139, and 1831st mtg., paras. 56-120.

³² 1830th mtg., paras. 141-158.

³³ *Ibid.*, paras. 167-179, and 1831st mtg., paras. 3-54.

³⁴ S/11789, OR, 30th yr., Suppl. for July-Sept. 1975, p. 39.

³⁵ S/11789/Add. 1, *ibid.*, p. 40.

³⁶ S/11789/Add. 2, *ibid.*, pp. 40-41.

in particular on the progress made on the implementation of the agreements set out in the Vienna communiqué of 2 August. The Secretary-General remained convinced that although no further progress had been made at the fourth round, negotiations held in pursuance of Security Council resolutions 367 (1975) and 370 (1975) still provided the best method for moving towards a settlement.

On 8 December 1975, the Secretary-General submitted to the Security Council a report¹⁷ covering the United Nations operations in Cyprus for the period 10 June to 8 December 1975. In his report the Secretary-General indicated that following the transfer to the north of the bulk of the Turkish Cypriot population, the Force had been redeployed in the areas of confrontation between the Turkish forces and the Cyprus National Guard, and a plan had been initiated to reduce its strength by 532 soldiers and 62 civilian policemen. Access by UNFICYP to Greek Cypriot villages had been restricted in the north by Turkish forces, and humanitarian work in the area was limited to resupply convoys. United Nations humanitarian assistance for needy Cypriots, including persons displaced from the north, continued to be co-ordinated by the United Nations High Commissioner for Refugees. The Secretary-General remained in contact with the representatives of the two communities with a view to the resumption of the intercommunal talks under his auspices. He felt that, in the circumstances, the best available means of making progress towards a settlement was through continued talks between the two communities. The continued presence of UNFICYP was essential to the maintenance of the cease-fire and would facilitate the continued search for a peaceful settlement. Again, he called attention to the increasingly critical financial situation of UNFICYP. In an addendum¹⁸ issued on 13 December, the Secretary-General stated that following further consultations, the parties had signified their concurrence in the extension of the mandate of UNFICYP for a further six months.

At the 1863rd meeting on 13 December 1975, the Security Council adopted the provisional agenda without objection and invited the representatives of Cyprus, Turkey and Greece to participate in the discussion.¹⁹ The Council also extended an invitation to Mr. Vedat Celik under rule 39 of the provisional rules of procedure. At the same meeting the President drew attention to a draft resolution²⁰ prepared in the course of consultations among the members of the Council which he then put to the vote. The draft resolution was adopted by 14 votes to none with one member (China) not participating. The text reads as follows.

The Security Council.

Noting from the report of the Secretary-General of 8 December 1975 (S/11900 and Add 1) that in existing circumstances the presence of the United Nations Peace-keeping Force in Cyprus is still needed

not only to maintain the cease-fire but also to facilitate the continued search for a peaceful settlement,

Noting from the report the conditions prevailing in the island,

Noting further that, in paragraph 68 of his report, the Secretary-General has expressed the view that in the present circumstances the best available means of making progress towards a settlement is through continued talks between the representatives of the two communities and that such talks can be fruitful only if the interlocutors are ready and authorized to engage in meaningful negotiations on all essential aspects of a settlement of the Cyprus problem,

Noting also the concurrence of the parties concerned in the recommendation by the Secretary-General that the Security Council extend the stationing of the Force in Cyprus for a further period of six months,

Noting 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 1975,

Noting that General Assembly resolution 3395 (XXX) of 20 November 1975 reaffirmed the urgent need for continued efforts for the effective implementation in all its parts of General Assembly resolution 3212 (XXIX) of 1 November 1974 which was endorsed by the Security Council in its resolution 365 (1974) of 13 December 1974,

1. *Reaffirms* the provisions of resolution 186 (1964) of 4 March 1964, as well as subsequent resolutions and decisions on the establishment and maintenance of the United Nations Peace-keeping Force in Cyprus and on other aspects of the situation in Cyprus;
2. *Reaffirms* its resolutions 365 (1974) of 13 December 1974 and 367 (1975) of 12 March 1975 and calls for their urgent and effective implementation;
3. *Urges* the parties concerned to act with the utmost restraint and to continue and accelerate determined co-operative efforts to achieve the objectives of the Security Council;
4. *Extends* once more the stationing in Cyprus of the United Nations Peace-keeping Force, established under resolution 186 (1964), for a further period ending 15 June 1976 in the expectation that by then sufficient progress towards a final solution will make possible a withdrawal or substantial reduction of the Force;
5. *Appeals* again to all parties concerned to extend their full co-operation to the Force in its continuing performance of its duties;
6. *Requests* the Secretary-General to continue the mission of good offices entrusted to him by paragraph 6 of resolution 367 (1975), to keep the Council informed of the progress made and to submit a report not later than 31 March 1976.

In a statement to the Council after the vote, the Secretary-General stated that his Acting Special Representative, Lieutenant-General Prem Chand, and Mr. Denktas had signed on that day a *procès-verbal* stating that the Special Representative would discuss with the representative of the Turkish Cypriot community questions pertaining to the stationing, deployment and functioning of UNFICYP in the area under Turkish control, with a view to arriving at mutually acceptable arrangements, which would be recorded through an exchange of letters.²¹

Most members of the Security Council agreed with the Secretary-General's assessment that the continued presence of UNFICYP was essential. The representative of China referred to his Government's well-known views on the Force to explain its non-participation in the vote and the representatives of the Byelorussian SSR and the

¹⁷ S/11900, OR, 30th yr., Suppl. for Oct.-Dec. 1975, p. 54.

¹⁸ S/11900/Add 1, *ibid.*, p. 61.

¹⁹ For details, see chapter III.

²⁰ S/11910, adopted without change as resolution 383 (1975).

²¹ 1863rd mtg., paras. 6-8 and 217.

USSR reiterated the position of their Governments that the system of voluntary financing should be preserved in any extension of UNFICYP's mandate.⁴²

The representative of Cyprus stated that his Government had consented, as the only party entitled and required to consent, to the renewal of UNFICYP's mandate. However, the *procès-verbal* which referred to practical arrangements relating to the local functioning of UNFICYP, had nothing to do with any consent for the renewal of the mandate.⁴³

The representative of Greece stated that he fully agreed that the continued presence of UNFICYP was essential in order to maintain the cease-fire and to facilitate the continued search for a peaceful settlement.⁴⁴

The representative of Turkey said that his country could not accept the Security Council's resolution *in toto*. Turkey was against the reference to the Government of Cyprus, since in its view there was no Government which could represent Cyprus; there were merely two communities on the island. Turkey considered that the Assembly's 1974 resolution no longer applied after four rounds of intercommunal talks, and it was unable to accept the reference to the resolution adopted by the General Assembly on 20 November 1975, against which Turkey had been constrained to vote. Turkey continued to be in favour of the intercommunal talks, but not in the framework that the Assembly's 1975 resolution had placed them. Turkey agreed with the extension of UNFICYP's mandate and expressed the hope that the discussions promised in the *procès-verbal* signed by General Prem Chand and Mr. Denktaş would result in concrete agreements.⁴⁵

Mr. Celik also stated that the Security Council resolution just adopted was not acceptable *in toto* for the same reasons as those put forward by Turkey. He emphasized that the Secretary-General had consulted the Turkish Cypriots about the extension of the UNFICYP mandate and that the Turkish Cypriot side had given its consent. The separate agreement in the form of the *procès-verbal* was essential both politically and legally: politically to establish the equal status of the two communities, legally to give the Force legal status in the north of Cyprus.⁴⁶

Decision of 15 June 1976 (1927th meeting): resolution 391 (1976)

On 24 February 1976 the Secretary-General submitted an interim report⁴⁷ to the Security Council on the fifth round of the Cyprus talks at Vienna from 17 to 21

February. In the agreed press communiqué issued at the conclusion of the talks it was stated that in five substantive discussions on the territorial and constitutional issues the two sides had agreed that an exchange of written proposals would take place in Cyprus within six weeks, through the Special Representative of the Secretary-General. It had further been agreed that the representatives of the two communities would meet again under the auspices of the Secretary-General at Vienna in May to establish a common basis prior to referring the matter to mixed committees in Cyprus.

On 31 March the Secretary-General submitted a report⁴⁸ to the Security Council pursuant to resolution 383 (1975) and General Assembly resolution 3395 (XXX). In that report he reviewed developments of the first three months of 1976. He reported that the Vienna talks had been resumed without preconditions on 17 February 1976 with a view to arriving at a comprehensive agreement on the Cyprus question. He had closely followed developments in Cyprus relating to the agreement contained in the press communiqué of 21 February, in pursuance of which his Special Representative had held seven meetings with the representatives of the two communities between 5 and 31 March on humanitarian problems. His Special Representative had been in close touch with the two interlocutors concerning the exchange of written proposals on the territorial and constitutional issues foreseen in the Vienna communiqué.

On 5 June 1976, before the mandate of UNFICYP was due to expire the Secretary-General submitted a report on the United Nations Operation in Cyprus concerning developments covering the period from 9 December 1975 to 5 June 1976.⁴⁹ He noted in his report that restrictions on its freedom of movement had prevented UNFICYP from contributing in any effective way to the security, welfare and well-being of the Greek Cypriots living in the Turkish-controlled part of the island, as it had done for the Turkish Cypriots in the past. Therefore, the Force had only been able to carry out humanitarian work on a limited basis. The Secretary-General considered the situation of those Greek Cypriots a matter of serious concern, not only on purely humanitarian grounds but also because it tended to affect adversely efforts towards a just and lasting peace. Such concern, he felt, could be considerably alleviated if UNFICYP were granted free and normal access to Greek Cypriot habitations in the area. In respect of efforts to carry out the good offices mission entrusted to him by the Council, the Secretary-General referred to his report on the fifth round of the Vienna talks between the representatives of the two communities and to the problems which had arisen with regard to the exchange of written proposals on the territorial and constitutional issues as envisaged in the Vienna communiqué of 21 February. He stated that both he and his Special Representative had remained in close touch with the parties and had continued their efforts to remove the various obstacles to resumption of the negotiating

⁴² For the texts of relevant statements, see 1863rd mtg.: Byelorussian SSR, paras. 76-89; China, para. 54; Costa Rica, paras. 90-94; France, paras. 18-24; Guyana, paras. 10-17; Iraq, paras. 95-99; Italy, paras. 55-61; Japan, paras. 25-28; Mauritania, paras. 73-75; Sweden, paras. 29-33; USSR, paras. 34-49; United Kingdom, paras. 101-108; United Republic of Cameroon, paras. 62-67; United Republic of Tanzania, paras. 68-72; United States, paras. 50-53.

⁴³ *Ibid.*, paras. 110-138.

⁴⁴ *Ibid.*, paras. 140-151.

⁴⁵ *Ibid.*, paras. 153-162.

⁴⁶ *Ibid.*, paras. 164-215.

⁴⁷ S/11993, OR, 31st yr., Suppl. for Jan-March 1976, p. 105.

⁴⁸ S/12031, *ibid.*, p. 135.

⁴⁹ S/12093, OR, 31st yr., Suppl. for April-June 1976, p. 42.

process. In the circumstances, he considered the continued presence of UNFICYP to be essential and recommended that the Council extend the stationing of the Force in Cyprus for a further period of six months.

The Security Council considered the Secretary-General's report at its 1925th to 1927th meetings held on 11, 14 and 15 June 1976. At the 1925th meeting, the Council adopted the provisional agenda without objection and invited the representatives of Cyprus, Turkey and Greece to participate in the discussion without the right to vote. The Council also extended an invitation to Mr. Nail Atalay under rule 39 of the provisional rules of procedure.³⁰

The Council discussed the question at its 1925th and 1926th meetings on 11 and 14 June.

At the 1927th meeting held on 15 June the President announced that as a result of prior consultations agreement had been reached on the text of a draft resolution³¹ which he then put to the vote. The said draft resolution was adopted by 13 votes to none with two members (Benin and China) not participating. The text reads as follows:

The Security Council,

Noting from the report of the Secretary-General of 5 June 1976 that in existing circumstances the presence of the United Nations Peace-keeping Force in Cyprus is essential not only to help maintain quiet in the island but also to facilitate the continued search for a peaceful settlement,

Noting from the report the conditions prevailing in the island,

Noting also from the report that the freedom of movement of the United Nations Peace-keeping Force in Cyprus and its civil police is still restricted in the north of the island and that progress is being made in discussions regarding the stationing, deployment and functioning of the Force, and expressing the hope that those discussions will lead speedily to the elimination of all existing difficulties,

Noting further that, in paragraph 70 of his report, the Secretary-General has expressed the view that the best hope of achieving a just and lasting settlement of the Cyprus problem lies in negotiations between the representatives of the two communities and that the usefulness of those negotiations depends upon the willingness of all parties concerned to show the necessary flexibility, taking into account not only their own interests but also the legitimate aspirations and requirements of the opposing side,

Expressing its concern at actions which increase tension between the two communities and tend to affect adversely the efforts towards a just and lasting peace in Cyprus,

Emphasizing the need for the parties concerned to adhere to the agreements reached at all previous rounds of the talks held under the auspices of the Secretary-General and expressing the hope that future talks will be meaningful and productive,

Noting also the concurrence of the parties concerned with the recommendation by the Secretary-General that the Security Council extend the stationing of the United Nations Peace-keeping Force in Cyprus for a further period of six months,

Noting 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 1976,

1. *Reaffirms* the provisions of resolution 186 (1964) of 4 March 1964, as well as subsequent resolutions and decisions on the establishment and maintenance of the United Nations Peace-keeping Force in Cyprus and other aspects of the situation in Cyprus,

2. *Reaffirms once again* its resolution 385 (1974) of 14 December 1974, by which it endorsed General Assembly resolution 3212

(XXIX) adopted unanimously on 1 November 1974, and calls once again for the urgent and effective implementation of those resolutions as well as of its resolution 367 (1975) of 12 March 1975;

3. *Urges* the parties concerned to act with the utmost restraint to refrain from any unilateral or other action likely to affect adversely the prospects of negotiations and to continue and accelerate determined co-operative efforts to achieve the objectives of the Security Council;

4. *Extends* once more the stationing in Cyprus of the United Nations Peace-keeping Force, established under Security Council resolution 186 (1964), for a further period ending 15 December 1976, in the expectation that by then sufficient progress towards a final solution will make possible a withdrawal or substantial reduction of the Force;

5. *Appeals again* to all parties concerned to extend their fullest co-operation so as to enable the United Nations Peace-keeping Force to perform its duties effectively;

6. *Requests* the Secretary-General to continue the mission of good offices entrusted to him by paragraph 6 of resolution 367 (1975), to keep the Security Council informed of the progress made and to submit a report on the implementation of the present resolution by 30 October 1976.

Decision of 14 December 1976 (1979th meeting): resolution 401 (1976)

On 30 October 1976, the Secretary-General submitted to the Council a report³² in pursuance of his mission of good offices under Security Council resolutions 367 (1975) of 12 March 1975 and 391 (1976) of 15 June 1976. In the report the Secretary-General described the contacts that his Special Representative, Mr. Javier Pérez de Cuéllar, had had with President Makarios and Mr. Rauf Denktaş in Nicosia and with the Foreign Ministers of Turkey and Greece and other high officials in Ankara and Athens, as well as his own consultations with the representatives of the two communities, in New York, before the opening of the General Assembly. He stressed that, despite the difficulties, the intercommunal negotiations represented the best hope of achieving an agreed, just and lasting settlement of the Cyprus problem. He regretted to have to report that the difficulties in the way of resuming meaningful negotiations had yet to be overcome, and the differences between the two sides had, in practice, shown little sign of narrowing. Although the current procedural deadlock reflected the political difficulties of the interlocutors, the Secretary-General remained determined to exert his best efforts to bring about the resumption of meaningful negotiations.

On 9 December 1976, the Secretary-General submitted to the Security Council a report³³ on the United Nations operations in Cyprus covering the period 6 June to 6 December 1976. In his report the Secretary-General indicated that the access of UNFICYP to the Turkish-controlled part of the island had remained restricted but that there had been a continuing reduction in the number of cease-fire violations. UNFICYP had endeavoured to facilitate normal farming activity by providing escorts to enable Greek Cypriot and Turkish Cypriot farmers to work in sensitive areas. The exodus of Greek Cypriots to the south had accelerated,

³⁰ For details see chapter III.

³¹ S/12096, adopted without change as resolution 391 (1976).

³² S/12222, OR, 31(1) (C), Suppl. for Oct.-Dec. 1976, p. 15.

³³ S/12253, *ibid.*, p. 38.

and UNFICYP in most cases had not been able to establish the voluntary nature of their departure. UNFICYP had also continued to support the activities of the United Nations High Commissioner for Refugees and his relief programme by delivering food supplies and providing emergency medical services. The Secretary-General also drew the Council's attention to the increasingly critical financial situation of UNFICYP.

In an addendum⁴⁴ to this report, issued on 14 December 1976 the Secretary-General indicated that the parties concerned had signified their concurrence to the extension of the mandate of UNFICYP for another six months.

At the 1979th meeting on 14 December 1976 the Security Council adopted the provisional agenda without objection and invited the representatives of Cyprus, Greece and Turkey to participate in the discussion. The Council also agreed to extend an invitation to Mr. Vedat Celik under rule 39 of the provisional rules of procedure.⁴⁵

Subsequently, the President announced that as a result of prior consultations, agreement had been reached on the text of a draft resolution⁴⁶ which he then put to the vote. The draft resolution was adopted by 13 votes to none with 2 members (Benin and China) not participating. The text reads as follows:

The Security Council.

Noting from the report of the Secretary-General of 9 December 1976 that in existing circumstances the presence of the United Nations Peace-keeping Force in Cyprus is essential not only to help maintain quiet in the island but also to facilitate the continued search for a peaceful settlement,

Noting from the report the conditions prevailing in the island,

Noting also from the report that the freedom of movement of the United Nations Peace-keeping Force in Cyprus and its civil police is still restricted in the north of the island and that further progress is being made in discussions regarding the stationing, deployment and functioning of the Force, and expressing the hope that ways will be found to surmount the remaining obstacles,

Noting further that the Secretary-General has expressed the view that the best hope of achieving a just and lasting settlement of the Cyprus problem lies in negotiations between the representatives of the two communities and that the usefulness of those negotiations depends upon the willingness of all parties concerned to show the necessary flexibility, taking into account not only their own interests but also the legitimate aspirations and requirements of the opposing side,

Expressing its concern at actions which increase tension between the two communities and tend to affect adversely the efforts towards a just and lasting peace in Cyprus,

Emphasizing the need for the parties concerned to adhere to the agreements reached at all previous rounds of the talks held under the auspices of the Secretary-General and expressing the hope that future talks will be meaningful and productive,

Noting also the concurrence of the parties concerned with the recommendation by the Secretary-General that the Security Council extend the stationing of the United Nations Peace-keeping Force in Cyprus for a further period of six months,

Noting 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 1976,

1. *Reaffirms* the provisions of resolution 186 (1964) of 4 March 1964, as well as subsequent resolutions and decisions on the establishment and maintenance of the United Nations Peace-keeping Force in Cyprus and other aspects of the situation in Cyprus;

2. *Reaffirms once again* its resolution 365 (1974) of 13 December 1974, by which it endorsed General Assembly resolution 3212 (XXIX) adopted unanimously on 1 November 1974, and calls once again for the urgent and effective implementation of those resolutions as well as of its resolution 367 (1975) of 12 March 1975;

3. *Urges* the parties concerned to act with the utmost restraint to refrain from any unilateral or other action likely to affect adversely the prospects of negotiations for a just and peaceful solution and to continue and accelerate determined co-operative efforts to achieve the objectives of the Security Council;

4. *Extends once more* the stationing in Cyprus of the United Nations Peace-keeping Force, established under Security Council resolution 186 (1964), for a further period ending 15 June 1977, in the expectation that by then sufficient progress towards a final solution will make possible a withdrawal or substantial reduction of the Force;

5. *Appeals again* to all parties concerned to extend their fullest co-operation so as to enable the United Nations Peace-keeping Force to perform its duties effectively;

6. *Requests* the Secretary-General to continue the mission of good offices entrusted to him by paragraph 6 of resolution 367 (1975), to keep the Security Council informed of the progress made and to submit a report on the implementation of this resolution by 30 April 1977

In a statement after the voting, the Secretary-General stated that he would continue to bring about a resumption of the negotiations between the representatives of the two Cypriot communities at an early date. The best hope of achieving a just and lasting settlement of the Cyprus problem was through negotiations between the two representatives of the two communities. If the present impasse were prolonged the basic issues would inevitably become more intractable.⁴⁷

The representative of the USSR reiterated his Government's position that the stationing of the Force should continue to be financed on a voluntary basis.⁴⁸

The representative of China stated that in view of the fact that the resolution mainly concerned the question of UNFICYP, on which his Government's position was well known, his delegation had not participated in the vote.⁴⁹

Decision of 15 June 1977 (2012th meeting): resolution 410 (1977)

On 30 April 1977, the Secretary-General submitted to the Security Council a report⁵⁰ in pursuance of his continuing mission of good offices under Security Council resolution 401 (1976) of 14 December 1976. In his report, the Secretary-General reviewed developments that had led to the high-level meeting of Archbishop Makarios and Mr. Rauf Denktaş under his personal auspices on 27 February. He set out the texts of the agreed instructions (guidelines) for the intercommunal talks as a basis for future negotiations that had been issued following the meeting. A new series of intercommunal talks had been held in Vienna from 31 March to 7 April as had been decided at the high-level meeting.

⁴⁴ S/12253/Add.1, *ibid*

⁴⁵ For details, see chapter III

⁴⁶ S/12256, adopted without change as resolution 401 (1976)

⁴⁷ 1979th mtg., paras 11-16

⁴⁸ *Ibid.*, paras 207-221

⁴⁹ *Ibid.*, para 191

⁵⁰ S/12223, *OR, 32nd yr. Supplement for April-June 1977*, p. 27

The annexes to the report contained the opening statement by the Secretary-General at those talks and the proposals submitted by the two Cypriot communities. Each side had presented certain proposals which the other had not accepted. He stated that it had not been possible to bridge the considerable gap between the views of the two sides but that efforts would be continued to overcome the differences.

On 7 June 1977 the Secretary-General submitted a report⁴¹ to the Security Council on the United Nations operation in Cyprus for the period covering 7 December 1976 to 7 June 1977. In his report the Secretary-General stated that a substantial trend towards stabilization of the security situation, mainly in the military field, had developed, thanks in good part to the continuing peace-keeping efforts of UNFICYP. There remained, however, areas of concern, especially with reference to the continuing efforts of both sides to improve or strengthen their positions in the confrontation areas. While the peace-keeping aspect of the United Nations operation in Cyprus had been increasingly effective, the peace-making effort continued to encounter serious obstacles. Since the resumption of the intercommunal talks in Nicosia in May under the auspices of the Special Representative of the Secretary-General, the situation had remained unchanged. It was evident that certain political developments were being awaited before the next step was taken. As the Secretary-General felt that negotiations between the representatives of the two Cypriot communities remained the best available method of achieving a just and lasting settlement of the Cyprus problem, he would continue the mission entrusted to him by the Security Council to assist the parties. The continued presence of UNFICYP on the island remained essential to the maintenance of the cease-fire and would also facilitate the continued search for a peaceful settlement. He also drew attention to the increasingly critical financial situation of UNFICYP.

In an addendum⁴² to his report, issued on 15 June, the Secretary-General stated that he was in a position to inform the Council that the parties concerned had signified their concurrence with the proposed extension.

The Security Council considered the Secretary-General's report at its 2012th and 2013th meetings held on 15 and 16 June 1977. At the 2012th meeting, the Council adopted the provisional agenda without objection and invited the representatives of Cyprus, Greece and Turkey to participate in the discussion. The Council also extended an invitation to Mr. Vedat Celik under rule 39 of the provisional rules of procedure.⁴³

The President announced that as a result of prior consultations, agreement had been reached on the text of a draft resolution⁴⁴ which he then put to the vote. The draft resolution was adopted by 14 votes to none with

one member (China) not participating in the vote. The text read as follows:

The Security Council,

Noting from the report of the Secretary-General of 7 June 1977 that in existing circumstances the presence of the United Nations Peace-keeping Force in Cyprus is essential not only to help maintain quiet in the island but also to facilitate the continued search for a peaceful settlement,

Noting from the report the conditions prevailing in the island,

Noting also from the report that the freedom of movement of the United Nations Peace-keeping Force in Cyprus and its civil police is still restricted in the north of the island, and expressing the hope that ways will be found to surmount the remaining obstacles,

Noting further that the Secretary-General expressed the view that the best hope of achieving a just and lasting settlement of the Cyprus problem lies in negotiations between the representatives of the two communities and that the usefulness of those negotiations depends upon the willingness of all parties concerned to show the necessary flexibility, taking into account not only their own interests but also the legitimate aspirations and requirements of the opposing side,

Noting that, owing to the efforts of the Secretary-General, his staff and the United Nations Peace-keeping Force, and with the co-operation of the parties, there has been a relative improvement in the security situation, but that this evolution has yet to relieve the underlying tensions in the island,

Noting also the report of the Secretary-General of 30 April 1977 concerning the high-level meeting under the auspices of the Secretary-General, and emphasizing the need to adhere to the agreement reached at this meeting as well as to the agreements reached at the previous rounds of the talks,

Noting further the concurrence of the parties concerned in the recommendation by the Secretary-General that the Security Council extend the stationing of the United Nations Peace-keeping Force in Cyprus for a further period of six months,

Noting 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 1977,

1. *Reaffirms* the provisions of resolution 186 (1964) of 4 March 1964, as well as subsequent resolutions and decisions on the establishment and maintenance of the United Nations Peace-keeping Force in Cyprus and other aspects of the situation in Cyprus,

2. *Reaffirms once again* its resolution 365 (1974) of 13 December 1974, by which it endorsed General Assembly resolution 3212 (XXIX) adopted unanimously on 1 November 1974, and calls once again for the urgent and effective implementation of those resolutions and of its resolution 367 (1975) of 12 March 1975;

3. *Urges* the parties concerned to act with the utmost restraint by refraining from any unilateral or other action likely to affect adversely the prospects of negotiations for a just and peaceful solution and to continue and accelerate determined co-operative efforts to achieve the objectives of the Security Council,

4. *Extends once more* the stationing in Cyprus of the United Nations Peace-keeping Force, established under Security Council resolution 186 (1964), for a further period ending 15 December 1977, in the expectation that by then sufficient progress towards a final solution will make possible a withdrawal or substantial reduction of the Force;

5. *Appeals again* to all parties concerned to extend their fullest co-operation so as to enable the United Nations Peace-keeping Force to perform its duties effectively,

6. *Requests* the Secretary-General to continue the mission of good offices entrusted to him by paragraph 6 of resolution 367 (1975), 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 1977.

In a statement after the voting, the Secretary-General assured the Council that he would do his utmost to give effect to its decisions. He and his Special Representative would continue their efforts to assist the negotiations,

⁴¹ S/12342, *ibid.*, p. 48.

⁴² S/12342/Add.1, *ibid.*

⁴³ For details see chapter III.

⁴⁴ S/12346, adopted as resolution 410 (1977).

which he believed were the best available method of achieving a settlement. He drew the Council's attention to UNFICYP's \$54.1 million deficit and said it was more than ever necessary to find means of improving the financial situation.⁶⁵

At the 2013th meeting on 16 June, the representative of the USSR stated that his Government understood that the financing of the Force would continue to be on a voluntary basis. The representative of China stated that his delegation had not participated in the vote as it mainly concerned the question of the United Nations Force, on which China had always held a different position of principle.⁶⁶

Decision of 15 September 1977 (2032nd meeting): resolution 414 (1977)

By letter⁶⁷ dated 26 August 1977 addressed to the President of the Council the representative of Cyprus requested an urgent meeting of the Council to consider the seriously deteriorating situation in the island. At the 2026th meeting of 31 August 1977, the Council included the letter in its agenda without objection and invited the representatives of Cyprus, Greece and Turkey to participate in the discussion and also extended an invitation to Mr. Vedat Celik under rule 39 of the provisional rules of procedure.⁶⁸

Opening the discussion the Minister of Foreign Affairs of Cyprus stated that United Nations resolutions on Cyprus had called on all parties to refrain from unilateral actions, particularly such as would change the demographic character of Cyprus and had also provided for negotiations between the two communities, with a view to reaching freely a mutually acceptable political settlement based on those communities' legitimate rights. However, Turkey had never allowed a constructive dialogue to develop, obviously aiming to consolidate its position in the occupied area by creating *faits accomplis*. His Government's acceptance of a federal system and its decision to present, at the Vienna talks, a map providing for a bizonal solution of the territorial aspect of the problem were great concessions on the part of the Greek Cypriot side. However, the Turkish Cypriot negotiator, in breach of prior assurances given by Turkey and the Turkish Cypriot leadership, had failed to give any indication of his side's views on the territorial aspect of the problem. The decision of the Turkish Government to colonize the new town of Famagusta was the climax of the Turkish policy of *faits accomplis* and, if allowed to proceed, could only be the *coup de grâce* to the intercommunal talks. He appealed to the Council urgently to adopt effective measures to reverse the process of colonization of Famagusta and to ensure immediate implementation of relevant United Nations resolutions on Cyprus.⁶⁹

The representative of Greece stated that his country had fully endorsed the Cypriot request for a Council

meeting. Three years after the Turkish invasion of Cyprus, Turkey had stepped up its violations of international law and human rights in the occupied zone through expulsion of the inhabitants and seizures of property. It had placed new obstacles in the way of negotiations by perpetuating the *faits accomplis* in Cyprus and creating, by delaying tactics, so-called irreversible situations. He said that the fate of the sealed-off town of Famagusta represented a cardinal element in the intercommunal negotiations, and by colonizing it the Turkish side was depriving the negotiations of any meaning and rendering any future dialogue pointless. He appealed to the Council to condemn any attempt at the colonization of Famagusta, or of the rest of the military-occupied zone of Cyprus, and to demand that the Turkish Government desist from any such action and abide by the relevant resolutions of the General Assembly and the Security Council.⁷⁰

The representative of Turkey stated that Greece itself was the main culprit in the continuing tragedy of Cyprus: its record towards Cyprus was one of violence, military invasions, *faits accomplis*, attempted murders and intrigues. He saw no reason for a Council meeting as nothing had happened since the June meeting except the death—on 3 August—of Archbishop Makarios, which had opened the way to a power struggle not as yet resolved. The only evidence of a deterioration of the situation that the Greek Cypriots had been able to muster was the decision by the authorities of the Turkish Federated State of Cyprus to use an old hotel in the south of Famagusta as a centre for hotel management. Whatever the Turkish Cypriot community did in the area under its control was none of the Greek Cypriot community's concern. He said that despite the ludicrous nature of the Greek Cypriot allegations, the Turkish community was ready to resume the intercommunal talks on a date to be agreed upon. The Turkish Government would continue to support the mission of the Secretary-General within its current framework.⁷¹

At the 2027th meeting on 31 August, the representative of the USSR stated that his Government favoured establishing a spirit of mutual understanding and trust between the two communities. A solution must reflect unswerving respect for independence, sovereignty and territorial integrity. He said that recent events had confirmed the USSR's opinion that a solution of the Cyprus problem required a convening as soon as possible of an international conference under United Nations auspices. Both sides should refrain from unilateral or other actions which could have a negative effect on prospects for peaceful settlement.⁷²

At the 2028th meeting on 1 September, the Secretary-General provided information based on recent reports he had received from his Special Representative and the UNFICYP Commander, concerning developments in Varosha, the new quarter of Famagusta.⁷³

⁶⁵ 2012th mtg., paras. 7-10.

⁶⁶ For the texts of relevant statements, see 2013th mtg., China paras. 187-189; USSR, paras. 163-171.

⁶⁷ S/12387, OR, 32nd yr., Suppl. for July-Sept. 1977, p. 63.

⁶⁸ For details see chapter III.

⁶⁹ 2026th mtg., paras. 5-38.

⁷⁰ *Ibid.*, paras. 40-53.

⁷¹ *Ibid.*, paras. 74-80.

⁷² 2027th mtg., paras. 24-39.

⁷³ 2028th mtg., paras. 24-31.

Speaking at the 2031st meeting on 15 September, the representative of France stated that the kind of actions taken in Varosha, the new town of Famagusta, fully justified the Council session. While they were benign in appearance, they could be followed by other measures which, taken together with the first set of measures, might significantly change the state of affairs. Those responsible should take no initiative that might alter the climate required for the success of the negotiations. He said that the Council should make its contribution to the reduction of tension. Everything possible must be done to preserve the bases and the framework of the negotiations to which the parties had agreed.⁷⁴

The representative of China stated that his delegation held firmly to respect for independence, sovereignty and territorial integrity. China hoped the two communities would take a positive attitude and continue to work for an early settlement through negotiations on an equal footing and through mutual accommodation. They should eliminate their differences and guard against super-Power meddling.⁷⁵

The representative of the United Kingdom stated that his Government was convinced that the most urgent requirement was to have the negotiations resumed through the intercommunal talks, and not to hinder that process. If the talks were to make progress, there should be an atmosphere undisturbed by actions or statements which could prejudice the chances of a settlement. The United Kingdom was pleased to note the assurances given to the Council that recent moves in new Famagusta did not constitute colonization or resettlement. If there were such developments, they would lead to serious consequences.⁷⁶

At the 2032nd meeting on 15 September, the representative of the United States stated that assurances that no resettlement of the new section of Famagusta was under way were especially welcome. The United States would do all that it possibly could to encourage the earliest possible resumption of the intercommunal talks. It hoped the Council debate would mark renewal of concerted efforts by the two communities to build successfully on the foundation established in earlier rounds of talks and to bring those talks to a successful conclusion.⁷⁷

The President, speaking as the representative of the Federal Republic of Germany, stated that a settlement could only be achieved through direct negotiations between the two communities. The talks must be based on mutual concessions on the territorial and constitutional aspects. His Government noted with satisfaction the statements made to the effect that the developments in the new town of Famagusta did not constitute the beginning of resettlement or colonization. However limited in scope, any unilateral action should be avoided.⁷⁸

Mr. Celik, stating that he was speaking on behalf of the Turkish Cypriot community, stated that he failed to understand the necessity for a Security Council meeting: there was no fighting in Cyprus, no threat to peace in the region, no change in the *status quo*. In calling the meeting, the Greek Cypriots were clearly prompted by internal political considerations, although the pretext was the implementation of United Nations resolutions and the alleged mass colonization of Maras, otherwise known as Varosha, a town situated wholly within the borders of the Turkish Federated State of Cyprus and under its jurisdiction. He insisted that the rights over this area could not be made the subject of bargaining with the Greek Cypriot side. There had been no "mass colonization" or resettlement of the area. He said that the Turkish Cypriot side was always ready to start negotiations with a view to finding a realistic solution of the Cyprus problem, one which recognized for the Turkish Cypriot community—the suffering party until now—rights equal to those of the Greek Cypriots and which would provide for its effective and equal participation in the government and administration of the future federal State. The Cyprus problem was an intercommunal problem, and it could be solved only through negotiations, on an equal footing, between the two communities.⁷⁹

At the 2032nd meeting on 15 September, the President, following a suspension of the meeting, stated that the Council would proceed to take a decision on a draft resolution⁸⁰ and that it was his understanding that the Council wished to adopt the draft resolution without putting it to the vote. He therefore declared it adopted as resolution 414 (1977). The text reads as follows:

The Security Council,

Having considered the situation in Cyprus in response to the letter dated 26 August 1977 from the Permanent Representative of Cyprus to the United Nations,

Mindful of the urgency of making progress in the solution of the Cyprus problem,

Recalling its previous resolutions, in particular resolutions 365 (1974) of 13 December 1974 and 367 (1975) of 12 March 1975,

Taking note of the statements made to the Council regarding recent developments in the new Famagusta area to the effect that there is no settlement in progress in the area,

Taking note also of the statements made by the parties concerned as well as by the Secretary-General with regard to these developments,

1. *Expresses concern* at the situation caused by recent developments,

2. *Calls upon* the parties concerned to refrain therefore from all unilateral actions anywhere in Cyprus that may affect adversely the prospects for a just and peaceful solution and urges them to continue and accelerate determined co-operative efforts to achieve the objectives of the Security Council

3. *Reaffirms once again* its resolution 365 (1974), by which it endorsed General Assembly resolution 3212 (XXIX) adopted unanimously on 1 November 1974, and calls once again for the urgent and effective implementation of those resolutions and of its resolution 367 (1975)

4. *Expresses concern* at the lack of progress at the intercommunal talks,

5. *Calls upon* the representatives of the two communities to resume negotiations under the auspices of the Secretary-General, as soon as possible, meaningfully and constructively, on the basis of comprehensive and concrete proposals.

⁷⁴ 2031st mtg., paras. 2-10.

⁷⁵ *Ibid.* paras. 12-14.

⁷⁶ *Ibid.* paras. 15-23.

⁷⁷ 2032nd mtg., paras. 1-9.

⁷⁸ *Ibid.* paras. 11-16.

⁷⁹ 2026th mtg., paras. 55-72.

⁸⁰ 2032nd mtg., para. 18.

6 Requests the Secretary-General to keep the Council informed of developments that may adversely affect the implementation of the present resolution

Decision of 15 December 1977 (2054th meeting): resolution 422 (1977)

On 1 December 1977, the Secretary-General submitted to the Security Council his report¹¹ on the United Nations operation in Cyprus concerning developments from 8 June to 30 November 1977. In his report, the Secretary-General stated that in the period under review, the situation in Cyprus had been quiet but that the underlying tensions had shown no sign of abating. The political differences confronting the people of Cyprus were no nearer a solution. It had not been possible since 3 June to continue the intercommunal meetings. The consultations which he had held in New York in September and October and those held at Nicosia by his Special Representative would be continued at Athens and Ankara. For the resumed talks to be useful, it was necessary to obtain assurances that the parties were prepared to negotiate concretely and substantively on all major aspects of the problem. The Secretary-General noted that there had been no apparent improvement in the living conditions of the Greek Cypriots remaining in the north and that their situation was a matter of concern. With regard to UNFICYP, the Secretary-General noted that the Finnish battalion, by agreement, had left Cyprus without replacement on 31 October, having completed more than 13 years of service. The deficit in the UNFICYP Special Account of \$56.7 million was a matter of concern. The critical financial condition of the Force was a compelling consideration in the decision not to replace the Finnish battalion.

In an addendum¹² to his report issued on 15 December 1977, the Secretary-General indicated that the parties concerned had signified their concurrence in the extension of the mandate of UNFICYP for another six months.

The Security Council considered the Secretary-General's report at its 2054th and 2055th meetings held on 15 and 16 December 1977. At the 2054th meeting, the Council adopted the provisional agenda without objection, and invited the representatives of Cyprus, Greece and Turkey to participate in the discussion. The Council also extended an invitation to Mr. Vedat Celik under rule 39 of the provisional rules of procedure to participate in the consideration of the item. At the 2055th meeting a similar invitation under rule 39 was extended to Mr. Nail Atalay.¹³

The President announced that as a result of prior consultations, agreement had been reached on the text of a draft resolution¹⁴ which he then put to the vote. The draft resolution was adopted by 14 votes to none, with one member (China) not participating, as resolution 422 (1977). The text reads as follows:

The Security Council,

Noting from the report of the Secretary-General of 1 December 1977 that in existing circumstances the presence of the United Nations Peace-keeping Force in Cyprus is essential not only to help maintain quiet in the island but also to facilitate the continued search for a peaceful settlement,

Noting from the report the conditions prevailing in the island,

Noting also from the report that the freedom of movement of the United Nations Peace-keeping Force in Cyprus and its civil police is still restricted in the north of the island, and expressing the hope that ways will be found to surmount the remaining obstacles,

Noting further that the Secretary-General expressed the view that the best hope of achieving a just and lasting settlement of the Cyprus problem lies in negotiations between the representatives of the two communities and that the usefulness of those negotiations depends upon the willingness of all parties concerned to show the necessary flexibility, taking into account not only their own interests but also the legitimate aspirations and requirements of the opposing side,

Noting that, owing to the efforts of the Secretary-General, his staff and the United Nations Peace-keeping Force, and with the co-operation of the parties, there has been a relative improvement in the security situation, but that this evolution has yet to relieve the underlying tensions in the island,

Noting also the report of the Secretary-General of 30 April 1977 concerning the high-level meeting under the auspices of the Secretary-General, and emphasizing the need to adhere to the agreement reached at this meeting as well as to the agreements reached at the previous rounds of the talks,

Noting further the concurrence of the parties concerned in the recommendation by the Secretary-General that the Security Council extend the stationing of the United Nations Peace-keeping Force in Cyprus for a further period of six months,

Noting 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 1977,

1. Reaffirms the provisions of resolution 186 (1964) of 4 March 1964, as well as subsequent resolutions and decisions on the establishment and maintenance of the United Nations Peace-keeping Force in Cyprus and other aspects of the situation in Cyprus,

2. Reaffirms once again its resolution 365 (1974) of 13 December 1974, by which it endorsed General Assembly resolution 3212 (XXIX) adopted unanimously on 1 November 1974, and calls once again for the urgent and effective implementation of those resolutions and of its resolution 367 (1975) of 12 March 1975;

3. Urges the parties concerned to act with the utmost restraint by refraining from any unilateral or other action likely to affect adversely the prospects of negotiations for a just and peaceful solution and to continue and accelerate determined co-operative efforts to achieve the objectives of the Security Council;

4. Extends once more the stationing in Cyprus of the United Nations Peace-keeping Force, established under Security Council resolution 186 (1964), for a further period ending 15 June 1978, in the expectation that by then sufficient progress towards a final solution will make possible a withdrawal or substantial reduction of the Force;

5. Appeals again to all parties concerned to extend their fullest co-operation so as to enable the United Nations Peace-keeping Force to perform its duties effectively;

6. Requests the Secretary-General to continue the mission of good offices entrusted to him by paragraph 6 of resolution 367 (1975), 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 1978

Following the vote, statements were made by the representatives of Cyprus, Greece and Turkey and by Mr. Celik.¹⁵

At the 2055th meeting the Secretary-General stated that he would use his best efforts to carry out the

¹¹ S/12463, OR, 32nd yr., Suppl. for Oct.-Dec. 1977, pp. 79-86.

¹² S/12463/Add.1, *ibid.*, p. 86.

¹³ For details see chapter III.

¹⁴ S/12489, adopted without change as resolution 422 (1977).

¹⁵ 2054th mtg., Cyprus, paras. 23-56; Greece, paras. 58-74; Turkey, paras. 98-110; Mr. Celik, paras. 76-96.

provisions of resolution 422 (1977) and make every effort to help bring about a resumption of the intercommunal talks as the best available method of achieving a just and lasting settlement.⁸⁶

Decision of 16 June 1978 (2080th meeting): resolution 430 (1978)

On 31 May 1978, the Secretary-General submitted to the Security Council his report⁸⁷ on the United Nations Operation in Cyprus concerning developments from 1 December 1977 to 31 May 1978. In his report the Secretary-General described in detail the efforts he had undertaken, within the framework of the mission of good offices entrusted to him by the Security Council, to facilitate concrete and substantive negotiations between the parties on the major aspects of the Cyprus problem. He regretted to have to report that the results of those efforts remained disappointing for the time being. The time might be ripe, he felt, for a concrete attempt to deal with some important aspects of the existing stalemate, thus creating an opening for further significant steps. He cited the status of Varosha and the situation at the Nicosia international airport, which remained under UNFICYP control but was not open for traffic, as possible opportunities for action of that kind. The Secretary-General further reported that the situation along the cease-fire lines had remained quiet during the period. The situation in the north, although still not entirely consonant with the agreements reached at Vienna in August 1975, had improved. UNFICYP enjoyed increased freedom of movement, and there had been a relative improvement in the living conditions and the economic situation of the Greek Cypriots in the north. In the light of the situation on the ground and of political developments, the Secretary-General concluded once again that the continued presence of UNFICYP remained indispensable in keeping the potentially dangerous situation in the island under control. The Force also facilitated the search for a peaceful settlement. He recommended that the mandate of UNFICYP be extended for another six months. He also drew attention to the increasingly critical financial situation of UNFICYP.

In an addendum⁸⁸ issued on 15 June the Secretary-General stated that following consultations the parties concerned had signified their concurrence in the extension of the mandate of UNFICYP for a further six months.

The Security Council considered the Secretary-General's report at its 2080th and 2081st meetings held on 15 and 16 June 1978. At the same meeting, the Council adopted the provisional agenda without objection, and invited the representatives of Cyprus, Greece and Turkey to participate in the discussion. The Council also extended an invitation to Mr. Rauf Denktas under rule

39 of the provisional rules of procedure to participate in the consideration of the item.⁸⁹

The President announced that as a result of prior consultations agreement had been reached on the text of a draft resolution⁹⁰ which he then put to the vote. The said draft resolution was adopted by 14 votes to none, with one member (China) not participating. The text reads as follows:

The Security Council,

Taking note of the report of the Secretary-General on the United Nations operation in Cyprus dated 31 May 1978,

Noting the concurrence of the parties concerned in the recommendation by the Secretary-General that the Security Council extend the stationing of the United Nations Peace-keeping 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 1978,

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 Peace-keeping Force established under resolution 186 (1964) for a further period ending 15 December 1978;*

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 1978.*

At the 2081st meeting on 16 June, the Council heard statements by members of the Council, the parties concerned and by Mr. Denktas.

Decision of 27 November 1978 (2100th meeting): resolution 440 (1978)

On 7 November 1978 the representative of Cyprus addressed a letter⁹¹ to the President of the Security Council confirming an earlier oral request for the convening of an urgent meeting of the Council on the question of Cyprus. At its 2099th meeting the Council adopted the provisional agenda without objection, and invited the representatives of Cyprus and Greece to participate in the discussion.⁹²

The representative of Cyprus stated that Turkey had turned a deaf ear to repeated United Nations resolutions, calling for the speedy withdrawal of all foreign armed forces from Cyprus. The Greek Cypriots had waited long enough and now was the time for appropriate action by the Council. His Government was asking the Council to consider measures against Turkey under Article 41 of the Charter of the United Nations on the basis of General Assembly resolution 33/15 of 9 November 1978, in which the Assembly had recommended that the Council take measures, if necessary, to ensure the implementation, within a time-frame, of its resolutions relating to the question of Cyprus. He stressed that there was no incompatibility between the proposal of Cyprus to invoke Article 41 and its taking part in the intercommunal talks which concerned only the internal aspect of the Cyprus problem.⁹³

⁸⁶ For details see chapter III.

⁸⁷ S/12723, adopted without change as resolution 430 (1978).

⁸⁸ S/12918, OR, 33rd yr., Suppl. for Oct.-Dec. 1978, p. 53.

⁸⁹ For details see chapter III.

⁹⁰ 2099th mtg., paras. 4-20.

⁸⁶ 2055th mtg., Secretary-General, paras. 3-4.

⁸⁷ S/12723, OR, 33rd yr., Suppl. for April-June 1978, pp. 76-93.

⁸⁸ S/12923, *ibid.*, p. 93.

The representative of Greece said that the action taken by the Government of Cyprus in bringing the question of Cyprus before the Council was fully justified and constituted the appropriate follow-up to the recent resolution adopted by the General Assembly. The Assembly had once more expressed the frustration felt by the international community at the total lack of progress and the non-implementation of resolutions on this problem.⁹⁴

At the same meeting a draft resolution⁹⁵ was submitted by Cyprus under which the Security Council would reaffirm previous resolutions on the question of Cyprus, and call upon the parties concerned to comply with them without delay, and in any case not later than six months from the adoption of the proposal; request the Secretary-General to progress in the implementation of those resolutions and report in six months; decide to keep the situation under review and at the expiration of that period to consider and adopt, if necessary, all appropriate and practical measures under the United Nations Charter in order to ensure the full implementation of its resolutions on Cyprus. No member of the Council requested a vote on the draft resolution.

At the 2100th meeting on 27 November, the President, with the consent of the Council, invited the representative of Turkey to participate in the discussion. The Council also extended an invitation to Mr. Rauf Denktaş under rule 39 of the provisional rules of procedure.⁹⁶

The President drew attention to a draft resolution⁹⁷ prepared in the course of prior consultations among members of the Council.

The representative of Turkey stated that in his view the draft resolution was not conducive either to the resumption of negotiations or to the implementation of previous resolutions, yet clearly negotiations in the framework of a settlement would lead to implementation. Turkey would have expected a text encouraging the parties to go back to the negotiating table instead of one containing a veiled threat. Under the circumstances, he was sure his Government would not consider itself bound by the resolution.⁹⁸

Mr. Denktaş said that the Turkish Cypriots had long been victimized and had to be convinced that the Greek Cypriots really regarded them as partners and were not trying to "Hellenize" them. The Turkish community had not chosen separation: it had been imposed on that community, a quarter of the population, when it was ejected from the binational Government by brute force, and had to set up its own administration. The administration which currently called itself the Government of Cyprus had nothing to do with the binational Government envisaged in the 1960 national agreements. Mr. Denktaş expressed the hope that one day the Greek Cypriots would realize that Cyprus was not destined to

be a Greek Cypriot island, but rather a Cypriot binational State where the two communities would live together in harmony.⁹⁹

The Council then proceeded to take a decision on the draft resolution and in the absence of any objection, the President declared the draft resolution adopted by consensus, as resolution 440 (1978).¹⁰⁰ The text reads as follows:

The Security Council.

Having considered the situation in Cyprus in response to the letter dated 7 November 1978 from the Permanent Representative of Cyprus.

Deeply concerned at the lack of progress in the solution of the Cyprus problem,

Taking note of the relevant General Assembly resolutions concerning Cyprus.

Mindful of the urgency of solving the Cyprus problem without further delay.

1. *Reaffirms* its resolutions 365 (1974) of 13 December 1974, 367 (1975) of 12 March 1975 and subsequent resolutions, including resolution 410 (1977) of 15 June 1977;

2. *Calls upon* the parties concerned to comply with and co-operate in the implementation of those resolutions within a specific time-frame;

3. *Urges* the representatives of the two communities to resume negotiations, under the auspices of the Secretary-General, on an agreed basis, bearing in mind the aforementioned resolutions.

4. *Requests* the Secretary-General to report on the efforts made with regard to the negotiations referred to in paragraph 3 of the present resolution and on the progress towards the implementation of its resolutions by 30 May 1979 or earlier if developments should warrant it;

5. *Decides* to remain seized of the matter and to review the situation in June 1979 in order to continue to promote a just solution to the Cyprus problem.

Following the adoption of the draft resolution several representatives made statements. The representative of France said that the resolution just adopted did not violate the legitimate rights of either of the parties concerned, while at the same time it indicated more clearly than in the past the Council's concern for implementation of its previous resolutions and the search for a negotiated settlement. He urged both sides in their own interest to show moderation and act in a spirit of compromise.

The representative of the USSR said that his Government continued to favour a settlement of the Cyprus problem on the basis of the fundamental principles reaffirmed by the General Assembly, namely, strict respect for the independence, sovereignty, territorial integrity and non-aligned status of the Republic of Cyprus, cessation of any foreign intervention in its internal affairs, and immediate withdrawal of all foreign troops from the island. A just and durable settlement could be achieved only if those basic principles were observed and if the interests and the rights of both Cypriot communities were taken into account. The USSR considered it important that further efforts be made to restore a climate of mutual trust and co-operation between the two communities; and he reiterated its

⁹⁴ 2099th mtg., paras. 22-34.

⁹⁵ S/12927, *OR, 33rd yr., Suppl. for Oct.-Dec. 1978*, p. 57.

⁹⁶ For details see chapter III.

⁹⁷ S/12940, adopted without change as resolution 440 (1978).

⁹⁸ 2100th mtg., paras. 43-48.

⁹⁹ *Ibid.*, paras. 6-41.

¹⁰⁰ *Ibid.*, para. 49.

proposal for an international conference on the Cyprus question within the framework of the United Nations.

The representative of China maintained that, in order to realize an early peaceful settlement of the Cyprus question, it was imperative, first of all, to do away with super-power interference. China firmly held that the independence, sovereignty and territorial integrity of Cyprus must be respected. It hoped that the Greek and Turkish Cypriots and the parties directly concerned, taking to heart the over-all interests of unity against imperialism and hegemonism, would eliminate their differences and work for a fair and reasonable settlement through patient negotiations on an equal footing.

The representative of India stated that the resolution just adopted adequately met the requirements of the present situation. A specific time-frame for implementation of agreed resolutions was a good thing in itself, provided that it was accepted by the parties concerned. In the absence of any pressure that might be generated by the time factor alone, it was likely that resolutions would remain unimplemented. It should be possible, therefore, for the Council to propose a specific time-frame, but it would be more desirable for the parties concerned to agree on one. He said that non-implementation of agreed resolutions was not always due to the absence of a time-frame or a time-limit. Disagreements did arise during the process of implementation and they tended to become entrenched. The Security Council agenda was a long list of entrenched disagreements and unimplemented resolutions. It was a mistake to think that in such cases the answer lay in resort to action under Chapter VII. Other ways of resolving outstanding disputes must be sought and meanwhile there should be agreement to maintain peace.

The President, speaking as the representative of Gabon, stated that his country believed in the value of dialogue and wanted to see the problem of Cyprus resolved through negotiations between the two Cypriot communities, not imposed from outside. He urged the parties to transcend their differences.¹⁰⁰

Decision of 14 December 1978 (2107th meeting): resolution 443 (1978)

On 1 December 1978 the Secretary-General submitted to the Security Council his report¹⁰¹ on the United Nations operation in Cyprus concerning developments from 1 June to 30 November 1978.

The Secretary-General reported that, during the period under review, peace-keeping in Cyprus had continued to function well, and that the situation along the cease-fire lines had remained quiet, owing in great part to the vigilance of UNFICYP and to the co-operation of the parties.

In pursuance of the mission of good offices entrusted to him by the Security Council, the Secretary-General had continued consultations in an endeavour to facilitate

the resumption of an effective negotiating process. Both parties had stressed their acceptance of the existing intercommunal negotiating arrangements and voiced their support for the Makarios/Denktaş guidelines of 12 February 1977. However, the basis of negotiations acceptable to the two sides was still lacking. Following talks with Government representatives during the current Assembly session, certain suggestions, which could contribute to the resumption of the intercommunal negotiating process within the framework of the Secretary-General's mission of good offices, were submitted to the parties and to the Secretary-General on 10 November. The parties concerned were currently considering these suggestions. The Secretary-General again concluded that the continued presence of UNFICYP remained indispensable for helping to maintain calm in the island and facilitating the search for a peaceful settlement. He therefore recommended that its mandate be extended for another six months. The Secretary-General also drew attention to the preoccupying financial situation of UNFICYP.

¹ An addendum¹⁰² issued on 14 December, the Secretary-General stated that following consultations the parties concerned had signified their concurrence in the proposed six-month extension of UNFICYP's mandate.

The Security Council considered the Secretary-General's report at its 2107th meeting held on 14 December 1978. At the same meeting, the Council adopted the provisional agenda without objection and invited the representatives of Cyprus, Greece and Turkey to participate in the discussion. The Council also extended an invitation to Mr. Nail Atalay under rule 39 of the provisional rules of procedure.¹⁰³

The President announced that as a result of prior consultations, agreement had been reached on the text of a draft resolution,¹⁰⁴ which he then put to the vote. The draft resolution was adopted by 14 votes to none, with one member (China) not participating. The text reads as follows:

The Security Council,

taking note of the report of the Secretary-General on the United Nations operation in Cyprus dated 1 December 1978,

Noting the concurrence of the parties concerned in the recommendation by the Secretary-General that the Security Council extend the stationing of the United Nations Peace-keeping 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 1978,

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 Peace-keeping Force established under resolution 186 (1964) for a further period ending 15 June 1979,*

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 1979.*

¹⁰⁰ For the texts of relevant statements, see: 21000 (intp) Kuwait, paras. 20-27; Czechoslovakia, paras. 28-65; France, paras. 66-71; USSR, para. 72-81; China, paras. 82-84; India, paras. 85-91; Gabon, paras. 92-132.

¹⁰¹ S. 12948, OR, *Ann. Suppl. for Oct. Dec. 1978*, p. 28.

¹⁰² S. 12948, Add. 1, *ibid.*

¹⁰³ For details see chapter III.

¹⁰⁴ S. 12968, adopted without change as resolution 443 (1978).

1980, with the intention of pursuing them in a continuing and sustained manner. In the light of political developments and the situation on the ground, the Secretary-General concluded once again that the continued presence of UNFICYP remained indispensable for helping to maintain calm in the island and facilitating the search for a peaceful settlement. He therefore recommended that its mandate should be extended for another six months. The Secretary-General also noted that the financial situation of UNFICYP was a cause for increasing concern.

In an addendum¹¹² issued on 13 December the Secretary-General stated that following consultations, the parties concerned had signified their concurrence in the extension of the mandate of UNFICYP for a further six months.

The Security Council considered the Secretary-General's report at its 2179th meeting held on 14 December 1979. At the same meeting the Council adopted the provisional agenda without objection, and invited the representatives of Cyprus, Greece and Turkey to participate in the discussion. The Council also extended an invitation to Mr. Nail Atalay under rule 39 of the provisional rules of procedure.¹¹³

The President announced that as a result of prior consultations, agreement had been reached on the text of a draft resolution,¹¹⁴ which he then put to the vote. The draft resolution was adopted by 14 votes to none, with one member (China) not participating. The text reads as follows:

The Security Council,

Taking note of the report of the Secretary-General on the United Nations operation in Cyprus of 1 December 1979,

Noting the concurrence of the parties concerned in the recommendation by the Secretary-General that the Security Council should extend the stationing of the United Nations Peace-keeping 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 1979,

Affirming the provisions of its resolution 186 (1964) of 4 March 1964 and other relevant resolutions,

Reiterating its support of the ten-point agreement for the resumption of the intercommunal talks which was worked out at the high level meeting on 18 and 19 May 1979 at Nicosia, under the auspices of the Secretary-General,

1. *Extends once more* the stationing in Cyprus of the United Nations Peace-keeping Force established under resolution 186 (1964) for a further period, ending on 15 June 1980

2. *Urges* the parties to resume the intercommunal talks within the framework of the ten-point agreement in a continuing, sustained and result-oriented manner, avoiding any delay,

3. *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 1980

Following the adoption of the resolution, statements were made by the Secretary-General in which he gave

assurances that he would make every effort to get the intercommunal talks resumed early the following year.¹¹⁵

Decision of 13 June 1980 (2230th meeting): resolution 472 (1980)

On 3 June 1980 the Secretary-General submitted to the Security Council his report¹¹⁶ on the United Nations operation in Cyprus concerning developments from 1 December 1979 to 31 May 1980. In his report the Secretary-General described in detail the efforts undertaken within the framework of the mission of good offices entrusted to him by the Security Council to reopen the negotiating process designed to achieve a just and lasting settlement of the Cyprus problem and to overcome the difficulties that had brought the intercommunal talks to a standstill in June 1979. Though it had not proved possible to find an acceptable compromise formula, the Secretary-General had received wide-ranging indications of support for his continuing efforts and had asked Mr. Pérez de Cuéllar, Under-Secretary-General for Special Political Affairs, to undertake a visit to Cyprus beginning on 6 June in that connexion. The Secretary-General expressed the hope that the remaining difficulties that stood in the way of a resumption of the negotiating process might be resolved as rapidly as possible, as he continued to hold that the talks, if properly used, still represented the best available method for negotiating a political settlement of the Cyprus problem. In light of the situation on the ground and of political developments, the Secretary-General concluded once again that the continued presence of UNFICYP remained necessary, both in helping to maintain calm in the island and in creating the conditions in which the search for a peaceful settlement could go forward. Accordingly, he recommended to the Security Council that it extend the mandate of UNFICYP for a further period of six months.

In an addendum¹¹⁷ issued on 12 June, the Secretary-General stated that, following consultations, the parties concerned had signified their concurrence in the extension of the mandate of UNFICYP for a further six months.

The Security Council considered the Secretary-General's report at its 2230th meeting on 13 June 1980. At the same meeting the Council adopted the provisional agenda without objection, and invited the representatives of Cyprus, Greece and Turkey to participate in the discussion. The Council also extended an invitation to Mr. Nail Atalay under rule 39 of the provisional rules of procedure.¹¹⁸

The President announced that as a result of prior consultations, agreement had been reached on the text of a draft resolution¹¹⁹ which he then put to the vote. The draft resolution was adopted by 14 votes to none,

¹¹² 2179th mtg., paras. 6-7.

¹¹³ S/1979/2, *OR, 15th yr., Suppl. for April-June 1980*, p. 73.

¹¹⁴ S/1979/2, Add. I, *ibid.*, p. 80.

¹¹⁵ For details see chapter III.

¹¹⁶ S/1980/2, adopted without change as resolution 472 (1980).

¹ S/1979/2, Add. I, *ibid.*, p. 103.

² For details see chapter III.

³ S/1979/2, adopted without change as resolution 458 (1979).

with one member (China) not participating. The text reads as follows:

The Security Council

Taking note of the report by the Secretary-General on the United Nations operation in Cyprus of 3 June 1980.

Noting the concurrence of the parties concerned in the recommendation by the Secretary-General that the Security Council should extend the stationing of the United Nations Peace-keeping 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 1980.

Reaffirming the provisions of its resolution 186 (1964) and other relevant resolutions.

Reiterating its support of the ten-point agreement for the resumption of the intercommunal talks which was worked out at the high-level meeting on 18 and 19 May 1979 at Nicosia under the auspices of the Secretary-General.

1. *Extends once more* the stationing in Cyprus of the United Nations Peace-keeping Force established under resolution 186 (1964) for a further period, ending 15 December 1980.

2. *Urges* the parties to resume the intercommunal talks within the framework of the ten-point agreement in a continuing, sustained and result-oriented manner, avoiding any delay.

3. *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 1980.

Following the adoption of the draft resolution, the Secretary-General described the consultations held in Nicosia from 6 to 8 June by his Special Representative in an endeavour to find a mutually acceptable procedural device for resuming the intercommunal talks on the basis of an opening statement he had presented to the two sides on 28 March. Although that procedure had not met with the agreement of both sides, the Secretary-General hoped they would extend increased co-operation in order that the persistent difficulties might be overcome.¹²⁰

Decision of 11 December 1980 (2257th meeting): resolution 482 (1980)

On 1 December 1980 the Secretary-General submitted to the Security Council his report¹²¹ on the United Nations operation in Cyprus concerning developments from 1 December 1979 to 31 May 1980. In his report the Secretary-General stated that during the period under review UNFICYP had continued to perform its peace-keeping functions along the cease-fire lines and in the area between the lines, as well as its humanitarian functions, and stated that its activities, with the co-operation of the parties, had contributed to keeping the situation in the island calm. A substantial step forward had been achieved when the intercommunal talks were formally resumed on 9 August. While progress had been slow, the discussion, on the whole, had been constructive. In the light of the situation on the ground and of political developments, the Secretary-General concluded once again that the continued presence of UNFICYP remained necessary, both in helping to maintain calm in

the island and in creating the conditions in which the search for a peaceful settlement could best be pursued. He therefore recommended to the Council that it extend the mandate of UNFICYP for a further period of six months. In response to the serious and growing concern of the troop-contributing Governments over their disproportionate financial burden, the Secretary-General had established a Secretariat Survey team, the report of which he annexed, indicating his intention to follow its recommendations in consultation with the parties concerned.

In an addendum¹²² issued on 11 December the Secretary-General stated that, following consultations, the parties concerned had signified their concurrence in the extension of the mandate of UNFICYP for a further six months.

The Security Council considered the Secretary-General's report at its 2257th meeting on 11 December 1980. At the same meeting the Council adopted the provisional agenda without objection, and invited the representatives of Cyprus, Greece and Turkey to participate in the discussion. The Council also extended an invitation to Mr. Nail Atalay under rule 39 of the provisional rules of procedure.¹²³

The President announced that as a result of prior consultations agreement had been reached on the text of a draft resolution,¹²⁴ which he then put to the vote. The said draft resolution was adopted by 14 votes to none with one member (China) not participating. The text reads as follows:

The Security Council

Taking note of the report of the Secretary-General on the United Nations operation in Cyprus of 1 December 1980.

Noting the concurrence of the parties concerned in the recommendation by the Secretary-General that the Security Council should extend the stationing of the United Nations Peace-keeping 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 1980.

Reaffirming the provisions of its resolution 186 (1964) and other relevant resolutions.

Reiterating its support of the ten-point agreement for the resumption of the intercommunal talks which was worked out at the high-level meeting on 18 and 19 May 1979 at Nicosia under the auspices of the Secretary-General.

1. *Extends once more* the stationing in Cyprus of the United Nations Peace-keeping Force established under resolution 186 (1964) for a further period, ending on 15 June 1981.

2. *Notes with satisfaction* that the parties have resumed the intercommunal talks within the framework of the ten-point agreement and *urges* them to pursue these talks in a continuing, sustained and result-oriented manner, avoiding any delay.

3. *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 1981.

Following the adoption of the draft resolution, the Secretary-General made a statement in which he indicated that since the intercommunal talks had entered

¹²⁰ S/2230th mtg., paras. 6-33.

¹²¹ S/14275, OR, 33th yr., Suppl. for Oct.-Dec. 1980, p. 90.

¹²² S/2257th Add. - *ibid.*, p. 106.

¹²³ For details see chapter III.

¹²⁴ S/14293, adopted without change as resolution 482 (1980).

the substantive phase on 16 September, the two interlocutors had been meeting weekly in a businesslike atmosphere to discuss four agenda items—Varosha, initial practical measures, constitution and territory. He intended to maintain direct personal contact with the parties and explore procedures that might facilitate the conduct of the negotiations.¹²⁵

ITEMS RELATING TO THE MIDDLE EAST

A. THE SITUATION IN THE MIDDLE EAST

Decision of 17 April 1975 (1821st meeting): resolution 368 (1975)

At the 1821st meeting on 17 April 1975, the Security Council included the report of the Secretary-General on the United Nations Emergency Force (UNEF) dated 12 April 1975¹²⁶ in its agenda.

The report covering the period from 13 October 1974 to 12 April 1975 contained a detailed description of the functioning of UNEF. The Secretary-General summarized the developments regarding the functions and deployment of the Force, the humanitarian activities in the UNEF area and the ongoing efforts to keep the expenses for the Force at a minimum without impairing its efficiency. Based on his analysis of the situation in the Middle East, the Secretary-General concluded that the continued presence of UNEF was essential not only to maintain quiet in the Egypt-Israel sector but to provide an atmosphere conducive to further efforts towards the achievement of a just and lasting peace in the Middle East. In recommending the extension of the mandate of UNEF the Secretary-General pointed out that Egypt had indicated that, under the circumstances, it would not object to renewal of the mandate of the Force for an additional three months, and that Israel favoured its renewal for no less than six months on the grounds that UNEF was an integral part of the Disengagement Agreement of 18 January 1974.

Following the adoption of the agenda, the President of the Security Council invited the representatives of Egypt and Israel, at their request, to participate in the discussion without the right to vote.¹²⁷ The Security Council considered the report at the 1821st meeting.

The President announced that the members of the Council had agreed to put the draft resolution to the vote before statements were made. The draft resolution,¹²⁸ which had been prepared in the course of intensive consultations among all Council members, was put to the vote and adopted, by a vote of 13 in favour, none against and no abstentions; two delegations did not participate in the voting.¹²⁹

The resolution reads as follows:

The Security Council,

Recalling its resolutions 338 (1973) of 22 October, 340 (1973) of 25 October and 341 (1973) of 27 October 1973, 346 (1974) of 8 April and 362 (1974) of 23 October 1974,

Having considered the report of the Secretary-General on the United Nations Emergency Force (S/11670 and Corr 1 and 2),

Having noted the developments in the situation in the Middle East,

Expressing concern over the prevailing state of tension in the area,

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 Emergency Force for a period of three months, that is, until 24 July 1975;

(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).

After the vote, the Council heard statements regarding the extension of the UNEF mandate and the continuing search for a comprehensive peace settlement in the Middle East. Several representatives expressed concern that the Council has not been able to extend the UN force for more than three months;¹³⁰ some protested against the various restrictions one of the parties had placed on the freedom of movement of the UNEF troops.¹³¹ A number of delegations called for a resumption of the Geneva Peace Conference and a strengthening of the United Nations role in the peace process.¹³² A few representatives noted that the financing of UNEF fell within the competence of the General Assembly and needed not be discussed in the Council.¹³³ The representative of France restated his Government's principal position that permanent members of the Security Council should be permitted to contribute troops to peace-keeping forces of the United Nations.¹³⁴ The representative of Egypt indicated in detail the reasons for his Government's efforts to salvage the effort undertaken by the United States to advance an interim settlement and the subsequent decision to renew the mandate of UNEF for another three months.¹³⁵

Decision of 28 May 1975 (1822nd meeting): resolution 369 (1975)

At the 1822nd meeting on 28 May 1975, the Security Council included the report of the Secretary-General on the United Nations Disengagement Observer Force (UNDOF) dated 21 May 1975¹³⁶ in its agenda.

¹²⁵ For texts of relevant statements, see 1821st mtg., Costa Rica, paras. 105-113; Guyana, paras. 90-97; Israel, paras. 131-135; Italy, paras. 33-46; Sweden, paras. 63-75; United Republic of Tanzania, paras. 76-85; and United States, paras. 20-27.

¹²⁶ For texts of relevant statements, *ibid.* Byelorussian SSR, paras. 98-104; Guyana, paras. 90-97; President (France), paras. 123-129; USSR, paras. 9-19.

¹²⁷ For texts of relevant statements, *ibid.* President (France), paras. 90-97; Sweden, paras. 63-75.

¹²⁸ For texts of relevant statements, *ibid.* Byelorussian SSR, paras. 98-104; Egypt, paras. 137-171; President (France), paras. 123-129; USSR, paras. 9-19.

¹²⁹ *Ibid.* President (France), paras. 123-129.

¹³⁰ *Ibid.* Egypt, paras. 137-171.

¹³¹ S/11694, *OR, 30th yr., Suppl. for April-June 1975*, pp. 27-30.

¹²⁵ 2257th mtg., paras. 7-10.

¹²⁶ S/11670, *OR, 30th yr., Suppl. for April-June 1975*, pp. 9-13.

¹²⁷ For further details, see chapter III.

¹²⁸ S/11675, adopted without change as resolution 368 (1975).

¹²⁹ 1821st mtg., para. 7.

In the report covering the period from 27 November 1974 to 21 May 1975, the Secretary-General informed the Security Council that with the co-operation of both parties the Force had continued to carry out the tasks assigned to it and had been able to contribute to the maintenance of the cease-fire. He cautioned that the prevailing quiet was precarious and that until further progress could be made towards a just and lasting peace the situation in the Israel-Syria sector, and in the Middle East as a whole, would remain unstable and potentially dangerous. Therefore, the continued presence of UNDOF was essential not only to maintain quiet but to provide an atmosphere conducive to further efforts towards the achievement of peace. With the agreement of the Governments of Syria and Israel the Secretary-General recommended to the Council to extend the mandate of UNDOF for a further period of six months.

At the beginning of the 1822nd meeting, at which the Council considered the report, the President drew the attention of the Council members to a draft resolution¹²⁷ which had been prepared in the course of consultations, and put it to the vote. The draft resolution received 13 votes in favour, none against and no abstentions, and was adopted as resolution 369 (1975); two members did not participate in the voting.¹²⁸

The resolution reads as follows:

The Security Council,

Having considered the report of the Secretary-General on the United Nations Disengagement Observer Force,

Having noted the efforts made to establish a lasting and just peace in the Middle East area and the developments in the situation in the area,

Expressing concern over the prevailing state of tension in the area,

Reaffirming that the two agreements on disengagement of forces are only a step towards the implementation of Security Council resolution 338 (1973) of 22 October 1973,

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;

(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, Council members made statements in which they urged the parties to make use of the extension of the UNDOF mandate to intensify their search for a comprehensive peace settlement in accordance with Security Council resolution 338 (1973).¹²⁹ called for the resumption of the Geneva Conference.¹³⁰ and expressed deep concern

about the continued restrictions on the freedom of movement of some contingents of the Observer Force.¹³¹

Decision of 21 July 1975 (1832nd meeting): Security Council appeal

Decision of 24 July 1975 (1833rd meeting): resolution 371 (1975)

At the 1832nd meeting on 21 July 1975, the Security Council included the report of the Secretary-General on UNEF dated 16 July 1975¹³² in its agenda.

In his report on the operations of UNEF for the period 13 April to 15 July 1975, the Secretary-General informed the Security Council that the Force had continued to function quietly and without change, that some restrictions on the freedom of movement of certain contingents still existed and that efforts to implement resolution 338 (1973) and been pursued actively but without results. In concluding his report the Secretary-General emphasized that the continued presence of UNEF was essential, but that he was obliged to convey to the Council the view of the Government of Egypt, as set out in detail in a letter¹³³ dated 14 July 1975 from the Deputy Prime Minister and Foreign Minister of Egypt, that while Egypt did not consent to further renew the mandate of UNEF, it was not against the proper use of the Force. The Secretary-General added that the Government of Israel had informed him by letter¹³⁴ that it favoured a further extension of the mandate of UNEF for six months.

The Security Council considered the report of the Secretary-General at the 1832nd and 1833rd meetings.

At the 1833rd meeting on 24 July 1975, the Security Council invited the representatives of Egypt and Israel, at their request, to participate in the discussion without the right to vote.¹³⁵

At the beginning of the 1832nd meeting on 21 July 1975, the President drew the attention of the Council members to the report of the Secretary-General including the letters by Egypt and Israel and referred to the consultations already held by the Council on the question of extending the mandate of UNEF. He then read out the text of an appeal addressed to the President of Egypt by the President of the Security Council on behalf of the Council, which had been drafted during the consultations:

Based on discussions I have held with the Secretary-General of the United Nations and members of the Security Council, and taking account of the gravity of the situation in the Middle East, I believe a further extension of the mandate of the United Nations Emergency Force would make in the present circumstances a significant contribution to creating an atmosphere conducive to progress towards agreement on a just and lasting peace in the area. Therefore, on behalf of the Security Council, I appeal to Your Excellency to reconsider the

¹²⁷ S/11700, adopted without change as resolution 369 (1975).

¹²⁸ For the President's declaration and the vote, see 1822nd mtg., paras 1-3.

¹²⁹ For texts of relevant statements, *ibid.* Byelorussian SSR, paras 82-90; Costa Rica, paras 65-74; France, paras 75-81; Japan, paras 9-14; President (Guyana), paras 101-109; Sweden, paras 37-42; USSR, paras 48-64; United Kingdom, paras 21-25; United Republic of Tanzania, paras 91-99.

¹³⁰ For texts of relevant statements, *ibid.* Byelorussian SSR, paras 82-90; France, paras 75-81; USSR, paras 48-64.

¹³¹ For texts of relevant statements, *ibid.* Byelorussian SSR, paras 82-90; President (Guyana), paras 101-109; USSR, paras 48-64.

¹³² S/11758, *OR, 30th yr., Suppl. for July-Sept. 1975*, pp. 16-18.

¹³³ S/11757, *ibid.*, pp. 14-15. The letter addressed to the Secretary-General was issued in a note by the Secretary-General on 15 July 1975.

¹³⁴ For the letter dated 16 July 1975 from the representative of Israel to the President of the Security Council see S/11759, *ibid.*, p. 19.

¹³⁵ For further details see chapter III.

attitude of Egypt on the situation. I assure Your Excellency that the Security Council, appreciative of the constructive measures already taken towards peace, follows the situation very closely and emphasizes the importance of achieving further progress towards a just and lasting peace and preventing a stalemate in the Middle East.

In accordance with the procedure agreed upon among the members in the course of those consultations, the President put the text of the draft appeal¹⁴⁶ to the vote. The text was approved with 13 votes in favour, none against and no abstentions; two delegations did not participate in the vote.¹⁴⁷ These two delegations explained before the vote their decision to dissociate themselves from this appeal regarding the extension of UNEF.¹⁴⁸

At the 1833rd meeting on 24 July 1975, the President stated that immediately after the Council had approved the appeal, he had transmitted it to the President of Egypt through the Permanent Representative of Egypt to the United Nations and that he had received the Egyptian reply¹⁴⁹ on 23 July; in this reply the Government of Egypt noted the Council's concern over the situation in the Middle East and accepted the further extension of the mandate of UNEF for an additional three-month period, until 24 October 1975. The President drew the attention of the Council members to the draft resolution¹⁵⁰ which had been agreed upon in the course of consultations. He added that the members had also decided that the draft should immediately be put before the Council for approval and that statements would be allowed after the vote.¹⁵¹

Accordingly, the draft resolution was put to the vote and adopted as resolution 371 (1975) with 13 votes in favour, none against and no abstentions; two delegations did not participate in the voting.¹⁵²

The resolution reads as follows:

The Security Council,

Recalling its resolutions 338 (1973) of 22 October, 340 (1973) of 25 October and 341 (1973) of 27 October 1973, 346 (1974) of 8 April and 362 (1974) of 23 October 1974 and 368 (1975) of 17 April 1975,

Taking into account the letter dated 14 July 1975 addressed by the Deputy Prime Minister and Minister for Foreign Affairs of the Arab Republic of Egypt to the Secretary-General,

Bearing in mind the appeal addressed by the President of the Security Council to the Government of the Arab Republic of Egypt on 21 July 1975 and expressing satisfaction for the reply of the Government of the Arab Republic of Egypt thereto,

Having considered the report of the Secretary-General on the United Nations Emergency Force (S/11758),

Expressing concern at the continued state of tension in the area and the lack of progress towards the achievement of a just and lasting peace in the Middle East,

1. *Calls upon the parties concerned to implement immediately Security Council resolution 338 (1973),*

2. *Decides to renew the mandate of the United Nations Emergency Force for a period of three months, that is, until 24 October 1975;*

3. *Requests the Secretary-General to submit at the end of this period or at any time in the intervening period a report on the situation in the Middle East and the steps taken to implement resolution 338 (1973).*

In statements following the vote several delegations expressed great satisfaction about the ultimate acceptance of another extension of UNEF;¹⁵³ others issued urgent calls to the parties to press their negotiations for a lasting peace settlement with greatest energy and speed;¹⁵⁴ two delegations reiterated their appeals for a reconvening of the Geneva Conference¹⁵⁵ and for the complete freedom of movement for all UNEF contingents.¹⁵⁶ One member took note with regret of the Secretary-General's inability to inform the Council about recent high-level contacts involving the Co-Chairmen of the Geneva Conference and expressed the hope that modalities could be devised to give the Secretary-General unrestricted access to all the proceedings of that Conference held under United Nations auspices so that he could discharge his mandate of keeping the Council fully informed.¹⁵⁷

Decision of 23 October 1975 (1851st meeting): resolution 378 (1975)

At the 1851st meeting on 23 October 1975, the Security Council included the report of the Secretary-General on UNEF dated 17 October 1975¹⁵⁸ in its agenda.

In his report on the operations of UNEF for the period 15 July to 16 October 1975, the Secretary-General summarized the major developments that had occurred during the three months period. The Force had continued efficiently to carry out its assigned tasks and the situation in the area of operations had remained stable. On 20 August 1975 Major-General Bengt Liljestrand had succeeded Lieutenant-General Ensio Siilasvuo as Commander of UNEF; the latter was appointed on that day Chief Co-ordinator of the United Nations Peace-keeping Missions in the Middle East.¹⁵⁹

¹⁴⁶ For texts of relevant statements, *ibid.* Japan, paras. 88-94; Secretary-General, paras. 8-10; United Kingdom, paras. 130-137; United States, paras. 60-65.

¹⁴⁷ For texts of relevant statements, *ibid.* Costa Rica, paras. 79-87; Egypt, paras. 12-27; France, paras. 146-154; USSR, paras. 66-78; United Kingdom, paras. 130-137.

¹⁴⁸ *Ibid.* Byelorussian SSR, paras. 138-145; USSR, paras. 66-78.

¹⁴⁹ *Ibid.* Byelorussian SSR, paras. 138-145; USSR, paras. 66-78.

¹⁵⁰ *Ibid.* Guyana, paras. 110-124.

¹⁵¹ S/11849, *OR, 30th yr., Suppl. for October-December 1975*, pp. 12-16.

¹⁵² See S/11808, *OR, 30th yr., Suppl. for July-Sept. 1975*, p. 48 for the note by the President of the Security Council containing the exchange of communications between the Secretary-General and the President regarding these appointments and the consent of the Council.

¹⁴⁶ For the text of the appeal, see 1832nd mtg. President, paras. 2 and 3.

¹⁴⁷ For the vote, *ibid.*, para. 8. For the President's opening statement, *ibid.*, paras. 2 and 3.

¹⁴⁸ *Ibid.* China, para. 4; Iraq, paras. 5-7.

¹⁴⁹ The text of the Egyptian reply is contained in a note by the President of the Security Council (S/11774), *OR, 30th yr., Suppl. for July-Sept. 1975*, p. 26.

¹⁵⁰ S/11774/Rev.1, subsequently adopted without change as resolution 371 (1975).

¹⁵¹ For the President's opening statement, see 1833rd mtg., paras. 3-6.

¹⁵² *Ibid.*, para. 6.

The Secretary-General summarized the additional functions entrusted to UNEF resulting from the Agreement between Egypt and Israel of 4 September 1975¹⁶⁰ and the Protocol of 22 September 1975¹⁶¹ and listed in detail the specific responsibilities that the UNEF personnel had to carry out under the new agreement.¹⁶² He indicated that based on the increased manpower requirements resulting from the Agreement and on having the necessary resources in equipment and material at its disposal, the increase in the costs of UNEF for a period of one year ending 24 October 1976 was tentatively estimated at \$32 million over and above the authorized level of \$65 million for the previous year.¹⁶³

The Secretary-General indicated that since his last report there had been some progress in the implementation of resolution 338 (1973), also reflected in the Agreement between Egypt and Israel. The presence of UNEF remained essential to help maintain the cease-fire and to assist in the implementation of the new Agreement. In these circumstances, the Secretary-General recommended the extension of the mandate of UNEF.¹⁶⁴

At the beginning of the 1851st meeting, the President drew the attention of the members of the Security Council to the draft resolution¹⁶⁵ which had resulted from consultations among the members prior to the meeting. The members had also agreed in consultations that representatives could speak after the vote on the draft resolution. The President then called on the Secretary-General in connexion with his report.¹⁶⁶

The Secretary-General highlighted the main elements of his report, underlined the stringent economy applied in determining the additional needs of UNEF and stressed the great significance of the United Nations peace-keeping function in the Middle East and the support which the Council continued to show for these operations.¹⁶⁷

Following the statement of the Secretary-General, the President informed the members of the Council that he had that morning received a letter from the Foreign Minister of Egypt who conveyed to the Council members his Government's decision to accept a further extension of the mandate of UNEF for one year, until 24 October 1976.¹⁶⁸

Then the President put the draft resolution (S/11856) to the vote; it received 13 votes in favour, none against and no abstentions, with two members not participating in the vote, and was adopted as resolution 378 (1975).¹⁶⁹

The resolution reads as follows:

The Security Council,

Recalling its resolutions 338 (1973) of 22 October, 340 (1973) of 25 October and 341 (1973) of 27 October 1973, 346 (1974) of 8 April and 362 (1974) of 23 October 1974, 368 (1975) of 17 April and 371 (1975) of 24 July 1975,

Having considered the report of the Secretary-General on the United Nations Emergency Force,

Having noted the developments in the situation in the Middle East,

Having further noted the Secretary-General's view that any relaxation of the search for a comprehensive settlement covering all aspects of the Middle East problem could be especially dangerous in the months to come and that it is his hope, therefore, that urgent efforts will be undertaken by all concerned to tackle the Middle East problem in all its aspects, with a view both to maintaining quiet in the region and to arriving at the comprehensive settlement called for by the Security Council in its resolution 338 (1973),

1. *Decides*

(a) To call upon all the parties concerned to implement immediately Security Council resolution 338 (1973);

(b) To renew the mandate of the United Nations Emergency Force for a period of one year, that is, until 24 October 1976;

(c) To request the Secretary-General to submit at the end of this period a report on the developments in the situation and the steps taken to implement resolution 338 (1973).

2. *Expresses its confidence* that the Force will be maintained with maximum efficiency and economy

In statements following the vote Council members welcomed the one-year extension of the Force, expressed satisfaction with the new Agreement between Egypt and Israel¹⁷⁰ and acknowledged the strengthened size and role of UNEF that had resulted from that agreement.¹⁷¹ Most Council members stressed again the long term view regarding the search for lasting principles of peace in the area.¹⁷² Several representatives underlined the need for stringent economy in financing the operations of UNEF,¹⁷³ some renewed their criticism of the continuing restrictions of the freedom of movement of some contingents,¹⁷⁴ and a few representatives called for the resumption of the Geneva Peace Conference.¹⁷⁵

Decision of 30 November 1975 (1856th meeting): resolution 381 (1975)

At the 1856th meeting on 30 November 1975, the Security Council included the Report of the Secretary-

¹⁶⁰ The text of the Agreement between Egypt and Israel was contained in the Secretary-General's report S/11818 and Add. 1-3, *OR, 30th yr., Suppl. for July-Sept. 1975*, pp. 54-57. The Agreement was signed on 4 September 1975.

¹⁶¹ The work on the Protocol of the Agreement was completed and the Protocol was signed on 22 September 1975. See S/11818/Add. 4, *ibid.*, p. 57.

¹⁶² The Secretary-General submitted a detailed list of additional functions, both of limited duration and over the long term, which UNEF was charged with, in his report on UNEF dated 17 October 1975, S/11849, *OR, 30th yr., Suppl. for Oct.-Dec. 1975*, especially paras. 18-23.

¹⁶³ *Ibid.*, para. 24.

¹⁶⁴ *Ibid.*, paras. 25-30.

¹⁶⁵ S/11856, subsequently adopted without change as resolution 378 (1975).

¹⁶⁶ For the President's opening remarks, see 1851st mtg., para. 1.

¹⁶⁷ *Ibid.*, paras. 3-8.

¹⁶⁸ For the text of the letter of the Foreign Minister of Egypt, *ibid.*, para. 10.

¹⁶⁹ For the vote, *ibid.*, para. 11.

¹⁷⁰ For the texts of relevant statements, *ibid.* Costa Rica, paras. 45-100; France, paras. 14-22; Guyana, paras. 62-68; Japan, paras. 27-33; President (Sweden), paras. 107-110; United Republic of Cameroon, paras. 69-74.

¹⁷¹ *Ibid.* Costa Rica, paras. 95-100; France, paras. 14-22; Italy, paras. 75-83; United Kingdom, paras. 23-26; United Republic of Cameroon, paras. 69-74.

¹⁷² *Ibid.* France, paras. 14-22; Guyana, paras. 62-68; Japan, paras. 27-33; Mauritania, paras. 57-61; President (Sweden), paras. 107-110; United Kingdom, paras. 23-26; USSR, paras. 34-52; United Republic of Cameroon, paras. 69-74; United Republic of Tanzania, paras. 101-105.

¹⁷³ *Ibid.* Byelorussian SSR, paras. 84-94; France, paras. 14-22; Guyana, paras. 62-68; USSR, paras. 34-52.

¹⁷⁴ *Ibid.* Byelorussian SSR, paras. 84-94; Guyana, paras. 62-68; USSR, paras. 34-52.

¹⁷⁵ *Ibid.* Byelorussian SSR, paras. 84-94; USSR, paras. 34-52.

General on the United Nations Disengagement Observer Force (UNDOF) dated 24 November 1975¹⁷⁶ in its agenda.

In his report on the operations of UNDOF for the period 22 May to 24 November 1975,¹⁷⁷ the Secretary-General described the activities of UNDOF which had continued to supervise the area of separation and, with the co-operation of both parties, had been able to contribute to the maintenance of the cease-fire called for under resolution 338 (1973).

The Secretary-General observed that, although the situation in the UNDOF area of operations had remained generally quiet, it would remain unstable and, with the passage of time, become increasingly dangerous. In his considered view the presence of UNDOF continued to be essential not only to maintain quiet in the Israel-Syria sector but also to provide an atmosphere conducive to further peace efforts. He informed the Security Council that he was currently visiting the area to discuss with the parties concerned the situation in all its aspects including the question of the extension of the UNDOF mandate, and would report to the Council on the latter question as soon as possible.

In a further report on UNDOF dated 28 November 1975,¹⁷⁸ the Secretary-General informed the Council about his visit to the Middle East from 22 to 27 November 1975. His itinerary included meetings with the Governments of Israel and the Syrian Arab Republic as well as of Egypt and Lebanon. His talks resulted in an agreement by the parties concerned to a renewal of UNDOF for another six-month period. The President of the Syrian Arab Republic conveyed to the Secretary-General his disappointment at the lack of progress in the negotiations foreseen under resolution 338 (1973) and requested that the Council reconvene in January 1976 to hold a substantive debate on the Middle East problem, including the Palestinian question with the participation of representatives of the Palestine Liberation Organization (PLO). The Government of Israel remained opposed to linking the extension of UNDOF's mandate to the form of further negotiations, but was willing to negotiate at any time with Syria based on resolution 338 (1973); the Israeli authorities did not accept the Security Council as the negotiating body for the Middle East problem. The Secretary-General described his contacts with the Governments of Egypt and Lebanon as most useful but not directly related to the question of the prolongation of the UNDOF mandate. He concluded his report with the formal recommendation to the Security Council to extend the mandate of UNDOF for another six months, on the assumption that the Council would reach agreement on a corresponding decision, as requested by one of the parties.

At the opening of the 1856th meeting, the President drew the attention of the members of the Council to the Secretary-General's proposal to renew the mandate of

UNDOF and to the draft resolution¹⁷⁹ which had been submitted by Guyana, Mauritania, United Republic of Cameroon and United Republic of Tanzania.

The representative of Guyana noted that the members of the Council had been involved in long consultations to find common ground for a solution to the problem with which the Council was faced and pointed specifically to two documents before the Council which were sponsored by the four members: the draft resolution¹⁸⁰ and a draft statement by the President of the Council.¹⁸¹ In presenting these two texts the representative of Guyana referred to three principal considerations guiding the thinking of the non-aligned countries: firstly, the UNDOF troops were on Syrian territory; secondly, the renewal of the mandate of UNDOF should not be viewed by the Council as an automatic exercise, but the Council and the general membership of the United Nations should press the search for a just and lasting solution to the Middle East problem in which the Palestinian question was central; thirdly, the Council should recognize the widely expressed wish to involve the Palestinians actively in the Council's search for peace in the area. He indicated the important elements of the draft resolution and draft declaration and called upon the members to adopt the two texts.¹⁸²

Prior to the vote, the representative of the United States explained that his delegations's vote in favour of the draft resolution should not be seen as support for the provision calling for a Council debate on the situation in the Middle East, but that his Government agreed solely out of deference to the right of the Council to take up any matter it desired to take up; he considered that the draft resolution was taken without prejudice whatsoever to the Geneva Peace Conference or to negotiations by the parties through intermediaries.^{182a}

The President then put the draft resolution to the vote; it obtained 13 votes in favour, none against, with no abstentions, and was adopted as resolution 381 (1975); two members did not participate in the voting.^{182b}

The resolution reads as follows:

The Security Council,

Having considered the report of the Secretary-General on the United Nations Disengagement Observer Force,

Having noted the discussions of the Secretary-General with all parties concerned on the situation in the Middle East,

Expressing concern over the continued state of tension in the area,

Decides

- (a) To reconvene on 12 January 1976, to continue the debate on the Middle East problem including the Palestinian question, taking into account all relevant United Nations resolutions.

- (b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months,

- (c) To request the Secretary-General to keep the Security Council informed on further developments

¹⁷⁶ S/11883, subsequently adopted without change as resolution 381 (1975).

¹⁷⁷ *Ibid.*

¹⁷⁸ S/11889, agreed to in prior consultations and pronounced after the adoption of resolution 381 (1975).

¹⁷⁹ 1856th mtg., paras. 5-16.

¹⁸⁰ *Ibid.*, paras. 19-20.

^{182a} For the vote see *ibid.*, para. 22.

¹⁷⁶ S/11883 and Add. I, *OR, 30th yr., Suppl. for Oct.-Dec. 1975*, pp. 44-46.

¹⁷⁷ The basic report was issued as S/11883.

¹⁷⁸ Issued as S/11883/Add. I.

In accordance with the agreement reached at the consultations between members of the Council, the President then read the following statement:^{182c}

It is the understanding of the majority of the Security Council that when it reconvenes on 12 January 1976 in accordance with paragraph (a) of resolution 381 (1975) the representatives of the Palestine Liberation Organization will be invited to participate in the debate.

In statements following the vote members of the Council expressed satisfaction about the renewal of the mandate of UNDOF and appealed to the Governments of Israel and the Syrian Arab Republic to make use of the time to promote the search for peace. Some members stressed the need to seek ways and means that would help in the pursuit of an overall just and lasting settlement in the area;¹⁸³ several representatives expressly supported the special Council meeting to be held in January 1976¹⁸⁴ and the proposal to invite the PLO to participate in the debate.¹⁸⁵ The suggestion to reactivate the Geneva Peace Conference was renewed;¹⁸⁶ one delegation raised the issue of the restrictions imposed on some UNDOF contingents in violation of their right to freedom of movement.¹⁸⁷

Decision of 4 December 1975 (1859th meeting): invitation to the Palestine Liberation Organization

Decision of 8 December 1975 (1862nd meeting): rejection of five-Power draft resolution

By letter¹⁸⁸ dated 3 December 1975 addressed to the President of the Security Council, the representative of Lebanon complained about a massive air attack by Israel on refugee camps and villages in various parts of Lebanon and, in view of the gravity of the situation which endangered peace and security, requested an urgent meeting of the Security Council.

By a letter of the same date,¹⁸⁹ the representative of Egypt also requested an urgent meeting of the Council to discuss the Israeli aggression against the Palestinian refugee camps in Lebanon and asked that the PLO be allowed to participate in the debate.

At its 1859th meeting on 4 December 1975, the Security Council included the letters by Lebanon and Egypt in its agenda. Following the adoption of the agenda, the representatives of Egypt, Lebanon and the Syrian Arab Republic and at the 1862nd meeting the representative of Saudi Arabia were invited, at their

request, to participate without the right to vote in the discussion of the item on the agenda.¹⁹⁰

The President then drew the attention of the Council members to the letter¹⁹¹ from the representative of Egypt requesting the participation of the PLO in the discussion of the item. He informed the Council that in informal consultations prior to the meeting the representatives of Guyana, Iraq, Mauritania, the United Republic of Cameroon and the United Republic of Tanzania had made the same proposal and had asked him to point out that the proposal was not being put forward under rule 37 or rule 39 of the provisional rules of procedure of the Security Council, but, if it was adopted by the Council, the invitation to the PLO to participate in this debate would confer on it the same rights of participation as were conferred when a Member State was invited to participate under rule 37.¹⁹²

Advised by the President that, as indicated, the representative of the PLO would not be invited under rule 39 of the provisional rules of procedure, the representative of France stated that his delegation would welcome any information provided by the PLO, as the request for a Council meeting arose out of the Israeli attacks on Palestinian refugee camps in Lebanon. The French Government condemned the Israeli bombardments and wished to hear all interested parties before the adoption of a resolution, but within the specific context of the complaint before the Council, his delegation held that the invitation to the PLO could be extended only on the basis of rule 39 providing for the invitation of any person regarded as qualified to supply information, and would, to its regret, be unable to associate itself with the proposed decision of the Council.¹⁹³

Before putting the proposal to the vote, the President called on representatives who wished to explain their vote before the voting.¹⁹⁴ In an extensive exchange of views some representatives strongly supported the proposal and referred to the special status the General Assembly had granted to the PLO in resolution 3210 (XXIX), whereas others insisted that the PLO could only be invited under rule 39 of the provisional rules of procedure.¹⁹⁵

The President put the proposal to invite the PLO to the vote: it received 9 votes in favour, 3 against, with 3 abstentions, and was adopted.¹⁹⁶ In accordance with the Council's decision, the representative of the PLO was invited to take a seat at the Council table.

The Council considered the issue at its 1859th to 1862nd meetings from 4 to 8 December 1975.

^{182c} S/11889. See *ibid.*, para. 23.

¹⁸³ For the texts of relevant statements see 1856th mtg.: Byelorussian SSR, paras. 103-116; Italy, paras. 90-101; Japan, paras. 64-71; President (USSR), paras. 138-159; Sweden, paras. 121-128; United Kingdom, paras. 81-89; United Republic of Cameroon, paras. 38-47.

¹⁸⁴ *Ibid.*: China, paras. 29-31; Costa Rica, paras. 54-63; Iraq, paras. 48-53; Mauritania, paras. 32-37; President (USSR), paras. 138-159; Sweden, paras. 121-128; United Republic of Tanzania, paras. 129-137.

¹⁸⁵ *Ibid.*: Byelorussian SSR, paras. 103-116; China, paras. 29-31; Mauritania, paras. 32-37; President (USSR), paras. 138-159; Sweden, paras. 121-128; United Republic of Tanzania, paras. 129-137.

¹⁸⁶ *Ibid.*: Byelorussian SSR, paras. 103-116; President (USSR), paras. 138-159.

¹⁸⁷ *Ibid.*: Byelorussian SSR, paras. 103-116.

¹⁸⁸ S/11892, OR, 30th yr., Suppl. for Oct.-Dec. 1975, p. 50.

¹⁸⁹ S/11893, OR, 30th yr., Suppl. for Oct.-Dec. 1975.

¹⁹⁰ For further details see chapter III.

¹⁹¹ S/11893.

¹⁹² 1859th mtg., paras. 3 and 4.

¹⁹³ For the exchange between the representative of France and the President, *ibid.*, paras. 5-11.

¹⁹⁴ *Ibid.*, para. 11.

¹⁹⁵ For the texts of statements in favour of the proposal to invite the PLO, *ibid.*: Byelorussian SSR, paras. 54-57; Iraq, paras. 30-34, 58-63; USSR, paras. 35-47, 64-66, 68; for statements opposing the suggested procedure, *ibid.*: Costa Rica, paras. 80-83; Italy, paras. 19-27; Japan, paras. 28-29; President (United Kingdom), paras. 76-77; United States, paras. 12-18, 48-53 and 67. For a detailed discussion of this case, see chapter III.

¹⁹⁶ For the vote, *ibid.*, para. 78.

At the 1859th meeting the representative of Lebanon stated that since the Council had adopted resolution 347 (1974) his Government had refrained from coming to the Council regarding further Israeli attacks because Israel defied the Council's decisions and the Council was reluctant to adopt measures that would deter Israel from repeating its attacks and because the Lebanese Government had hoped that its behaviour would contribute to the efforts to solve the Middle East problem peacefully. He regretted that Israel, however, had persisted in its attacks on Lebanon forcing him to bring to the Council's attention the latest massive air attacks conducted by the Israeli armed forces, which threatened the cause of peace.

The representative of Lebanon described in detail the most recent air attacks and the costs in lives and property incurred by the Palestinian refugees and their Lebanese neighbours. He added that, as the Israeli authorities acknowledged, the aggression had not been punitive in nature; but the claim that the surprise attacks had been preventive could not be accepted, as States were not allowed to determine on their own what should be termed preventive acts, unless the world returned to the law of the jungle. The representative of Lebanon demanded that attacks against its sovereignty and territorial integrity cease and presented the minimum demands of his Government to the Council including a condemnation of Israel for its premeditated air attack, a call upon Israel to desist forthwith from all attacks against Lebanon and a solemn warning to Israel that, if such attacks were repeated, the Council would have to consider measures to give effect to its decisions.¹⁹⁷

The representative of Egypt joined Lebanon in condemning the latest Israeli attacks which constituted a campaign of intimidation and provocation and only served to revive the cycle of violence. He stated that Israel's persistent aggressions against Lebanon and the Palestinian people would have direct adverse consequences on the chances of achieving peace in the Middle East. The Council should call Israel to order and make sure that Israel desists from its policy of madness.¹⁹⁸

The representative of the Syrian Arab Republic declared that the Israeli air attacks constituted a flagrant violation of the United Nations Charter and the principles of international law. In view of the ongoing Israeli aggression against Lebanon and the Palestinian refugees, the Council should give a last warning to the aggressor that unless it put an end to its criminal acts, the Council would impose on Israel the most severe sanctions in accordance with the Charter of the United Nations.¹⁹⁹

The spokesman of the PLO denounced the Israeli attacks as premeditated and preventive and assured the Council that the Palestinians would intensify the armed struggle until they would be able to exercise their right

to self-determination and national independence in the Palestinian homeland.²⁰⁰

At the 1860th meeting on 5 December 1975, the representative of the United States reaffirmed his Government's position that all loss of innocent human life, whether it occurred from acts of organized groups or of Governments, was reprehensible and to be deplored in strong terms. His Government was prepared to support a resolution which would register the strongest disapproval by this Council of all acts of violence in the Middle East and would call upon all parties to refrain from any action that might endanger peace negotiations. The Council should seek to facilitate the accommodation of opposing views through rendering impartial and reasonable judgements on the issues properly within its competence.²⁰¹

The representative of the USSR condemned the Israeli attacks against Palestinian refugee camps as an overt challenge to the decisions of the United Nations and in particular numerous resolutions of the Security Council and underlined the availability of the Geneva Peace Conference as the best-suited international machinery specifically created for the settlement of the Middle East conflict with the involvement of the PLO on an equal footing with other participants. He indicated that on 9 November, his Government had proposed to the Government of the United States that the work of the Geneva Peace Conference be resumed on that basis.²⁰²

The representative of Japan reaffirmed his Government's basic position that all international conflicts and disputes should be solved through dialogue and by peaceful means, without recourse to the use of force. His Government urged Israel to desist from any further act of violence and appealed to all parties to refrain from any action which might endanger the momentum towards a negotiated settlement.²⁰³

At the 1861st meeting on 8 December, the President drew the attention of the Council members to a draft resolution²⁰⁴ which had been submitted by Guyana, Iraq, Mauritania, the United Republic of Cameroon and the United Republic of Tanzania.²⁰⁵

At the same meeting the representative of Guyana informed the Council of the declaration issued by the Co-ordinating Committee of the Non-Aligned Countries in the United Nations, which condemned the Israeli attacks as a threat to international peace and security and appealed to the Council to take steps to restrain Israel from pursuing its policy of aggression and from defying United Nations resolutions.²⁰⁶

At the same meeting the representative of the United Republic of Cameroon introduced, on behalf of the delegations of Guyana, Iraq, Mauritania, the United Republic of Tanzania and his own delegation, a joint

¹⁹⁷ See 1859th mtg., paras. 86-110

¹⁹⁸ *Ibid.*, paras. 112-138

¹⁹⁹ *Ibid.*, paras. 140-154

²⁰⁰ *Ibid.*, paras. 156-170

²⁰¹ 1860th mtg., United States, paras. 2-5

²⁰² *Ibid.*, paras. 6-30

²⁰³ *Ibid.*, paras. 31-36

²⁰⁴ For the text of the draft, see S/11898, *OR, 10th yr., Suppl. for Oct.-Dec. 1975*, p. 51

²⁰⁵ 1861st mtg., President para. 2

²⁰⁶ *Ibid.*, paras. 3-10

draft resolution which in the preambular part would have the Council deplore Israel's defiance of previously adopted Council resolutions, express grief at the loss of life caused by the Israeli air attacks, express concern about the deteriorating situation resulting from Israel's violation of Lebanon's sovereignty and territorial integrity and express the conviction that Israel's air attacks against Lebanon were premeditative in nature, and, in the operative part, provide that the Council would strongly condemn the Government of Israel for its premeditated air attacks against Lebanon in violation of its obligations under the Charter and Security Council resolutions, call upon Israel to desist forthwith from all military attacks against Lebanon, and issue once again a solemn warning to Israel that if such attacks were repeated, the Council would have to consider taking appropriate steps and measures to give effect to its decisions.²⁰⁷

At the 1862nd meeting, on 8 December the representative of the United States pointed to the role of mediator played by his Government in the Middle East conflict and, in order to obtain a more even-handed text, proposed two additional paragraphs as amendments, whereby the Council would condemn all acts of violence, especially those which resulted in the tragic loss of innocent human life, and urged all concerned to refrain from any further acts of violence, and would call upon all parties to refrain from any action which might endanger negotiations aimed at achieving a just and lasting peace in the Middle East. He asked that these amendments be put to the vote.²⁰⁸

After the intervention by the United States, the President suggested that the Council discuss and vote on the first amendment, then take up and vote on the second. Since nobody objected, the President so decided.²⁰⁹

The representative of the United Republic of Cameroon, speaking on behalf of the five sponsors of the draft resolution, referred to the fact that the proposals by the United States had already been considered in an earlier phase of the meetings on this situation and that the sponsors felt that in the case before the Council the attempt to water down the condemnation of Israel by condemning all acts of violence was neither intellectually, morally nor politically admissible. He concluded that the non-aligned members of the Council categorically opposed these amendments.²¹⁰

In order to give the Council more time to find a constructive solution that all members could support, the representative of Italy moved for an adjournment until the next day.²¹¹ The representative of Iraq objected to the motion and asked that following the long consultations among the Council members the draft

resolution should be voted on at the same meeting.²¹² In accordance with the rules of procedure, the President put the Italian motion for adjournment to the vote: it received 6 votes in favour, 8 votes against, and 1 abstention and was not adopted, having failed to receive the required majority of votes.²¹³

At the 1862nd meeting on 8 December 1975, the President put the two amendments proposed by the United States and the draft resolution to the vote. Each of the amendments received 7 votes in favour and none against, with 6 abstentions. Neither of the two amendments was adopted, having failed to obtain the required majority. Two members did not participate in the vote.²¹⁴ The five-Power draft resolution received 13 votes in favour and 1 against, with 1 abstention, and was not adopted, owing to the negative vote of a permanent member.²¹⁵

Decision of 28 May 1976 (1923rd meeting): resolution 390 (1976)

At the 1923rd meeting on 27 May 1976, the Security Council included the report of the Secretary-General on the United Nations Disengagement Observer Force (UNDOF) dated 24 May 1976²¹⁶ in its agenda.

The report described the activities of UNDOF for the period 25 November 1975 to 24 May 1976. UNDOF had been able to contribute to the maintenance of the cease-fire called for by the Council in its resolution 338 (1973) of 22 October 1973.

The Secretary-General concluded his report by emphasizing the continued fragility of the quiet prevailing at the present time in the Israel-Syria sector. He mentioned briefly the ongoing efforts to seek the implementation of resolution 338 (1973) and his own contacts with the Co-Chairmen of the Geneva Peace Conference with a view to resuming the negotiating process called for by the Security Council. He indicated that the presence of UNDOF continued to be essential and recommended the extension of its mandate for a further period of six months until 30 November 1976. The Government of Syria, to which he had paid a brief visit to discuss the matter, and the Government of Israel had given their assent to the proposed extension.

Following the adoption of the agenda, the President drew the attention of the Council members to the Secretary-General's report and to a draft resolution²¹⁷ sponsored by Benin, Guyana, Pakistan, Romania and the United Republic of Tanzania which had been considered in the course of consultations prior to the meeting.²¹⁸

The Secretary-General, in a brief statement, presented the results of his recent visit to Syria and his talks with the Syrian President and Foreign Minister and stressed the urgent need for significant progress in the search for a just and lasting peace in the Middle East.²¹⁹

²⁰⁷ 1861st mtg., paras. 11-22.

²⁰⁸ 1862nd mtg., United States, paras. 44-54. For the text of the amendments see also S/11901, *OR, 30th yr., Suppl. for Oct.-Dec. 1975*, p. 61.

²⁰⁹ 1862nd mtg., paras. 55 and 56.

²¹⁰ *Ibid.*, paras. 58-62.

²¹¹ *Ibid.*, paras. 104-107.

²¹² *Ibid.*, paras. 109 and 110.

²¹³ For the vote, *ibid.*, 111.

²¹⁴ For the vote on the two amendments, *ibid.*, paras. 115-117.

²¹⁵ For the vote on the draft resolution, *ibid.*, para. 118.

²¹⁶ S/12083 and Add.1, *OR, 31st yr., Suppl. for April-June 1976*, pp. 32-34.

²¹⁷ S/12088, subsequently adopted as resolution 390 (1976).

²¹⁸ 1923rd mtg., para. 1.

²¹⁹ *Ibid.*, paras. 3-9.

Before introducing the draft resolution on behalf of the five sponsors, the representative of Guyana asked that in the discharge of its prime responsibility under the Charter for peace and security the Council should assert its role unmistakably in the search for an overall settlement. He reviewed the many efforts undertaken so far under the aegis of the United Nations to find a negotiated peace in the Middle East and praised the work of UNDOF, while deploring the continued restriction of the freedom of movement for some contingents in the Force.²²⁰

The draft resolution was then put to the vote and obtained 13 votes in favour, none against, with no abstentions; two members did not participate in the vote.²²¹ It was adopted as resolution 390 (1976) and reads as follows:

The Security Council.

Having considered the report of the Secretary-General on the United Nations Disengagement Observer Force,

Having noted the efforts made to establish a durable and just peace in the Middle East area and the developments in the situation in the area,

Expressing concern over the prevailing state of tension in the area,

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;

(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)

In statements following the adoption of the resolution Council members expressed their appreciation to UNDOF for its past achievements and supported its continued functioning in order to allow efforts towards a comprehensive peace settlement, to continue. A few delegations renewed the call for the resumption of the Geneva Peace Conference with the participation of the representatives of the PLO.²²²

Decision of 22 October 1976 (1964th meeting): resolution 396 (1976)

At the 1964th meeting on 22 October 1976, the Security Council included the report of the Secretary-General on the United Nations Emergency Force (UNEF) dated 18 October 1976²²³ in its agenda.

The report described the activities of UNEF for the period from 17 October 1975 to 18 October 1976. The Secretary-General noted that throughout the period under review the situation in the UNEF area of operations had remained stable and that the Force had continued efficiently to discharge its mandate which had been significantly expanded as the result of the Agreement between Egypt and Israel of 4 September 1975 and the Protocol thereto of 22 September 1975. He

added that the Force had been able to carry out its increased functions with 4,174 members rather than a projected total of 4,825.

The Secretary-General referred to efforts at several levels to promote an early resumption of the negotiations aimed at establishing a just and durable peace in the Middle East, as called for under resolution 338 (1973). He indicated that details about such efforts were described in detail in his report dated 18 October 1976²²⁴ to the General Assembly and the Security Council, in pursuance of General Assembly resolution 3413 (XXX) on the situation in the Middle East.

In concluding his report the Secretary-General stressed that UNEF had been a major factor in maintaining the cease-fire in the Egypt-Israel sector. He reminded the Council, however, that the essential role of a peace-keeping force in an area of conflict was to maintain quiet and to create an atmosphere conducive to the active search for a peaceful solution of underlying political problems. As long as the efforts to implement resolution 338 (1973) did not show progress, the continued presence of UNEF in the area continued to be essential. For these reasons the Secretary-General recommended the extension of the mandate for one year.

Following the adoption of the agenda, the President drew the attention of the Council members to a draft resolution²²⁵ which had been agreed upon by the members during consultations; he also announced that the procedure to be followed had been decided on and that representatives could speak after the vote on the draft resolution.²²⁶ In the course of the meeting the representative of Saudi Arabia was invited to address the Council on the agenda item.²²⁷

At the same meeting the draft resolution was put to the vote and adopted with 13 votes in favour, none against and no abstentions; two members did not participate in the vote.²²⁸ Resolution 396 (1976) reads as follows:

The Security Council.

Recalling its resolutions 338 (1973) of 22 October, 340 (1973) of 25 October and 341 (1973) of 27 October 1973, 346 (1974) of 8 April and 362 (1974) of 23 October 1974, 368 (1975) of 17 April, 371 (1975) of 24 July and 378 (1975) of 23 October 1975,

Having considered the report of the Secretary-General on the United Nations Emergency Force,

Having noted the developments in the situation in the Middle East,

Recalling the Secretary-General's view that any relaxation of the search for a comprehensive settlement covering all aspects of the Middle East problem could be dangerous and his hope that urgent efforts will be undertaken by all concerned to tackle the Middle East problem in all its aspects, with a view both to maintaining quiet in the region and to arriving at the comprehensive settlement called for by the Security Council in its resolution 338 (1973),

Noting that the Secretary-General recommends the extension of the mandate of the Force for one year,

1. Decides

(a) To call upon all the parties concerned to implement immediately Security Council resolution 338 (1973).

²²⁰ *Ibid.*, paras 12-27

²²¹ For the vote, *ibid.*, para 28.

²²² For the texts of relevant statements regarding the resumption of the Geneva Peace Conference, *ibid.*: Benin, paras 128-132; Romania, paras 73-80; USSR, paras 30-49.

²²³ S/12212, *OR, 31st yr., Suppl. for Oct.-Dec. 1976*, pp 7-12.

²²⁴ S/12210, *OR, 31st yr., Suppl. for Oct.-Dec. 1976*, pp 4-6.

²²⁵ S/12219, subsequently adopted without change as resolution 396 (1976).

²²⁶ 1964th mtg., paras 1-4.

²²⁷ For details, see chapter III.

²²⁸ For the vote, see 1964th mtg., para. 10.

(b) To renew the mandate of the United Nations Emergency Force for a period of one year, that is, until 24 October 1977.

(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).

2. *Expresses its confidence* that the Force will be maintained with maximum efficiency and economy.

In statements following the vote members of the Council deplored the lack of progress in the efforts to arrive at a comprehensive peace settlement and urged accelerated and intensified steps in that direction. Several delegations specifically asked that the Geneva Peace Conference be reconvened in order to implement resolution 338 (1973).²¹⁹

Decision of 30 November 1976 (1975th meeting): resolution 398 (1976)

At the 1975th meeting on 30 November 1976, the Security Council included the report of the Secretary-General on the United Nations Disengagement Observer Force (UNDOF) dated 22 November 1976²²⁰ in its agenda.

In his report on the activities of UNDOF for the period 25 May to 22 November 1976, the Secretary-General described the continued functioning of the Force and the successful maintenance of the cease-fire called for in resolution 338 (1973). For his specific measures to promote an early resumption of the negotiations for peace in the Middle East the Secretary-General again referred to his report to the General Assembly and the Security Council on 18 October 1976 (S/12210) in pursuance of Assembly resolution 3414 (XXX) on the situation in the Middle East.

He concluded his report on UNDOF with a recommendation to the Council to extend the mandate of the Force for a further period of six months until 31 May 1977 and reiterated his judgement that the disengagement agreement be utilized to renew the efforts at resuming peace negotiations.

Following the adoption of the agenda, the President drew the attention of the Council members to a draft resolution²²¹ which had been considered by the Council in consultations and put it to the vote: it was adopted with 12 votes in favour, none against, and no abstention; three members did not participate in the voting.²²²

Resolution 398 (1976) reads as follows:

The Security Council,

Having considered the report of the Secretary-General on the United Nations Disengagement Observer Force,

Having noted the efforts made to establish a durable and just peace in the Middle East area and the urgent need to continue and intensify such efforts,

Expressing concern over the prevailing state of tension in the area,
Decides

(a) To call upon the parties concerned to implement immediately Security Council resolution 338 (1973) of 22 October 1973;

²¹⁹ For the texts of relevant statements, *ibid.*: France, paras. 36-46; Guyana, paras. 74-78; Japan, paras. 82-88; President (Pakistan), paras. 110-113; Romania, paras. 12-21; USSR, paras. 23-35.

²²⁰ S. 12235, *OR, 31st yr., Suppl. for Oct.-Dec. 1976*, pp. 26-28.

²²¹ S. 12246, subsequently adopted without change as resolution 398 (1976).

²²² For the vote, see 1975th mtg., para. 1.

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 31 May 1977.

(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).

After the vote the President said that he had been authorized to make a complementary statement on behalf of the Security Council regarding the resolution adopted:

As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force (S/12235) states in paragraph 32 that "despite the present quiet in the Israeli-Syria sector, there can be no question that the situation in the Middle East will remain unstable and potentially dangerous unless real progress can be made towards a just and lasting settlement of the problem in all its aspects". This statement of the Secretary-General reflects the view of the Security Council.

The President added that the three delegations which had not participated in the voting had asked him to say that they took the same position with regard to the statement.²²³

Council members expressed their appreciation for the commendable work of UNDOF and reaffirmed their commitment to the mandate for a comprehensive peace settlement under resolution 338 (1973). Several delegations called specifically for the reconvening of the Geneva Peace Conference to accelerate the negotiating process.²²⁴

Decision of 25 March 1977 (1993rd meeting): invitation accorded to the PLO

At its 1993rd meeting on 25 March 1977, the Security Council included the report of the Secretary-General submitted under General Assembly resolution 31/62 concerning the Peace Conference on the Middle East²²⁵ in its agenda.

The Secretary-General, in this report, recalled General Assembly resolution 31/62 under which the Assembly requested *inter alia* that the Secretary-General resume contacts with all the parties to the conflict and the Co-Chairmen of the Peace Conference in the Middle East, in accordance with his initiative of 1 April 1976, in preparation for the early convening of the Conference, and submit a report to the Security Council on the results of his contacts and on the situation in the Middle East not later than 1 March 1977; the Assembly also called for the early convening of the Conference not later than the end of March 1977 and requested the Security Council to convene subsequent to the submission of the Secretary-General's report in order to

²²³ For the President's statement on behalf of the Council, see 1975th mtg., paras. 2 and 3.

²²⁴ For the texts of relevant statements, *ibid.*: France, paras. 76-82; Japan, paras. 63-70; Pakistan, paras. 91-102; Romania, paras. 52-62; USSR, paras. 6-23.

²²⁵ S/12290, *OR, 32nd yr., Suppl. for Jan.-March 1977*, pp. 10-12. The representative of Egypt, in a letter dated 23 March 1977 (S/12306, *ibid.*, p. 21), confirmed his telephone request for a meeting of the Security Council on 25 March 1977 to discuss the situation in the Middle East in the light of the report of the Secretary-General.

consider the situation in the area in the light of that report and to promote the process towards the establishment of a just and lasting peace.²³⁶

In order to carry out the mandate of the Assembly resolution, the Secretary-General held initial consultations with the parties involved and the two Co-Chairmen of the Geneva Peace Conference and then decided to visit the area in early February 1977. He visited Egypt, the Syrian Arab Republic, Saudi Arabia, Lebanon, Jordan and Israel, met leaders of government as well as the Chairman of the PLO and, at the termination of that visit, sent representatives to the respective capitals in order to inform the two Co-Chairmen of the Conference of his consultations and to consult with them on the question of the early reconvening of the Conference.

The main object of the mission was to get clarification of the views of the parties concerned as to the best course to be followed in resuming the negotiating process and to consult with them as to the best means of overcoming the various obstacles in the way of that objective. All the parties expressed their desire for an early resumption of the negotiating process through the convening of the Peace Conference. The problem was to find agreement on the conditions under which the Conference could be convened.

The question of participation still was the most immediate difficulty. The Arab States held that the PLO should be invited to participate in any future meetings of the Conference, whereas Israel maintained its opposition to a PLO role in the Conference; Israel indicated willingness to discuss the Palestinian question with the Government of Jordan and would not object to the inclusion of Palestinian representatives in the delegation of Jordan. The PLO asked to be invited to participate in the Conference from the outset on an equal footing with all the other parties as the sole representative of the Palestinian people. The Secretary-General added that this view was shared by all the Arab Governments, especially as related to the importance of issuing a separate invitation to the PLO. Efforts to bridge the differences between the parties on the whole matter of participation by procedural devices would appear to be hopeless in view of the fundamental disagreement.

Although there were slight differences among the parties regarding the timing of the reconvening of the Conference, the Secretary-General conveyed his impression that the parties would be prepared to be flexible as regards timing, provided there was a prospect of the Conference's being convened within a reasonable time-limit.

The Secretary-General described further divergences among the parties regarding the terms of reference, the agenda and the organization of work for the Conference, but he indicated that none of these could be resolved either prior to the reopening of the Conference or after its resumption. He pointed out that if no early

agreement on reconvening the Conference could be reached, the parties would be agreeable to some interim measure. Three specific proposals were mentioned: a preparatory working group could be set up in the United Nations Secretariat under the Secretary-General's auspices to maintain contact with all the parties and with the Co-Chairmen on the problems of reconvening the Conference; or a contact group could be established at Geneva consisting of the representatives of the two Co-Chairmen, of the Secretary-General and of the parties concerned in order to explore further the procedural problems involved; a further possibility would be the formation of an interim conference secretariat to maintain contact with the parties and the Co-Chairmen and to work on the preparations for the Conference. The general feeling, according to the Secretary-General, seemed to be that it would not be advisable to formalize such interim measures at the current moment.

The Secretary-General summarized his consultations with the two Co-Chairmen and reported his finding that both the United States and the USSR Governments maintained a policy of principal support of the Geneva Peace Conference, although they differed with regard to the participation of the PLO and the timing of the reconvening of the Conference.

In his concluding observations, the Secretary-General emphasized that all parties concerned earnestly desired to move towards a negotiated settlement, that the main elements of the problem remained intractable, in particular the issue of the participation of the PLO and the representation of the interests and rights of the Palestinian people, but that there was an increasing consciousness in the area that an opportunity existed to resume negotiations in a meaningful way and that, if this opportunity was not seized, there would be grave dangers that the situation would deteriorate once again. He expressed hope that the search for means through which the Peace Conference could be convened would be intensified and ultimately concluded successfully.

At the beginning of the 1993rd meeting, the President reminded the members of the Council that during consultations on 15 March it had been agreed that the Council would take up the report of the Secretary-General at an appropriate time. Before he declared the agenda adopted, he referred to the request of the representative of Egypt for a meeting on 25 March.²³⁷

In the course of the meetings the representatives of Egypt, Israel, Jordan, Saudi Arabia, the Syrian Arab Republic and Yemen were invited to participate, without vote, in the discussion of the item.²³⁸ At the 1993rd meeting the President informed the Council that he had received a letter from the representative of Egypt requesting the participation of the PLO in the debate in accordance with the previous decisions of the Council in that respect. He indicated that it was his understanding that the proposal was not put forward under rule 37 or rule 39 of the provisional rules of procedure of the Council but that, if adopted by the Council, the

²³⁶ General Assembly resolution 31/62, paras. 1-3.

²³⁷ 1993rd mtg., para. 1.

²³⁸ For details, see chapter III.

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 37.²³⁹ Speaking in his capacity as the representative of the United States, the President stated that his Government was not able to agree to the proposal, as it considered the terms of the Council's invitation as inappropriate, and asked that the proposed invitation be put to the vote.²⁴⁰

Then the President put the request to invite the PLO to the vote: it was adopted by 10 votes in favour to 1 against, with 4 abstentions.²⁴¹ Accordingly, the representative of the PLO was invited to participate in the discussion of the item.

The Security Council considered the item during the 1993rd, 1995th and 1997th meetings on 23, 28 and 29 March 1977.

The representative of Egypt welcomed the meeting of the Security Council on the Secretary-General's report as a demonstration of the Council's responsibility as the guardian of peace and security in the world. In view of Israel's unwillingness to reciprocate the wish for peace on the Arab side and to accept fully the role of the United Nations and the Secretary-General in the peace process, it was important for the Council first of all to promote the process towards the establishment of a just and lasting peace as envisaged in General Assembly resolution 31/62, secondly to put an end to Israel's disregard for its resolutions and decisions, and finally to call for the prompt convening of the Peace Conference with the participation of all the parties. He warned that if the Council failed in its mandate, a great threat would confront not only the Middle East but the whole world.²⁴²

The representative of Jordan warned that if nothing was done to move the Geneva Peace Conference out of the procedural deadlock blocking its resumption, the situation in Jerusalem and its environs would soon be irreversibly changed as a result of the construction of Israeli settlements, thereby undermining the objectives of resolution 242 (1967). He appealed to the Council not to abandon the occupied territories and their people and proposed that the Council consider setting up a monitoring team consisting of three Council members which maintained diplomatic relations with Israel, such as the United States, the United Kingdom and France, and installing the team with a small staff in the Government House in Jerusalem with the mandate to oversee the strict observance of the fourth Geneva Convention of 1949, to which the Arab States and Israel were signatories, in the occupied territories and to report monthly to the Council on any and all violations of the integrity and inviolability of the territories and the people.²⁴³

At the 1995th meeting on 28 March 1977, the representative of Israel expressed regret at the Council's

engaging once again in a futile time-consuming discussion that also would fail to bring the Middle East even an inch closer to peace. He cited the provisions of Article 35 of the Charter and charged that the meeting of the Council had been requested although the criteria of that Article had not been met, as there was no danger of an imminent conflict in the Middle East. He rejected the Jordanian proposal for a monitoring team and recalled a draft resolution submitted by his delegation to the General Assembly which contained a call on Egypt, Israel, Jordan and the Syrian Arab Republic to reconvene at the Peace Conference on the Middle East under the chairmanship of the United States and the USSR in order to resume negotiations without prior conditions on the establishment of a just and durable peace. He pointed out that his Government had rejected General Assembly resolution 31/62 of 1976 because its purpose was to change the ground rules of the Geneva Peace Conference and substitute a dictated settlement for direct negotiations between the parties. He reiterated that Israel was and remained prepared for the reconvening of the Geneva Conference at any time with the participants of the original Conference of December 1973. But he insisted that there was no alternative to direct face-to-face negotiations between Israel and its Arab neighbours in order to achieve a real peace.²⁴⁴

At the same meeting the representative of the Syrian Arab Republic accused Israel of boycotting the reconvening of the Geneva Peace Conference by its obstinate objections against the participation of the PLO on an equal footing and drew the conclusion that Israel was not interested in peace and did not even want the Conference to be convened. He warned again against the ongoing implementation of the Israeli expansionist designs in the occupied Arab territories, recalled the principle underlying resolution 242 (1967) of the inadmissibility of the acquisition of territory by war and urged the Council to reissue its demand that Israel cease its annexationist policy, release all Arab "security" detainees and improve the conditions of other Arab prisoners and to affirm the national rights of the Palestinian people. He emphasized that the Council's attention was overdue in view of the continuing Israeli aggression in the occupied territories.²⁴⁵

The representative of the PLO reviewed the recent efforts to reconvene the Geneva Peace Conference and pointed out that the opposition to his organization's being represented on an equal footing at that Conference came essentially from the Israeli Government whereas the United Nations organs and a rapidly growing number of States including Western countries recognized the legitimate claim of the Palestinian people to be fully involved in the effort to work towards a comprehensive peace settlement including a settlement of the Palestinian problem.²⁴⁶

The representative of Romania emphasized the responsibility of the Council to help the parties to

²³⁹ See 1993rd mtg., paras. 3 and 4.

²⁴⁰ *Ibid.*, para. 7.

²⁴¹ *Ibid.*, para. 8.

²⁴² *Ibid.*, paras. 21-55.

²⁴³ *Ibid.*, paras. 57-80.

²⁴⁴ 1995th mtg., paras. 7-69.

²⁴⁵ *Ibid.*, paras. 71-123.

²⁴⁶ *Ibid.*, paras. 126-154.

negotiate a just and lasting peace, with the participation of the PLO. The United Nations offered the best framework for manifestation of the support of all States for the cause of peace in the Middle East. The Security Council should encourage the continued search for the peace process, appeal to all the parties to ensure the reconvening of the Peace Conference and request the Secretary-General to remain in touch with the parties and to inform the Council of further relevant developments so that it could re-examine the whole issue.²⁴⁷

The representative of Canada pointed out that resolution 242 (1967) remained the fundamental basis for a viable peace settlement, with due account of the legitimate aspirations of the Palestinians. He endorsed the call for the resumption of the Peace Conference which should as a first step set up negotiations mandated under resolution 338 (1973).²⁴⁸

The representative of the USSR restated his Government's long-standing proposals regarding the settlement of the Middle East problem and the reconvening of the Geneva Conference. He added that the resumption of the Conference was a realistic possibility and should result in final agreements based on the inadmissibility of the acquisition of territory by war, on the right of all States of that region to an independent existence and to security, on the right of the Palestinians to self-determination and to the creation of their own State, as well as on the withdrawal of Israeli troops from all Arab territories occupied in 1967. He expressed the hope that the Council's discussion of the report submitted by the Secretary-General would draw the attention of the world community to the tense and dangerous situation in the Middle East. He concluded that the USSR as one Co-Chairman stood ready to resume the Peace Conference at the earliest opportunity.²⁴⁹

At the 1997th meeting on 29 March 1977, the representative of India said that he had initially not intended to speak on the item because his delegation had been under the impression that the Council would address itself only to the report of the Secretary-General and work out a consensus statement of a procedural nature. He praised the report submitted by the Secretary-General and suggested that the consensus statement should mention the fact that all the parties were ready and willing to attend another Peace Conference at any time and to discuss all substantive issues without pre-conditions and request the Secretary-General to continue his discussions with a view to discovering approaches to the establishment of peace in the Middle East. He stated that in his judgement there was enough common ground for a consensus to be adopted by the Council reflecting the objectives of the Assembly resolution 31/62, but if such a decision was not possible, he would favour adjournment until a more auspicious moment.²⁵⁰

The representative of France praised the Secretary-General's report and emphasized in particular the fact

that all the interested parties had recognized that it was of vital importance not to lose the momentum won so far and to see to it that efforts continued to that end without interruption. He expressed hope that all the parties would make the required efforts to allow a reconvening of the Peace Conference.²⁵¹

The representative of the Federal Republic of Germany drew the attention of the Council to the common policy towards the Middle East developed among the nine States of the European Community. He restated his Government's firm belief that Israel should be ready to recognize the legitimate rights of the Palestinian people within the framework of a comprehensive settlement and that the Arab side should recognize the right of Israel to live in peace within secure and recognized boundaries. He concluded that in view of the need for an early resumption of the Geneva Peace Conference, his Government appealed to the Secretary-General to continue his mission of good offices with all the parties concerned.²⁵²

The representative of the United Kingdom focused on some of the problems that faced the Council in the months running up to the resumption of the Geneva Peace Conference expected for the second half of the year. He indicated that the Council could and should now state its conviction that the negotiations be resumed as soon as possible and urge on the parties the need for moderation and a willingness to compromise in overcoming the remaining obstacles. He welcomed the Secretary-General's assurance that the efforts would be continued and that the Council would be informed of further developments.²⁵³

The President speaking in his capacity as representative of the United States pointed out that the current phase was a period of most intense diplomatic activity. He held that the report of the Secretary-General provided an agenda of work to be done in the next few months, which was complemented by the diplomatic efforts of the Government of the United States, and that the various endeavours were geared towards the common goal of returning to the Geneva Conference in the second half of the year, provided all parties showed flexibility on the issues involved. He expressed his conviction that the peace process would be furthered through the early reconvening of the Conference and conveyed his Government's pledge to do its utmost to advance the goal of peace in the Middle East.²⁵⁴

The representative of the Libyan Arab Republic explained that his delegation had not participated in the debate in compliance with its well-known principal position regarding the agenda item. He restated his Government's view that the Palestinian question including the right to self-determination of the Palestinian people was the core of the Middle East problem and that the General Assembly resolutions 3236 (XXIX), 3237 (XXIX), 3376 (XXX), 3379 (XXX) and 31/20,

²⁴⁷ *Ibid.*, paras. 158-172.

²⁴⁸ *Ibid.*, paras. 173-181.

²⁴⁹ *Ibid.*, paras. 182-206.

²⁵⁰ 1997th mtg., paras. 15-21.

²⁵¹ *Ibid.*, paras. 24-31.

²⁵² *Ibid.*, paras. 33-38.

²⁵³ *Ibid.*, paras. 42-46.

²⁵⁴ *Ibid.*, paras. 108-114.

but no longer Security Council resolutions 242 (1967) and 338 (1973), constituted a framework for a just or lasting solution of the question.²⁵⁵

After the 1997th meeting the Security Council did not pursue the Secretary-General's report any further.

Decision of 26 May 1977 (2010th meeting): resolution 408 (1977)

At the 2010th meeting on 26 May 1977, the Security Council included the report of the Secretary-General on the United Nations Disengagement Observer Force (UNDOF) dated 23 May 1977²⁵⁶ in its agenda.

The report described the activities of UNDOF for the period 23 November 1976 to 23 May 1977. During the period UNDOF had been able to contribute to the maintenance of the cease-fire called for by the Security Council in resolution 338 (1973). The Secretary-General briefly referred to the ongoing efforts to seek the implementation of resolution 338 (1973) but concluded that the main elements of the Middle East problem remained unresolved and the situation continued to be unstable and dangerous. In view of these factors he recommended that the Council should extend the mandate of UNDOF for a further period of six months until 30 November 1977.

Following the adoption of the agenda, the President drew the attention of the Council members to the report of the Secretary-General and to a draft resolution.²⁵⁷ After a short intervention by the Secretary-General, who informed the Council of the assent to the extension by both parties,²⁵⁸ the draft resolution was put to the vote and adopted as resolution 408 (1977) by 12 votes to none; three members did not participate in the voting.²⁵⁹ The resolution reads as follows:

The Security Council.

Having considered the report of the Secretary-General on the United Nations Disengagement Observer Force,

Having noted the efforts made to establish a durable and just peace in the Middle East area and the urgent need to continue and intensify such efforts,

Expressing concern over the prevailing state of tension in the area,

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 1977;

(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).

After the vote the President made the following statement on behalf of the Security Council in connection with the adoption of the resolution on the renewal of the mandate of UNDOF:

As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force (S/12333) states in para-

graph 31 that "the present quiet in the Israel-Syria sector should not obscure the fact that the main elements of the Middle East problem remain unresolved and that the situation in the area will continue to be unstable and dangerous unless real progress can soon be made towards a just and durable settlement of the problem in all its aspects". This statement of the Secretary-General reflects the view of the Security Council.

He added that the delegations of Benin, China and the Libyan Arab Jamahiriya had asked him to say that, as they had not participated in the vote on the resolution, they took the same position with regard to his statement on behalf of the members of the Council.²⁶⁰

In statements after the adoption of the resolution members of the Council expressed their appreciation for the work done by UNDOF and voiced considerable concern that the pursuit of a comprehensive peace settlement in accordance with resolution 338 (1973) be accelerated and intensified, with particular attention given to the hopes for the resumption of the Peace Conference.

Decision of 21 October 1977 (2035th meeting): resolution 416 (1977)

At the 2035th meeting on 21 October 1977, the Security Council included the report of the Secretary-General on the United Nations Emergency Force (UNEF) dated 17 October 1977²⁶¹ in its agenda.

The report described the activities of UNEF for the period 19 October 1976 to 17 October 1977. The Secretary-General indicated that the functions and responsibilities of UNEF had not changed, the situation in the area of operations had remained stable and the Force had continued efficiently to discharge its mandate. Regarding the implementation of resolution 338 (1973), the Secretary-General noted that intensive efforts had been made during the period under review to promote an early resumption of the negotiating process aimed at establishing peace in the Middle East. In conclusion the Secretary-General recommended the extension of the mandate of UNEF for another year, because the situation in the area remained unstable and would become increasingly dangerous in the absence of a negotiated peace agreement and therefore made the continued presence of UNEF essential.

Following the adoption of the agenda, the President drew the attention of the Council members to a draft resolution²⁶² which had been agreed to as a result of consultations. He also outlined the procedure to be followed, as established during these consultations. Regarding the draft resolution, he stated:

Under the procedure of operative paragraph 1 c, the Security Council would request the Secretary-General to submit by 24 October 1978 a report on the developments in the situation and on the steps taken to implement Council resolution 338 (1973). Members of the Council have asked me to make it clear that, should developments occur which would lead the Secretary-General to consider it appropriate to report to the Council at an earlier date, they would of course expect him to do so, and that he will continue his efforts to assist the early resumption of the negotiations for a comprehensive settlement in the Middle East.

²⁵⁵ 1997th mtg., paras. 183-186.

²⁵⁶ S/12333, *OR, 32nd yr., Suppl. for April-June 1977*, pp. 41-44.

²⁵⁷ 2010th mtg., para. 1, S/12337, subsequently adopted without change as resolution 408 (1977).

²⁵⁸ *Ibid.*, paras. 3 and 4.

²⁵⁹ For the vote, *ibid.*, para. 6.

²⁶⁰ *Ibid.*, para. 7.

²⁶¹ S/12146, *OR, 32nd yr., Suppl. for Oct.-Dec. 1977*, pp. 33-38.

²⁶² S/12149, subsequently adopted without change as resolution 416 (1977).

He added that the delegations of China and the Libyan Arab Jamahiriya had asked him to say that they would not participate in the vote on the draft resolution and, as a result, did not subscribe to the agreed statement which he had just read out on behalf of the Council members.²⁶¹

After a brief intervention by the Secretary-General, the draft resolution was put to the vote and adopted as resolution 416 (1977) by 13 votes to none; two members did not participate in the vote.²⁶² It reads as follows:

The Security Council,

Recalling its resolutions 338 (1973) of 22 October, 340 (1973) of 25 October and 341 (1973) of 27 October 1973, 346 (1974) of 8 April and 362 (1974) of 23 October 1974, 368 (1975) of 17 April, 371 (1975) of 24 July and 378 (1975) of 23 October 1975, and 396 (1976) of 22 October 1976,

Having considered the report of the Secretary-General on the United Nations Emergency Force,

Having noted the developments in the situation in the Middle East,

Recalling the Secretary-General's view that any relaxation of the search for a comprehensive settlement covering all aspects of the Middle East problem could be dangerous and his hope that urgent efforts would be undertaken by all concerned to tackle the Middle East problem in all its aspects, with a view both to maintaining quiet in the region and to arriving at the comprehensive settlement called for by the Security Council in its resolution 338 (1973),

Noting that the Secretary-General recommends the extension of the mandate of the Force for one year,

1. *Decides*

(a) To call upon all the parties concerned to implement immediately Security Council resolution 338 (1973),

(b) To renew the mandate of the United Nations Emergency Force for a period of one year, that is, until 24 October 1978,

(c) To request the Secretary-General to submit at the end of this period a report on the developments in the situation and on the steps taken to implement resolution 338 (1973),

2. *Expresses its confidence* that the Force will be maintained with maximum efficiency and economy.

Representatives praised the work of UNEF, but stressed the need for quick and substantial progress in the peace efforts, especially in the attempt to reconvene the Geneva Peace Conference, so that the Council could envisage the date when UNEF would no longer be required to keep the peace in the area.

Decision of 30 November 1977 (2051st meeting): resolution 420 (1977)

At the 2051st meeting on 30 November 1977, the Security Council included the report of the Secretary-General on the United Nations Disengagement Observer Force (UNDOF) dated 23 November 1977²⁶³ in its agenda.

The report described the activities of UNDOF for the period 24 May to 23 November 1977. The Secretary-General noted that during the period covered by the report UNDOF had continued to carry out its mandate and contribute to the maintenance of the cease-fire as

called for in resolution 338 (1973). The Secretary-General indicated that intensive efforts had been made during the past year to promote an early resumption of the negotiating process with the aim of reaching a just and lasting peace in the area and that these efforts continued. He concluded by recommending the extension of the mandate of UNDOF for another six months until 31 May 1978, since the situation remained dangerous and unstable and the maintenance of the current quiet in the Israel-Syrian sector was a prerequisite for the pursuit of further efforts to reconvene the Geneva Peace Conference and to advance towards a peace agreement.

Following the adoption of the agenda, the President drew the attention of the Council members to a draft resolution.²⁶⁴ After a brief statement by the Secretary-General, the draft resolution was put to the vote and adopted as resolution 420 (1977) by 12 votes to none; three members did not participate in the vote.²⁶⁵ The resolution reads as follows:

The Security Council,

Having considered the report of the Secretary-General on the United Nations Disengagement Observer Force,

Having noted the efforts made to establish a durable and just peace in the Middle East area and the urgent need to continue and intensify such efforts,

Expressing concern over the prevailing state of tension in the area,

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 31 May 1978;

(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).

In connection with the adoption of the resolution the President made the following complementary statement on behalf of the Security Council:

As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force (S/12453) states, in paragraph 32, that "the present quiet in the Israel-Syria sector should not obscure the fact that the main elements of the Middle East problem remain unresolved and that the situation in the area will continue to be unstable and dangerous unless real progress can soon be made towards a just and durable settlement of the problem in all its aspects". This statement of the Secretary-General reflects the view of the Security Council.

He added that the delegations of Benin, China and the Libyan Arab Jamahiriya had requested him to say that, as they had not participated in the vote, they took the same position with regard to the statement read by him.²⁶⁶

Members of the Council expressed support for the continued functioning of UNDOF and urgently called for increased efforts to seek a path to peace in the area.

²⁶¹ 2051st mtg., paras. 2-4.

²⁶² *Ibid.*, para. 10.

²⁶³ S/12453, OR, 32nd yr., Suppl. for Oct. Dec. 1977, pp. 73-75.

²⁶⁴ S/12459, subsequently adopted without change as resolution 420 (1977).

²⁶⁵ For the vote, see 2051st mtg., para. 7.

²⁶⁶ *Ibid.*, para. 8.

Decision of 19 March 1978 (2074th meeting): resolution 425 (1978)

By letter²⁶⁹ dated 17 March 1978 addressed to the President of the Security Council, the representative of Lebanon requested an urgent meeting of the Council, pursuant to his previous letter²⁷⁰ dated 15 March 1978 in which he had informed the President of a large-scale attack by Israeli land, air and naval forces against Lebanese territory.

By letter²⁷¹ dated 17 March 1978 addressed to the President of the Council and with reference to his previous letter²⁷² dated 13 March 1978, the representative of Israel also requested a meeting of the Council to consider continuous acts of terror and violence against Israeli civilians, together with the frequent shelling, sabotage incursions, bombing and murder being perpetrated from Lebanese territory against Israel, such as the attack on 11 March by a PLO murder squad on the Haila-Tel Aviv highway.

At its 2071st meeting on 17 March 1978, the Security Council included the two letters in its agenda without objection. Following the adoption of the agenda, the representatives of Lebanon, Israel, Egypt, Iraq, Jordan, the Libyan Arab Jamahiriya, Mongolia, Pakistan, Qatar, Sudan, Syrian Arab Republic, Viet Nam and Yemen were invited, at their request, to participate without vote in the discussion of the item on the agenda.²⁷³

At the beginning of the 2071st meeting, the Council decided, by vote, to invite the representative of the PLO, in accordance with the Council's previous practice, to participate in the debate and to take a seat at the Council table.²⁷⁴

The Council considered the two items on its agenda during its 2071st to 2074th meetings on 17 to 19 March 1978.

At the 2071st meeting on 17 March 1978, the representative of Lebanon briefly outlined the dimensions of the renewed Israeli aggression and urged the United Nations to uphold the spirit and letter of the Charter and prevent Israel from according itself the licence to take international law into its hands. He called upon the Security Council to restore its sovereignty to Lebanon and to bring about the immediate cessation of hostilities and the withdrawal of the invaders.²⁷⁵

The representative of Israel expressed his conviction that both States wanted to see the sovereignty of Lebanon restored and charged that the Security Council in refusing to condemn terrorist actions against Israel had betrayed its mandate to promote the establishment and maintenance of international peace and security, as

proclaimed in Articles 24 and 26 of the Charter. He held that the Israeli actions in Lebanon were carried out in accordance with its right of self-defence as the United Nations had been unable to deal with terrorism and Israel was confronted with a growing threat of new and enlarged PLO acts of murder and terror.²⁷⁶

The representative of Jordan joined the Lebanese representative in calling for immediate action by the Security Council to ensure a cessation of the armed Israeli aggression and to order the prompt withdrawal of the Israeli forces who were in occupation of sizeable territories in Southern Lebanon. He further urged the Government of Israel not to seek security through the occupation of Arab lands but to find it by means of a just and comprehensive peace binding all peoples in the area.²⁷⁷

Other Arab representatives expressed similar warnings against further Israeli expansion into neighbouring Arab territories and demanded that the Council put an end forthwith to the Israeli aggression.²⁷⁸

At the 2072nd meeting on 18 March 1978, the representative of Egypt concurred with the viewpoint expressed by other Arab spokesmen and suggested in addition that the Council might request the Secretary-General to report on Israel's compliance with the Council's call for an immediate withdrawal; he added that the Secretary-General would be assisted in such a task by the members of the United Nations Truce Supervision Organization (UNTSO) stationed in the Israel-Lebanon sector who should return to the posts from which they had been evicted by the Israeli troops.²⁷⁹

At the same meeting the representative of France deplored the recurrence of violence in the area, called for a cease-fire and the immediate withdrawal of the Israeli troops from Lebanese territory and indicated his delegation's willingness attentively to consider any proposal—including the stationing of a United Nations force—aimed at restoring peace and strengthening security in the region.²⁸⁰

At the beginning of the 2073rd meeting on 18 March 1978, the President drew the attention of the Council members to a draft resolution submitted by the United States.²⁸¹

The representative of Canada emphasized that the current crisis set two principal objectives for the deliberations of the Council: to seek an end to the present hostilities, and to create conditions in which the recent peace initiative could be resumed. He added that a United Nations peace-keeping force would offer the best hope to stabilize the situation and to renew the peace

²⁶⁹ S/12606, OR, 33rd yr., Suppl. for Jan.-March 1978, p. 60

²⁷⁰ S/12600, *ibid.*, pp. 56-57

²⁷¹ S/12607, *ibid.*, p. 60

²⁷² S/12598, *ibid.*, pp. 55-56.

²⁷³ For details, see chapter III

²⁷⁴ See 2071st mtg., paras. 2-5, for the brief statements and votes on the invitation of the PLO

²⁷⁵ *Ibid.*, Lebanon, paras. 11-17

²⁷⁶ *Ibid.*, Israel, paras. 20-70

²⁷⁷ *Ibid.*, Jordan, paras. 73-84

²⁷⁸ *Ibid.*, Libyan Arab Jamahiriya, paras. 107-124, PLO, paras. 126-138, Syrian Arab Republic, paras. 87-104, also 2072nd meeting Kuwait, paras. 27-46

²⁷⁹ 2072nd mtg., Egypt, paras. 7-25

²⁸⁰ *Ibid.*, France, paras. 47-50

²⁸¹ 2073rd mtg., para. 4. The draft resolution (S/12610) was subsequently adopted without change as resolution 425 (1978)

process and declared his Government's readiness to contribute to such a peace-keeping force.²⁸²

At the same meeting the representative of the United States pointed out that his Government's policy in this crisis was guided by three fundamental principles: Israel had to withdraw from Lebanese territory; the territorial integrity of Lebanon was to be fully respected; and the United Nations had a vital role to play in assisting the Government of Lebanon to restore authority and a peaceful life for the people in Southern Lebanon.

He referred to the consultations his delegation had held with other Council members and concluded that a common perception had emerged regarding the shape and function of a United Nations peace-keeping force in the area: the force would be charged with establishing and providing security in the southern border region of Lebanon and it would assist the Government of Lebanon in restoring its authority in the area, whereupon it would relinquish its responsibilities to Lebanon.

The representative of the United States then introduced the draft resolution (S/12610) sponsored by his delegation and called for the other members to support the initiative. He explained that the wish of the USSR delegation to include a reference to the time frame for the United Nations interim force could not be accepted since according to the Council's practice any time frame would be determined by the Council after having received the report of the Secretary-General as called for in the draft resolution.²⁸³

The representative of India described the Israeli withdrawal from occupied Arab territories and the restoration of the legitimate rights of the Palestinians as fundamental for peace in the Middle East and suggested that to ignore these basic points resulted in the recurrence of the tragic cycle of violence. He warned that a United Nations peace-keeping force should not be introduced in every case of aggression in order to make the aggressor withdraw; he held the view that a United Nations force should be established only in exceptional situations and for a limited period of time. In all such cases, however, it was indispensable that no force be introduced without prior request or approval from the country affected. He also cautioned against the United Nations getting involved in functions and duties related to the maintenance of internal law and order.²⁸⁴

The representative of the USSR strongly condemned the Israeli aggression against Lebanon and the Palestinian refugees in Southern Lebanon and accused Israel of seeking the dismemberment of Lebanon and the total destruction of the Palestine resistance movement. His Government believed that the Council should severely condemn the new Israeli aggression, take effective steps in accordance with the Charter to put an end to that aggression and demand the immediate withdrawal of Israeli troops from Lebanese territory.²⁸⁵

At the beginning of the 2074th meeting on 19 March 1978, the representative of Lebanon urged that the draft resolution be adopted before representatives would continue with the debate.²⁸⁶ As a result, only a few delegations spoke before the vote.

Speaking in explanation of vote, the representative of China criticized the draft for not condemning the Israeli armed aggression against Lebanon and for failing to support the just Arab and Palestinian struggle and announced that his delegation would not participate in the vote.²⁸⁷

The representative of the USSR regretted that certain suggestions and amendments put forth by his delegation in regard of the need for a clear-cut condemnation of the Israeli aggression as well as for certain provisions defining the mandate of the United Nations force in Southern Lebanon strictly as observation of the cease-fire and the Israeli withdrawal and limiting the stay of the United Nations troops to a short period were not acceptable to the sponsor and announced that, in view of Lebanon's wishes, his Government had decided not to cast a negative vote but to abstain in the vote on the draft resolution. He added that the Government of Israel as the aggressor should bear the expenses for the despatch of the United Nations force.²⁸⁸

At the same meeting the draft resolution was put to the vote and adopted with 12 votes in favour, none against, and 2 abstentions as resolution 425 (1978); one delegation did not participate in the vote.²⁸⁹ The resolution reads as follows:

The Security Council,

Taking note of the letters from the Permanent Representative of Lebanon and from the Permanent Representative of Israel,

Having heard the statements of the Permanent Representatives of Lebanon and Israel,

Gravely concerned at the deterioration of the situation in the Middle East and its consequences to the maintenance of international peace,

Convinced that the present situation impedes the achievement of a just peace in the Middle East,

1. *Calls* for strict respect for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries;

2. *Calls upon* Israel immediately to cease its military action against Lebanese territorial integrity and withdraw forthwith its forces from all Lebanese territory;

3. *Decides*, in the light of the request of the Government of Lebanon, to establish immediately under its authority a United Nations interim force for Southern Lebanon for the purpose of confirming the withdrawal of Israeli forces, restoring international peace and security and assisting the Government of Lebanon in ensuring the return of its effective authority in the area, the force to be composed of personnel drawn from Member States;

4. *Requests* the Secretary-General to report to the Council within twenty-four hours on the implementation of the present resolution

²⁸² *Ibid.* Canada, paras. 5-10. For a similar view in support of a United Nations force *ibid.* Federal Republic of Germany, paras. 19-23.

²⁸³ *Ibid.* United States, paras. 11-18.

²⁸⁴ *Ibid.* India, paras. 24-32.

²⁸⁵ *Ibid.* USSR, paras. 33-49.

²⁸⁶ 2074th mtg. Lebanon, para. 4. For the response to the plea by Lebanon, see paras. 5-18.

²⁸⁷ *Ibid.* China, paras. 19-20.

²⁸⁸ *Ibid.* USSR, paras. 24-29.

²⁸⁹ For the vote, *ibid.*, para. 41.

Following the adoption of the resolution, the representative of Kuwait expressed his disappointment that the Israeli aggression had not been singled out for condemnation and wondered whether the loose terms of reference suggested for the United Nations force might not detract from Lebanese sovereignty, as they did not indicate the length of stay nor the right of the Government to terminate the presence of the force at any time. He also was concerned about Israel's claim that it intervened since it found the authority of the Lebanese Government ineffective; the Council had not rejected this attitude as clearly as was necessary.²⁹⁰

The representative of France underlined that the United Nations force to be established would not be used for any other purpose than to assist in the search for and maintenance of peace and to help the Government of Lebanon to re-establish its effective authority in the area. He added that the *raison d'être* of UNTSO would not be removed by the presence of the new force and that his Government was ready to participate directly in the force.²⁹¹

The representative of the United States expressed his appreciation for the support given by the other Council members to the resolution as adopted and urged the Council to proceed immediately after the meeting to further consultations that would lead to the adoption, if possible the same afternoon, of the mandate of the United Nations Interim Force.²⁹²

Speaking as the representative of the United Kingdom, the President expressed his satisfaction about the Council's decision to establish a peace-keeping force in the area, a step his Government had advocated for some time.²⁹³

At the same meeting the Secretary-General announced that his report called for under resolution 425 would be available shortly; he hoped that the Council would be able to consider his recommendations at the earliest possible date. He proposed to instruct Major-General Erskine, the Chief of Staff of UNTSO, to establish close contact with the parties concerned and to deploy UNTSO observers with a view to confirming the cessation of military action in the area, as a prerequisite for the implementation of the other parts of the resolution.²⁹⁴

Decision of 19 March 1978 (2075th meeting): resolution 426 (1978)

In pursuance of resolution 425 (1978) concerning the establishment of the United Nations Interim Force in Lebanon (UNIFIL), the Secretary-General submitted to the Council on the same day his report²⁹⁵ in which he outlined the terms of reference of the Force, general

considerations related to its effective functioning, a proposed plan of action and the estimated cost and method of financing it.

At its 2075th meeting on 19 March 1978, the Security Council continued its discussion and included in its agenda in addition to the two letters considered during the previous four meetings the report of the Secretary-General. The invitations issued during the previous meetings were renewed. The Council considered the item during the 2075th meeting.

At the beginning of the meeting the President drew the attention of the Council members to the Secretary-General's report and, in his capacity as representative of the United Kingdom, introduced a brief draft resolution²⁹⁶ approving that report and setting up the Interim Force for a period of six months.

Prior to the vote, the representative of China announced that his Government would not pay any expenses for sending the force,²⁹⁷ and the representative of the USSR restated his objections to the force as envisaged, requested that the consent of the Council be sought on specific questions such as the choice of countries providing contingents to the force, and added that in his delegation's view Israel should be asked to defray the cost of sending the force to Lebanon.²⁹⁸

Then the President put the draft resolution (S/12612) to the vote: it received 12 votes in favour, none against, with 2 abstentions and was adopted as resolution 426 (1978); one delegation did not take part in the voting.²⁹⁹ The resolution reads as follows:

The Security Council

1. Approves the report of the Secretary-General on the implementation of Security Council resolution 425 (1978), contained in document S/12611 of 19 March 1978;

2. Decides that the United Nations Interim Force in Lebanon shall be established in accordance with the above-mentioned report for an initial period of six months, and that it shall continue in operation thereafter, if required, provided the Security Council so decides.

After the vote the representative of the United States indicated his delegation's understanding that under the authority of General Assembly resolution 32/214, the Secretary-General could act to expedite the initiation of the mission authorized by resolution 425 (1978). He also underlined the judgement of the Secretary-General that the costs of the Force should be borne by Members in accordance with Article 17, paragraph 2, of the Charter.³⁰⁰

The Secretary-General announced that he would immediately proceed to put into effect the plan of action for the despatch of the Force and instruct Lieutenant-General Siilasvuo, Chief Co-ordinator of the United Nations Peace-keeping Missions in the Middle East, to

²⁹⁰ 2074th mtg. Kuwait, paras 46-51.

²⁹¹ *Ibid.* France, paras 53-55.

²⁹² *Ibid.* United States, paras 56-58.

²⁹³ *Ibid.* President (United Kingdom), paras 61-64.

²⁹⁴ *Ibid.* Secretary-General, paras 67-69.

²⁹⁵ For the report dated 19 March 1978, see S/12611, *OR*, 33rd yr., *Suppl. for January-March 1978*, pp 61-62.

²⁹⁶ S/12612, subsequently adopted without change as resolution 426 (1978).

²⁹⁷ 2075th mtg. China, para 5.

²⁹⁸ *Ibid.* USSR, paras 6-9.

²⁹⁹ For the vote, *ibid.*, para 10.

³⁰⁰ *Ibid.* United States, paras 18-24. For a similar view regarding the authority of the Secretary-General and the financing arrangements, *ibid.* France, paras 25 and 26.

initiate meetings on the withdrawal of Israeli forces and the establishment of a United Nations area of operation. He further informed the Council that he had instructed UNTSO to supervise initially the cessation of military action and had made arrangements with General Siilasvuo for the temporary transfer of some contingents to the new Force until his contacts with Governments would result in the availability of regular contingents for the Force in Southern Lebanon.³⁰¹

Decision of 3 May 1978 (2076th meeting): resolution 427 (1978)

Following a number of progress reports³⁰² regarding the establishment and functioning of UNIFIL, the Secretary-General, in a letter dated 1 May 1978,³⁰³ informed the Council that the Chief Co-ordinator of United Nations Peace-keeping Missions in the Middle East and the Force Commander of UNIFIL had reported to him that in view of the very difficult conditions on the ground and in the light of the experience so far acquired, they felt strongly that the total strength of the Force should be brought to about 6,000. Having visited the area, he considered it necessary to increase the strength of UNIFIL to the proposed level in order to allow the Force to carry out the tasks entrusted to it. He added that several Governments had agreed to make a battalion each available and that if the Council supported the suggested increase of the Force, he would seek additional contingents from those Governments.

At the 2076th meeting on 3 May 1978, the Security Council included the letter of the Secretary-General in its agenda.

The President drew the attention of the Council to the text of a draft resolution³⁰⁴ sponsored by Bolivia and India. He informed the members that Mauritius had become an additional sponsor of the draft.³⁰⁵ He then put the draft resolution to the vote; it received 12 votes in favour, none against, with 2 abstentions, and was adopted as resolution 427 (1978); one member did not participate in the voting.³⁰⁶ The resolution reads as follows:

The Security Council,

Having considered the letter dated 1 May 1978 from the Secretary-General to the President of the Security Council,

Recalling its resolutions 425 (1978) and 426 (1978) of 19 March 1978,

1. *Approves* the increase in the strength of the United Nations Interim Force in Lebanon requested by the Secretary-General from 4,000 to approximately 6,000 troops;

2. *Takes note* of the withdrawal of Israeli forces that has taken place so far;

3. *Calls upon* Israel to complete its withdrawal from all Lebanese territory without any further delay;

³⁰¹ *Ibid.*, Secretary-General, paras 29-35.

³⁰² The first progress report dated 23 March 1978 was contained in S/12620, *OR, 33rd yr, Suppl for Jan-March 1978*, pp 66-67. Subsequent progress reports dated 2 April, 8 April and 17 April 1978 were issued as S/12620/Add. 1-3, *ibid.*, *Suppl for April-June 1978*, pp 2-6.

³⁰³ S/12675, *ibid.*, p 39.

³⁰⁴ S/12679, adopted without change as resolution 427 (1978).

³⁰⁵ 2076th mtg., para 2.

³⁰⁶ For the vote, *ibid.*, para 2.

4. *Deplores* the attacks on the United Nations Force that have occurred and demands full respect for the United Nations Force from all parties in Lebanon.

After the adoption of the resolution, the Secretary-General indicated his appreciation for the Council's support, expressed his deep regret over some incidents resulting in several casualties in the Force and informed the Council about the progress so far in obtaining the Israeli withdrawal from Lebanese territory. He concluded his remarks with the announcement that he would now seek to bring into the Force the three additional contingents from Fiji, Iran and Ireland at the earliest possible time.³⁰⁷

In explaining their vote on the resolution Council members expressed support for the strengthening of the peace-keeping force and deplored the casualties suffered by UNIFIL soldiers in the discharge of their task. Several representatives condemned the failure of Israel to carry out the provisions of resolution 425 (1978) and to withdraw immediately and completely from Lebanese land;³⁰⁸ one delegation even called for measures under Chapter VII of the Charter if Israel continued in its defiance of the Council's resolutions.³⁰⁹ A few members raised questions regarding the precise mandate of the peace-keeping force and criticized what they called attempts to involve the Force in internal affairs of Lebanon.³¹⁰

Decision of 31 May 1978 (2079th meeting): resolution 429 (1978)

At the 2079th meeting on 31 May 1978, the Security Council included the report of the Secretary-General on the United Nations Disengagement Observer Force (UNDOF) for the period 24 November 1977 to 17 May 1978 dated 17 May 1978³¹¹ in its agenda.

The report described the activities of UNDOF for the period 24 November 1977 to 17 May 1978. During the period UNDOF had been able to contribute to the maintenance of the cease-fire called for by the Security Council in resolution 338 (1973). The Secretary-General informed the Council of continuing efforts to promote an early resumption of the negotiating process aimed at establishing a just and lasting peace in the Middle East. Although the situation in the Israel-Syria had been free of serious incidents, the quiet there, in the view of the Secretary-General, was basically precarious. The Secretary-General concluded that under the prevailing circumstances the mandate for UNDOF be extended a further period of six months, until 30 November 1978.

Following the adoption of the agenda the President drew the attention of the Council to the draft resolu-

³⁰⁷ *Ibid.*, paras 4-10.

³⁰⁸ For the texts of relevant statements, *ibid.* China, paras 13-15, Czechoslovakia, paras 31-35, Gabon, paras 37-39, India, paras 66-70, Kuwait, paras 22-29, Mauritius, paras 56-59, Nigeria, paras 92-94, USSR, paras 41-47.

³⁰⁹ *Ibid.*, Kuwait, paras 22-29.

³¹⁰ *Ibid.*, Czechoslovakia, paras 31-35, India, paras 66-70, USSR, paras 41-47.

³¹¹ S/12710, *OR, 33rd yr, Suppl for April-June 1978*, pp 61-64.

tion.³¹² The draft resolution was put to the vote and adopted as resolution 429 (1978) by 14 votes to none; one member did not participate in the voting.³¹³ The resolution reads as follows:

The Security Council.

Having considered the report of the Secretary-General on the United Nations Disengagement Observer Force,

Having noted the efforts made to establish a durable and just peace in the Middle East area and the urgent need to continue and intensify such efforts,

Expressing concern over the prevailing state of tension in the area,

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 1978;

(c) To request the Secretary-General to submit at the end of this period a report on the developments in the situation and on the measures taken to implement resolution 388 (1973).

After the vote the President, on behalf of the Security Council, made the following complementary statement regarding the resolution:

As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force (S/12710) states in paragraph 36 that "the present quiet in the Israel-Syria sector is, however, basically precarious. The main elements of the Middle East problem remain unresolved and the situation in the area as a whole will continue to be unstable and dangerous until real progress can soon be made towards a just and durable settlement of the problem in all its aspects". This statement reflects the view of the Security Council.

He added on behalf of the Chinese delegation that, as it had not participated in the vote on the resolution, it took the same position with regard to his statement.³¹⁴

Following the President's statement, members of the Council voiced regret about the lack of progress in the search for a comprehensive peace settlement which would allow the termination of the peace-keeping activities in the Israel-Syria sector. One delegation renewed its suggestion for the resumption of the Geneva Peace Conference,³¹⁵ and another representative rebuked the Council for its failure to implement its decisions by the adoption of measures under Chapter VII of the Charter against Israel.³¹⁶

Decision of 18 September 1978 (2085th meeting): resolution 434 (1978)

At the 2085th meeting on 18 September 1978, the Security Council included the report of the Secretary-General on the United Nations Interim Force in Lebanon (UNIFIL) for the period 19 March to 13 September 1978 dated 13 September 1978³¹⁷ in its agenda.

The report presented a summary of developments relating to UNIFIL from its inception on 19 March to

13 September 1978. The Secretary-General pointed out that in the first six months of its existence UNIFIL had developed cohesion and succeeded in exerting control over most of its area of operation, allowing normal life to be resumed. But he emphasized that UNIFIL continued to face major problems as the Israeli armed forces, in the fourth and last phase of the withdrawal from Lebanese territory, had handed over control of the evacuated area not to UNIFIL, but to the Lebanese *de facto* armed groups in the area commanded by Major Haddad. As a result, the full deployment of the Force and the restoration of the authority of the Lebanese Government in the whole area of operation had been prevented. In view of this situation a removal of UNIFIL would have disastrous consequences. As the Government of Lebanon had informed him that it was fully in agreement with an extension of the mandate, the Secretary-General recommended to the Council the renewal of the UNIFIL mandate for a further six-month period.

The Security Council considered the report of the Secretary-General during its 2085th and 2086th meetings on 18 and 19 September 1978.

Following the adoption of the agenda, the President drew the attention of the Council members to a draft resolution³¹⁸ sponsored by the United States and to two letters received from the representative of Lebanon³¹⁹ and from the representative of Israel³²⁰ regarding the Israeli decision to hand over control over the evacuated Lebanese territory to Major Haddad's forces and not to UNIFIL.

Then the President put the draft resolution to a vote; it was adopted by 12 votes to none, with 2 abstentions, as resolution 434 (1978); one member did not participate in the voting.³²¹ The resolution reads as follows:

The Security Council.

Recalling its resolutions 425 (1978) and 426 (1978) of 19 March and 427 (1978) of 3 May 1978,

Recalling in particular that, in its resolution 425 (1978), the Council called for strict respect for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries,

Gravely concerned at the serious conditions in Lebanon, which continue to endanger the achievement of a just and lasting solution of the Middle East question,

Having considered the report of the Secretary-General dated 13 September 1978 on the implementation of the above-mentioned resolutions,

Commending the outstanding performance of the United Nations Interim Force in Lebanon in seeking to carry out its mandate as established in resolutions 425 (1978) and 426 (1978),

Deeply grieved at the loss of life suffered by the Force,

³¹² S/12721, adopted without change as resolution 429 (1978).

³¹³ For the vote, see 2079th mtg., para. 2.

³¹⁴ *Ibid.*, para. 3.

³¹⁵ For this suggestion, *ibid.* USSR, para. 29.

³¹⁶ *Ibid.*, Kuwait, para. 10.

³¹⁷ S/12845, OR, 33rd yr., Suppl. for July-Sept. 1978, pp. 51-57. Invitations to the Council meetings on this report were issued at the 2086th meeting. See below for relevant details.

³¹⁸ S/12848, adopted without change as resolution 434 (1978).

³¹⁹ S/12835 (identical to S/12834). In this letter, dated 5 September 1978, the representative of Lebanon protested sharply against the Israeli action, which he described as a blatant breach of the agreements establishing UNIFIL and the schedule of the Israeli withdrawal.

³²⁰ S/12840, *ibid.*, p. 45. In his brief rebuttal dated 8 September 1978, the representative of Israel simply asserted that Israel had completed the withdrawal, as agreed in accordance with resolution 425 (1978), and that therefore the Lebanese charges were unfounded.

³²¹ For the vote, see 2085th mtg., para. 3.

conscious of the progress already achieved by the Force towards the establishment of peace and security in Southern Lebanon.

Noting with concern that the Force has encountered obstacles in deploying freely throughout its area of operation and that it has not been possible as yet for the Lebanese Government fully to restore its authority over all its territory in accordance with resolution 425 (1978).

Supporting the efforts of the Secretary-General and taking into account the observations in his report describing the problems encountered by the Force in carrying out its mandate.

Determined to secure urgently the total fulfilment of the mandate and objectives of the Force in accordance with resolutions 425 (1978) and 426 (1978).

Acting in response to the request of the Lebanese Government,

1. Decides to renew the mandate of the United Nations Interim Force in Lebanon for a period of four months, that is, until 19 January 1979;

2. Calls upon Israel, Lebanon and all others concerned to co-operate fully and urgently with the United Nations in the implementation of Security Council resolutions 425 (1978) and 426 (1978).

3. Requests the Secretary-General to report to the Security Council in two months on the implementation of the present resolution in order to allow it to assess the situation and to examine what further measures should be taken, and to report again at the end of the four-month period.

Following the adoption of the agenda, the Secretary-General made reference to the growing financial deficit under which UNIFIL had to labour and stressed the need for adequate financial support so that the Organization could at least provide the adequate minimum conditions for the troops in the field.³²²

During the 2085th meeting members of the Council praised UNIFIL for its work under trying circumstances and in varying degrees took exception to the Israeli refusal to surrender all of the occupied territory in Lebanon to the United Nations Force.³²³ The members stressed the need for a speedy completion of the mandate given to UNIFIL and emphasized once again the principal need for the resumption of negotiations aimed at a comprehensive peace settlement.³²⁴

At the beginning of the 2086th meeting, the Council invited the representatives of Lebanon, Israel and the Syrian Arab Republic to participate in the discussion of the item on the agenda without vote.³²⁵ The Council also decided, by vote, to invite the representative of the PLO in accordance with previous practice.³²⁶

At the 2086th meeting the representatives of Lebanon, Israel and the PLO amplified their positions

regarding the continued deadlock in Southern Lebanon involving UNIFIL and the immediate parties.

Decision of 6 October 1978 (2089th meeting): resolution 436 (1978)

At the beginning of the 2089th meeting, following the adoption of the agenda, the President stated that he had convened the meeting as a result of approaches made to him as President by several delegations. The purpose of the meeting was to make every possible attempt to put an end to the cycle of violence around Beirut causing loss of human life, suffering and destruction.

He added that the Council was ready to proceed to the vote on a draft resolution³²⁷ which the members had before them. The draft resolution was put to the vote and adopted unanimously as resolution 436 (1978).³²⁸ The resolution reads as follows:

The Security Council,

Noting with grave concern the deteriorating situation in Beirut and its surroundings,

Deeply grieved at the consequent loss of life, human suffering and physical destruction,

Noting the appeal made on 4 October 1978 by the President of the Security Council and the Secretary-General,

1. Calls upon all those involved in hostilities in Lebanon to put an end to acts of violence and observe scrupulously an immediate and effective cease-fire and cessation of hostilities so that internal peace and national reconciliation may be restored based on the preservation of Lebanese unity, territorial integrity, independence and national sovereignty.

2. Calls upon all involved to allow units of the International Committee of the Red Cross into the area of conflict to evacuate the wounded and provide humanitarian assistance;

3. Supports the Secretary-General in his efforts and requests him to continue these efforts to bring about a durable cease-fire and to keep the Security Council informed on the implementation of the cease-fire.

After the adoption of the resolution, the President announced that, in view of the urgency of the measures taken by the Council, the members had agreed not to make statements.³²⁹

Decision of 23 October 1978 (2091st meeting): resolution 438 (1978)

At the 2091st meeting on 23 October 1978, the Security Council included the report of the Secretary-General on the United Nations Emergency Force (UNEF) for the period 25 October 1977 to 17 October 1978 dated 17 October 1978³³⁰ in its agenda.

The report of the Secretary-General described the activities of UNEF for the period from October 1977 to October 1978. The Secretary-General stated that the situation in the Force's area of operation had remained stable and that UNEF had continued efficiently to discharge its mandate. He also pointed out that the various ongoing efforts to implement resolution 338 (1973) had been dealt with in a comprehensive report³³¹

³²² *Ibid.*, para. 9.

³²³ For criticism of the Israeli position, *ibid.*, Canada, para. 28; France, paras. 50, 52; Federal Republic of Germany, para. 76; India, para. 39; Kuwait, paras. 94-100; Nigeria, para. 112; President (Czechoslovakia), para. 132; USSR, para. 118; United Kingdom, para. 45; United States, paras. 21-23, invoking the responsibilities of States under Article 25 of the Charter.

³²⁴ Two delegations (President (Czechoslovakia), *ibid.*, para. 133; USSR, para. 121) specifically renewed the call for the resumption of the Geneva Peace Conference, whereas the representatives spoke in general terms of the search for peace in the Middle East.

³²⁵ For details, see chapter III.

³²⁶ The vote on the Kuwait request (S/12851) was called for by the United States. The result was 10 votes in favour, 1 against, with 4 abstentions. For this procedure, see 2086th mtg., para. 6.

³²⁷ S/12883, adopted without change as resolution 436 (1978).

³²⁸ For the vote, see 2089th mtg., para. 5.

³²⁹ *Ibid.*, para. 6.

³³⁰ S/12897, OR 33rd yr., Suppl. for Oct.-Dec. 1978, pp. 32-35.

³³¹ S/12896 *ibid.*, pp. 21-31. The report covered the principal developments in the Middle East since the last comprehensive report issued by the Secretary-General on 18 May 1977.

on the Middle East problem which he had submitted on 17 October 1978 in pursuance of General Assembly resolution 32/20 of 25 November 1977.

The Secretary-General concluded that despite the prevailing quiet in the Egypt-Israel sector, the situation in the Middle East as a whole would remain unstable and potentially dangerous unless a comprehensive peace settlement could be reached. Taking into account all the factors involved and after consultations with the Governments of Egypt and Israel, he recommended the extension of the mandate of UNEF for a further period of one year.

The Security Council considered the report of the Secretary-General at its 2091st meeting. Following the adoption of the agenda, the President drew the attention of the Council members to a draft resolution³²² and announced that during consultations prior to the meeting the members had agreed on the procedure to be followed, namely that representatives wishing to speak would do so after the vote on the draft resolution. Then he put the draft resolution to the vote; it was adopted by 12 votes to none, with 2 abstentions, as resolution 438 (1978); one delegation did not participate in the voting.³²³ The resolution reads as follows:

The Security Council.

Recalling its resolutions 338 (1973) of 22 October, 340 (1973) of 25 October and 341 (1973) of 27 October 1973, 346 (1974) of 8 April and 362 (1974) of 23 October 1974, 368 (1975) of 17 April, 371 (1975) of 24 July and 378 (1975) of 23 October 1975, 396 (1976) of 12 October 1976 and 416 (1977) of 21 October 1977,

Having considered the report of the Secretary-General on the United Nations Emergency Force,

Recalling the Secretary-General's view that the situation in the Middle East as a whole continues to be unstable and 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, and his hope that urgent efforts will be pursued by all concerned to tackle the problem in all its aspects, with a view both to maintaining quiet in the region and to arriving at a just and durable peace settlement, as called for by the Security Council in its resolution 338 (1973),

1. *Decides to renew the mandate of the United Nations Emergency Force for a period of nine months, that is, until 24 July 1979;*
2. *Requests the Secretary-General to submit at the end of this period a report on the developments in the situation and on the steps taken to implement Security Council resolution 338 (1973);*
3. *Expresses its confidence that the Force will be maintained with maximum efficiency and economy*

After the adoption of the resolution, the representative of the USSR expressed misgivings about the attempt to utilize UNEF for purposes other than those spelled out in resolutions 242 (1967) and 338 (1973) and indicated that his Government would not agree to altering the mandate of the Force and to drawing it into the implementation of a possible separate agreement sponsored by the United States. His Government viewed the ongoing talks between Israel and Egypt as contradicting the task of establishing lasting peace in the region and suggested again that the Geneva Conference

be resumed to achieve such a comprehensive settlement.³²⁴

The representative of Kuwait stated that his Government had agreed to the extension of UNEF for another nine months since the mandate remained as previously defined and pointed out that he would expect the Secretary-General to inform to Council immediately and thoroughly if the situation changed dramatically.³²⁵

The representative of the United States noted that his Government would have preferred an extension of the mandate for a full year but had accepted the compromise of nine months. In view of various remarks by other delegations, he argued that the negotiations which were held in Washington within the framework of the Camp David agreements were expressly tied in with the commitment in resolutions 242 (1967) and 338 (1973) to work towards a full and comprehensive settlement in the Middle East. While his Government agreed that the Secretary-General should inform the Council of significant changes in the deployment and functioning of UNEF, it did not accept the view that he was obligated to seek the specific approval of the Council for every deployment within the area; the Charter contemplated the need for the Secretary-General to exercise reasonable latitude in this respect.³²⁶

Decision of 30 November 1978 (2101st meeting): resolution 441 (1978)

At the 2101st meeting on 30 November 1978, the Security Council included the report of the Secretary-General on the United Nations Disengagement Observer Force (UNDOF) for the period 18 May to 24 November 1978 dated 24 November 1978³²⁷ in its agenda.

The report of the Secretary-General described the activities of UNDOF for the period of 18 May to 24 November 1978. The Secretary-General observed that with the co-operation of both parties, the Force had been able to contribute to the maintenance of the cease-fire called for in resolution 338 (1973). He noted that despite the prevailing quiet in the Israel-Syria sector, the situation in the Middle East as a whole continued to be potentially dangerous as long as no peace settlement was reached. In the prevailing circumstances, he considered the continued presence of UNDOF in the area to be essential and recommended that the Security Council should extend the mandate of the Force for a further period of six months, until 31 May 1979.

The Security Council considered the report at its 2101st meeting. Following the adoption of the agenda, the President drew the attention of the Council members to a draft resolution³²⁸ which he immediately put to the vote. It was adopted by 14 votes to none as

³²² 2091st mtg., USSR, paras. 4-13. For a similar warning against the idea of using the Force to serve a separate agreement, *ibid.*: Czechoslovakia, paras. 21-26.

³²³ *Ibid.*, Kuwait, paras. 30-39.

³²⁴ *Ibid.*, United States, paras. 41-46.

³²⁵ S/12934, OR, *Ibid.*, *Suppl.*, Oct.-Dec. 1978, pp. 64-67.

³²⁶ S/12941, adopted without change as resolution 441 (1978).

³²⁷ S/12899, adopted without change as resolution 438 (1978).

³²⁸ For the President's statement and the voting, see 2091st mtg., paras. 1-3.

resolution 441 (1978); one delegation did not participate in the voting.³³⁹ The resolution 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 31 May 1979.

(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).

Regarding the resolution just adopted, the President made the following complementary statement on behalf of the Council:

As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force (S/12934) states in paragraph 32 that "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". This statement of the Secretary-General reflects the view of the Security Council.

He added that the delegation of China, which had not participated in the voting, wished to make it known that it took the same position regarding his statement.³⁴⁰

Members of the Council spoke in support of the successful functioning of UNDOF, but expressed once again their growing concern about the so far futile search for a comprehensive peace settlement. Two delegations renewed their call for the resumption of the Geneva Conference, whereas the representative of the United States suggested that the Camp David accords constituted a first step towards a lasting peace in the Middle East.³⁴¹ One representative deplored that the freedom of movement was still not fully established in the area under UNDOF's supervision.³⁴²

Decision of 8 December 1978 (2106th meeting): statement by the President

At its 2106th meeting on 8 December 1978, the Security Council included the interim report of the Secretary-General under Security Council resolution 434 (1978) concerning the United Nations Interim Force in Lebanon (UNIFIL) dated 18 November 1978³⁴³ in its agenda.

In his interim report on UNIFIL the Secretary-General stated that since the Council, in its resolution 434 of 18 September 1978, had extended the mandate of UNIFIL for a further period of four months, the Force had continued to use its best efforts to ensure that its area of operation would not be used for hostile activities

of any kind, and, in the area where UNIFIL exercised full control, effective action continued to be taken to prevent entry of armed personnel and a progressive normalization of life had been observed. However, despite UNIFIL efforts to secure full deployment in the area handed over by Israel to the *de facto* armed groups, little progress had been achieved and the Force had been subjected to periodic harassment.

The Secretary-General reaffirmed that an essential pre-condition for the success of UNIFIL was the co-operation of all concerned, but co-operation on the part of the Lebanese *de facto* forces in the area and the Government of Israel was still lacking, and the complete deployment of UNIFIL and the re-establishment of Lebanese authority in the area were therefore blocked.

The Secretary-General observed that restoration of the authority and sovereignty of the Lebanese Government in Southern Lebanon was the only durable and reliable way to secure normality in the area and that UNIFIL was there to protect all groups of the population.

The Security Council considered the interim report at its 2106th meeting. Following the adoption of the agenda, the representatives of Lebanon, Israel and the Syrian Arab Republic were invited to participate, without vote, in the discussion of the item.³⁴⁴

After a brief statement by the Secretary-General in which he indicated that the situation in Southern Lebanon had not changed since the issuance of his interim report and that the overriding objective remained the full implementation of resolution 425 (1978),³⁴⁵ the President made the following statement³⁴⁶ which had been prepared in the course of consultations among members of the Council and which the Council approved by consensus:³⁴⁷

The Security Council has studied the Secretary-General's report contained in document S/12929, submitted in pursuance of resolution 434 (1978). The Council associates itself with the views of the Secretary-General set forth in the report regarding the obstacles placed against the full deployment of the United Nations Interim Force in Lebanon and against the total implementation of resolutions 425 (1978) and 426 (1978).

The Council expresses its deepest concern over the grave situation in Southern Lebanon.

The Council is convinced that these obstacles constitute a challenge to its authority and a defiance of its resolutions. The Council therefore demands the removal of these obstacles, specifically described and referred to in the Secretary-General's report under consideration, as well as in his previous reports submitted to the Council.

The Council believes that the unimpeded deployment of the Force in all parts of Southern Lebanon will contribute significantly to the restoration of the authority of the Lebanese Government and the preservation of Lebanese sovereignty within Lebanon's internationally recognized boundaries.

The Council therefore calls upon all those not fully co-operating with the Force, particularly Israel, to desist forthwith from interfering with the operations of the Force in Southern Lebanon and demands that they comply fully without any delay with the implementation of resolutions 425 (1978) and 426 (1978).

³³⁹ For the voting, see 2101st mtg., para. 2.

³⁴⁰ For the President's statement, *ibid.*, para. 3.

³⁴¹ For the argument in favour of the resumption of the Geneva Conference, *ibid.* Czechoslovakia, paras. 25-30; USSR, paras. 11-17; for the viewpoint of the United States, *ibid.*, paras. 45-51.

³⁴² *Ibid.* Canada, paras. 18-21.

³⁴³ S/12929, OR, 33rd yr., Suppl. for Oct.-Dec. 1978, pp. 60-61.

³⁴⁴ For details, see chapter III.

³⁴⁵ 2106th mtg., paras. 3-6.

³⁴⁶ *Ibid.*, para. 7. The statement was also issued as S/12958.

³⁴⁷ *Ibid.*, para. 8.

The Council calls upon Member States that are in a position to do so to bring their influence to bear on those concerned so that the Force may discharge its responsibilities unimpeded.

The Council notes with appreciation the efforts made by the Secretary-General and the United Nations staff, and the commanders and soldiers of the Force for the implementation of resolution 425 (1978). It also takes this opportunity to express its particular appreciation to the countries that have contributed troops or are assisting in the deployment and facilitating the task of the Force.

The Council decides to remain seized of the problem, and to review the situation if and when necessary, before 19 January 1979, so as to consider practical ways and means that will secure the full implementation of its resolutions.

Following the approval of the President's statement, the representative of China announced that his delegation supported those points in the statement which condemned the continued Israeli defiance but dissociated itself from anything relating to UNIFIL.¹⁴⁸ Members of the Council criticized in varying degrees the obstruction practised by the Israeli Government in Southern Lebanon and its continuous maintenance of the *de facto* forces serving as its proxy in violation of resolutions 425 (1978) and 426 (1978). In view of Israeli non-compliance, a few delegations suggested that the Council take stern measures to enforce its resolutions.¹⁴⁹

The representative of Lebanon once more presented his Government's case regarding the situation in Southern Lebanon and placed the responsibility for the crisis upon Israel,¹⁵⁰ whereas the representative of Israel claimed that his Government had merely acted to provide its citizens with the security against PLO attacks and that beyond that it had implemented the relevant resolutions of the Security Council fully and even acted in support of the functioning of UNIFIL in the designated area of operation.¹⁵¹

Decision of 19 January 1979 (2113th meeting): resolution 444 (1979)

At its 2113th meeting on 19 January, the Security Council included the report of the Secretary-General on the United Nations Interim Force in Lebanon (UNIFIL) for the period 14 September 1978 to 12 January 1979 dated 12 January 1979¹⁵² in its agenda.

In the report covering the developments relating to UNIFIL during four months since September 1978, the Secretary-General pointed out that the activities of UNIFIL were concentrated on three objectives: to ensure that the area where it was fully deployed was not used for hostile activities of any kind and to promote a progressive return to normal conditions; to extend its deployment in the border area; and to assist the Government of Lebanon in restoring its effective authority in the area.

In the area where it had full control, UNIFIL had continued to take effective action to prevent the entry of armed personnel and to provide the population with some measure of assurance and safety. However, despite energetic efforts there had been virtually no further progress in deploying the Force in the area in the south held by *de facto* armed groups; accordingly, UNIFIL had not yet been able to complete the tasks assigned to it by resolution 425 (1978) because it lacked the co-operation of both the *de facto* forces under Major Haddad and the Israeli Defence Force.

Taking into account all aspects of the prevailing situation, the Secretary-General recommended the extension of the mandate of UNIFIL for a further period of six months. He added that the Government of Lebanon agreed to the extension and expressed his conviction that, despite all its difficulties, UNIFIL performed an essentially stabilizing function and that its premature withdrawal would inevitably disrupt the fragile peace which existed in southern Lebanon.

The Security Council considered the report during its 2113th meeting. Following the adoption of the agenda and subsequently during the meeting, the representatives of Lebanon, Israel and the Syrian Arab Republic were invited, at their request, to participate in the discussion without the right to vote.¹⁵³ During the meeting the representative of the PLO was also invited, by vote and in accordance with the Council's previous practice, to participate in the discussion of the item without the right to vote.¹⁵⁴

At the beginning of the 2113th meeting, the President put a draft resolution¹⁵⁵ which the members of the Council had before them, to the vote; it was adopted by 12 votes to none, with 2 abstentions, as resolution 444 (1978); one member did not participate in the voting.¹⁵⁶ The resolution reads as follows:

The Security Council,

Recalling its resolutions 425 (1978) and 426 (1978) of 19 March, 427 (1978) of 3 May and 434 (1978) of 18 September 1978,

Recalling also the statement made by the President of the Security Council on 8 December 1978 (S/12958),

Having studied the report of the Secretary-General on the United Nations Interim Force in Lebanon of 12 January 1979, contained in document S/13026 and Corr. 1,

Expressing concern at the grave situation in Southern Lebanon resulting from obstacles placed in the way of the full implementation of resolutions 425 (1978) and 426 (1978),

Reiterating its conviction that the continuation of the situation constitutes a challenge to its authority and a defiance of its resolutions,

Noting with regret that the Force has reached the end of its second mandate without being enabled to complete all the tasks assigned to it,

Stressing that free and unhampered movement for the Force is essential for the fulfilment of its mandate within its entire area of operation,

Reaffirming the necessity for the strict respect for the sovereignty, territorial integrity and political independence of Lebanon within its internationally recognized boundaries,

¹⁴⁸ 2106th mtg., China, paras 10-12.

¹⁴⁹ See here the statements by Kuwait envisaging Chapter VII measures against Israel if its defiance continued (*ibid.*, paras 35-36), by India (*ibid.*, para 112), which found the lack of authority of the peace-keeping force intolerable, and by the USSR (*ibid.*, para 72).

¹⁵⁰ *Ibid.*, Lebanon, paras 121-147.

¹⁵¹ *Ibid.*, Israel, paras 151-173.

¹⁵² S/13026, *OR, 34th yr., Suppl. for Jan-March 1979*, pp 23-27.

¹⁵³ For details, see chapter II.

¹⁵⁴ See 2113th mtg., paras 261-265 for relevant statements and the vote on the invitation to the PLO.

¹⁵⁵ S/13042, adopted without change as resolution 444 (1979).

¹⁵⁶ For the vote, see 2113th mtg., para 4.

Re-emphasizing the temporary nature of the Force as set out in its terms of reference.

Acting in response to the request of the Government of Lebanon taking into account the report of the Secretary-General.

1. *Deplores* the lack of co-operation, particularly on the part of Israel, with the efforts of the United Nations Interim Force in Lebanon fully to implement its mandate, including assistance lent by Israel to irregular armed groups in Southern Lebanon.

2. *Notes with great appreciation* the efforts being made by the Secretary-General, the commanders and soldiers of the Force and the staff of the United Nations, as well as by Governments which have lent their assistance and co-operation;

3. *Expresses its satisfaction* with the declared policy of the Government of Lebanon and the steps already taken for the deployment of the Lebanese army in the south and encourages it to increase its efforts, in co-ordination with the Force, to re-establish its authority in that area.

4. *Decides to renew* the mandate of the Force for a period of five months, that is, until 19 June 1979;

5. *Calls upon* the Secretary-General and the Force to continue to take all effective measures deemed necessary in accordance with the approved guidelines and terms of reference of the Force as adopted by the Security Council and invites the Government of Lebanon to draw up, in consultation with the Secretary-General, a phased programme of activities to be carried out over the next three months to promote the restoration of its authority.

6. *Urges* all Member States which are in a position to do so to bring their influence to bear on those concerned, so that the Force can discharge its responsibilities fully and unhampered.

7. *Reaffirms* its determination, in the event of continuing obstruction of the mandate of the Force, to examine practical ways and means in accordance with relevant provisions of the Charter of the United Nations to secure the full implementation of resolution 425 (1978);

8. *Decides* to remain seized of the question and to meet again within three months to assess the situation.

Following the adoption of the resolution, the President made the following statement³⁵⁷ on behalf of the Security Council:

The Security Council, after considering the report of the Secretary-General in document S/13026 and Corr. 1, paid special attention, at its meeting on 19 January 1979, to the question of the restoration of the authority of the Lebanese Government over the entire territory of Southern Lebanon.

The Council takes note of the recent efforts made by the Government of Lebanon to establish a presence in the southern part of the country and expressed the hope that the continuation and expansion of such activities will be encouraged.

The Council accordingly suggests that the Government of Lebanon, in consultation with the Secretary-General, should draw up a phased programme of activities to be carried out over the next three months to promote the restoration of its authority.

The Council requests the Secretary-General to report to it by 19 April 1979 on the implementation of this programme.

After the statement of the President, the Secretary-General urgently appealed to the parties in the area to co-operate with UNIFIL in the pursuit of its objectives and called upon members of the Council who were in a position to do so to bring their influence to bear on those concerned in support of the efforts to implement the Security Council's resolutions.³⁵⁸

Members of the Council were united in deploring the continued refusal of Israel to co-operate with UNIFIL.

and in expressing growing alarm about the exacerbation of the bitter conflict in Southern Lebanon. The representative of Lebanon reported to the Council new acts of aggression by Israel or its agents and renewed his appeal that the Council make a new concerted effort to enable UNIFIL to complete its task.³⁵⁹ The representative of Israel rejected all these charges and accused the PLO of initiating the hostilities against the people of Israel and Lebanon.³⁶⁰

Decision of 26 April 1979 (2141st meeting): President's statement

On 19 April 1979, the Secretary-General issued a special report³⁶¹ in which he informed the Security Council of two occasions on 15 and 18 April when the *de facto* forces under Major Haddad had shelled UNIFIL positions including its headquarters and barracks. These attacks which were launched in connection with the move of the Lebanese army contingent into Southern Lebanon resulted in a number of serious casualties and in substantial damage to buildings and equipment.

On the same day, the Secretary-General also submitted an interim report³⁶² under Security Council resolution 444 (1979) concerning UNIFIL. In this report the Secretary-General supplied information to the Council on the elaboration of the phased programme of activities to promote the restoration of the authority of the Lebanese Government in Southern Lebanon called for by the Security Council and described the situation in the UNIFIL area of operation. He stated that discussion had been concentrated on the first phase of the programme of activities, which included four points: (a) the increase of the Lebanese civilian administrative presence in the South, including reinforcement of the Lebanese gendarmerie; (b) the further deployment of Lebanese military personnel in Southern Lebanon; (c) the intensification of efforts by the United Nations and UNIFIL to consolidate the cease-fire and to put an end to harassment by the *de facto* forces led by Major Haddad; and (d) efforts to secure further deployment of UNIFIL and control of the border area, emphasizing the need to make diplomatic contacts to enlist the co-operation of the Government of Israel.

The Secretary-General indicated that little progress had been achieved despite intensive efforts on the basis of the above plan, as Major Haddad had expressed strong opposition to the move of the Lebanese army contingent into the UNIFIL area of operation in Southern Lebanon and had threatened to fire on UNIFIL and Lebanese army units if the proposed move should take place. As the Secretary-General had made known in his special report of the same date,³⁶³ the threat was indeed carried out. But Israel finally agreed to help UNIFIL implement that move.

The Secretary-General stated in conclusion that the *de facto* forces continued to oppose co-operation with

³⁵⁷ *Ibid.*, Lebanon, paras. 184-216.

³⁵⁸ *Ibid.*, Israel, paras. 216-255.

³⁵⁹ S/13254, OR, 34th yr., Suppl. for April-June 1979, p. 42.

³⁶⁰ S/13258, *ibid.*, pp. 47-50.

³⁶¹ As cited above in note 361.

³⁵⁷ *Ibid.*, para. 5. The statement was also issued as document S/13043.

³⁵⁸ *Ibid.*, paras. 1-12.

UNIFIL and the objectives laid down by the Security Council. In this regard the position of the Government of Israel would be crucial for efforts to achieve further progress in the coming months.

In a letter³⁶⁴ dated 25 April 1979, the representative of Lebanon drew the attention of the Council to the grave situation which had resulted from Israel's obstruction to the implementation of the "phased programme of activities" called for in resolution 444 (1979) and requested a meeting of the Council to examine the interim and special reports of the Secretary-General dated 19 April.

At its 2141st meeting on 26 April 1979, the Security Council included the interim report of the Secretary-General under resolution 444 (1979) concerning UNIFIL and the letter by Lebanon in its agenda.

Following the adoption of the agenda, the President indicated that since the receipt of the Secretary-General's report, extensive consultations had been held with the members of the Council and other interested parties and, as a result, he had been authorized to make the following statement which had been agreed upon by the members of the Council:³⁶⁵

The Security Council had studied the Secretary-General's interim report on the United Nations Interim Force in Lebanon, circulated on 19 April 1979 in document S/13258, in accordance with the request made by the Council at its 2113th meeting, on 19 January 1979.

On behalf of members of the Council, I wish to state that they are following with the deepest concern the significant increase of tension in the area, particularly during the past months, and that they share the Secretary-General's anxiety over the present situation in which the Force is unable fully to implement its mandate. I wish to express to the Secretary-General the satisfaction and appreciation we feel for the efforts that he has undertaken towards the full implementation of Council resolution 425 (1978), and also to commend most highly the performance of the officers and men of the Force under the most difficult circumstances. If for any reason the Force were to be eroded, a highly dangerous and volatile situation would inevitably arise in the area.

Members of the Security Council share the views expressed in the Secretary-General's report about what should still be done towards the full implementation of the objectives of resolution 425 (1978) and emphasize in this connexion the importance of the deployment of the Force in all parts of Southern Lebanon.

The Security Council expresses its special satisfaction at actions taken by the Government of Lebanon and in particular the deployment of the Lebanese army contingent under the "phased programme of activities". Members of the Council consider that the continuation of such efforts, called for by the resolutions of the Council, should ultimately lead to the return of the effective authority of the Government of Lebanon over all its territory. In this respect, the Council reiterates its call for strict respect for the territorial integrity, unity, sovereignty and political independence of Lebanon within its internationally recognized boundaries. Members of the Council consider that all measures should be taken urgently towards the implementation of the "phased programme of activities", and particularly such measures as are deemed necessary to ensure the safety of the Force and of its headquarters. If such measures are not taken and, *a fortiori*, if further serious incidents occur, they feel that the Council should meet without delay to consider the situation.

Decision of 15 May 1979 (2144th meeting): President's statement

By letter³⁶⁶ dated 7 May 1979, the representative of Lebanon referred to the increasing difficulties encountered by UNIFIL whose safety was not yet ensured and expressed his Government's view that it was imperative for the Council to consider taking further steps towards the full implementation of resolution 425 (1978) and the phased programme of activities called for in resolution 444 (1979), which was a first step on that course. He charged that, contrary to the claims of Israel, Israeli military personnel were still inside Lebanon, that they exercised a determining influence in the border area and that the continued utilization by Israel of the so-called *de facto* Christian forces which it equipped, financed and controlled, remained a major obstacle to implementation of the Security Council resolutions and restoration of Lebanese national sovereignty.

At its 2144th meeting on 15 May 1979, the Security Council included the Lebanese letter in its agenda. Following the adoption of the agenda, the President made the following statement as a result of consultations held with members of the Council:³⁶⁷

Since the President's statement was read out to the Council on 26 April 1979 (2141st meeting), grave events have occurred in Southern Lebanon which have merely served to show the precarious and fragile situation in that area. That the situation is not even worse is due largely to the presence of the United Nations Interim Force in Lebanon, whose forces are trying to fulfil their mandate in extremely difficult conditions and with an exemplary dedication admired by us all. This was particularly underlined in the report of the Secretary-General to the Council of 9 May 1979, contained in document S/13308.³⁶⁸

In view of the gravity of these events the Government of Lebanon has decided to request the Council to give further consideration to the situation and has accordingly addressed to me the letter contained in document S/13301.

Members have been informed of the steps taken in recent days under the auspices of the Council to secure a rapid improvement in that situation. These efforts seem to have produced some results. Talks have resumed between the representatives of the United Nations and the Government of Israel on various points that it is essential to try to settle if the Force is to carry out its mandate successfully.

These talks must be pursued with perseverance but in an atmosphere conducive to the full implementation of resolutions 425 (1978) and 444 (1979).

As it has done since the events that led to the establishment of the Force, the Council is following the situation with the deepest attention and concern.

I am confident that the Council will be meeting at an early date to debate this question and to take any action warranted by developments in the situation.

In the absence of any objections to this line of action, the President of the Council will proceed with his present diplomatic efforts.

The President adjourned the meeting, having indicated that the Council would remain seized of the question before it and would meet again whenever further consideration appeared to be necessary.³⁶⁹

³⁶⁴ S/13270, OR, 34th yr., Suppl. for April-June 1979, pp. 58.

³⁶⁵ See 2141st mtg., para. 2. The statement was also issued as document S/13272.

³⁶⁶ S/13301, OR, 34th yr., Suppl. for April-June 1979, pp. 89-92.

³⁶⁷ For the President's statement, see 2144th mtg., para. 2.

³⁶⁸ The special report of the Secretary-General (S/13308, OR, 34th yr., Suppl. for April-June 1979, pp. 105-106) described in detail an incursion, on 9 May 1979, of Israeli troops into the UNIFIL area of operation.

³⁶⁹ See 2144th mtg., para. 3.

Decision of 30 May 1979 (2145th meeting): resolution 449 (1979)

At its 2145th meeting on 30 May 1979, the Security Council included the report of the Secretary-General on the United Nations Disengagement Observer Force (UNDOF) for the period 25 November 1978 to 24 May 1979 dated 24 May 1979³⁷⁰ in its agenda.

The report gave an account of the activities of the Force during the period from November 1978 to May 1979. The Secretary-General noted that UNDOF had continued, with the co-operation of the parties, to fulfil the tasks entrusted to it and that during the period under review the cease-fire had been maintained without serious incidents.

He pointed out that 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. He expressed his hope that determined efforts would be made by all concerned to tackle the problem in all its aspects with a view to arriving at a just and durable peace settlement, as called for by the Security Council in its resolution 338 (1973).

In the circumstances, the Secretary-General considered the continued presence of UNDOF in the area to be essential and recommended that the Security Council extend the mandate of the Force for a further period of six months, until 30 November 1979. He added that the Governments of Israel and the Syrian Arab Republic had agreed to the proposed extension.

At the 2145th meeting, following the adoption of the agenda, the President put a draft resolution³⁷¹ which was before the members of the Council, to the vote: it was adopted by 14 votes to none as resolution 449 (1979); one member did not participate in the voting.³⁷² The resolution 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 1979;

(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, the President made the following complementary statement on behalf of the Security Council:³⁷³

As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force (S/13350) states in paragraph 28 that, "despite the present quiet in the Israel-Syria sector, the

³⁷⁰ S/13350, OR, 34th yr., Suppl. for April-June 1979, pp. 151-153.

³⁷¹ S/13357, adopted without change as resolution 449 (1979).

³⁷² For the vote, see 2145th mtg., para. 3.

³⁷³ *Ibid.*, para. 4. The statement was also issued as document S/13362.

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". This statement of the Secretary-General reflects the view of the Security Council.

The President added that the delegation of China wanted to make it known through him that as it had not participated in the vote on the resolution, it took the same position regarding his statement on behalf of the Council.

Decision of 14 June 1979 (2149th meeting): resolution 450 (1979)

By letter³⁷⁴ dated 30 May 1979, the representative of Lebanon requested an urgent meeting of the Security Council to discuss the rapidly deteriorating situation in Southern Lebanon resulting from Israeli escalation of its attacks and the adverse effect this might have on the implementation of Council resolutions 425 (1978) and 444 (1979).³⁷⁵

At its 2146th meeting on 31 May 1979, the Security Council included the letter by Lebanon in its agenda. The Council considered the item during its 2146th to 2149th meetings on 31 May to 14 June 1979. Following the adoption of the agenda, the representatives of Israel and Lebanon were invited to participate, without vote, in the discussion of the item.³⁷⁶ At the same meeting, the Council also 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.³⁷⁷

At the outset of the 2146th meeting, the Secretary-General gave an account of the heavy daily exchange of artillery and mortar fire between the *de facto* forces and other armed elements, including shelling of targets in the UNIFIL area of operation. The armed clashes shook the trust of the local population in the ability of UNIFIL to keep the peace. The Commander of UNIFIL had finally been able to bring the parties to agree to a new cease-fire which would commence on 31 May. In view of the grave situation inside and outside of UNIFIL's area of operation, the Secretary-General expressed his hope that the newly restored quiet would prevail and permit the continuation of the search for a comprehensive settlement.³⁷⁸

The representative of Lebanon pointed out that the open conflict which began on 25 April had not stopped yet. His Government had decided to turn once again to the Council to request the following steps: (1) the Council should issue an injunction for the halting of all

³⁷⁴ S/13356, OR, 34th yr., Suppl. for April-June 1979, p. 157.

³⁷⁵ In a letter also dated 30 May 1979 (S/13361, *ibid.*, pp. 158-160), the representative of Lebanon transmitted a memorandum of his Government in which the position regarding Lebanon's relations with Israel and in particular the worsening situation in Southern Lebanon were set out in detail. The Government expressed its conviction that it had become imperative properly to redefine the mandate and prerogatives of UNIFIL so as to assure to the Force freedom of deployment and secure the total and unconditional withdrawal of Israel.

³⁷⁶ For details see chapter III.

³⁷⁷ For relevant statements and the vote on the invitation to the PLO, see 2146th mtg., paras. 55-59.

³⁷⁸ *Ibid.*, paras. 4-14.

acts of hostility against Lebanon and for an end to the Israeli violation of Lebanese sovereignty; (2) a strong and determined effort should be made to fulfil the mandate of UNIFIL; (3) the General Armistice Agreement of 1949, the only valid framework of peace in Southern Lebanon, which was designed to lead to a just and permanent settlement of the Palestinian question, should be immediately restored. The representative of Lebanon expressed his delegation's willingness to discuss with Council members the text of a draft resolution which would incorporate these proposals. If nothing would be done, the war in Lebanon would deepen and widen, jeopardizing all efforts to restore the sovereignty and territorial integrity of Lebanon. He concluded with an appeal to the Council members to strengthen the effective role of UNIFIL as peace-keeper in the area.³⁷⁹

The representative of Israel replied that his Government was eager and ready to negotiate a peace agreement with Lebanon whose sovereignty and territorial integrity it fully supported. He renewed his charges against armed bands of the PLO, to which the Secretary-General had referred as "armed elements," and insisted that his Government was merely exercising its rights and duties of self-defence under Article 51 in order to protect its citizens. To support his viewpoint he cited from lectures delivered by Fawcett at The Hague Academy of International Law.³⁸⁰

After a brief statement by the representative of the PLO, in which he restated the long-standing claim of the Palestinians for their right to self-determination and to a homeland in Palestine,³⁸¹ the President indicated that he planned to adjourn the meeting and that the date for the next meeting would be set soon. He also addressed an appeal to all parties to respect the cease-fire in accordance, *inter alia*, with the Armistice Agreement and to refrain from all acts of violence to help UNIFIL to carry out the mission entrusted to it under Security Council resolution 425 (1978).³⁸²

The Council resumed the consideration of the item at its 2147th meeting on 12 June 1979, when it included in addition to the letter by Lebanon the report of the Secretary-General on UNIFIL.³⁸³

The report of the Secretary-General was dated 8 June 1979 and covered the developments relating to UNIFIL for the period from 13 January to 8 June 1979. The Secretary-General pointed out that contacts with the parties concerned had been maintained both at United Nations Headquarters and in the area, with a view to further implementing the UNIFIL mandate, and that deployment of a Lebanese army battalion in the UNIFIL area of operation and an increase of Lebanese civilian administrative personnel in Southern Lebanon represented important steps towards the restoration of the Lebanese Government's authority and sovereignty in

Southern Lebanon. He noted, however, with regret that despite all efforts, a stalemate had persisted since mid-April, and that the situation had been aggravated by the conditions of heightened tension in the area.

The Secretary-General emphasized once again the indispensable function which UNIFIL was performing in bringing calm to the area and in reducing the active threat to international peace and security. For that reason, he recommended the extension of the mandate of UNIFIL for a further period of six months and added that the Lebanese Government had agreed to this recommendation.

During the 2147th and 2148th meetings on 12 and 14 June 1979, the Security Council invited the representatives of Egypt, Iran, Ireland, Jordan, the Libyan Arab Jamahiriya, the Netherlands and the Syrian Arab Republic to participate, without vote, in the discussion of the enlarged agenda.³⁸⁴

At the beginning of the 2147th meeting on 12 June 1979, the President drew the attention of the Council members to a letter³⁸⁵ dated 6 June 1979 from the representative of Kuwait transmitting the text of a letter dated 25 May from the Chairman of the Executive Committee of the PLO addressed to the Secretary-General and a letter³⁸⁶ dated 11 June from the representative of Lebanon addressed to the Secretary-General; both letters dealt with renewed attacks by the Israeli armed forces against targets on Lebanese territory.³⁸⁷

The Secretary-General briefly informed the Council about the renewal of hostilities in the UNIFIL area of operation since the submission of his report, and emphasized both the difficulties confronting UNIFIL and the indispensable function performed by the Force in bringing calm to a sorely affected area and in reducing the active threat to international peace and security.³⁸⁸

At the same meeting the representative of Lebanon addressed himself to the issues raised in his letter dated 11 June and recalled his suggestion of 31 May that the Council adopt an action-oriented resolution that would put an end to the hostilities in Southern Lebanon by checking Israeli aggression, giving UNIFIL greater means to carry out its mandate and restoring the General Armistice Agreement of 1949. Such a resolution would have to produce an immediate return to the cease-fire, which should in turn be conducive to a solution of the prevailing stalemate.³⁸⁹

During the deliberations at the 2147th through 2149th meetings, members of the Council and other speakers praised the achievements of UNIFIL, which despite very trying circumstances had been able to advance the implementation of its mandate under resolution 425 (1978), but they also expressed anger and concern at the continuing hostilities involving *de facto* Christian Forces, other armed elements and at times

³⁷⁹ 2146th mtg., paras 20-35.

³⁸⁰ *Ibid.*, paras 39-54.

³⁸¹ *Ibid.*, paras 62-71.

³⁸² *Ibid.*, paras 72-74.

³⁸³ S/13384, *OR*, 34th yr., *Suppl. for April-June 1979*, pp 179-184.

³⁸⁴ For details, see chapter III.

³⁸⁵ S/13379, *OR*, 34th yr., *Suppl. for April-June 1979*, p. 176.

³⁸⁶ S/13387, *ibid.*, p. 187.

³⁸⁷ 2147th mtg., para 4.

³⁸⁸ *Ibid.*, paras 6-13.

³⁸⁹ *Ibid.*, paras 15-27.

Israeli troops impeding the work of UNIFIL and barring the restoration of the sovereignty and territorial integrity of Lebanon under its legitimate Government. Several representatives including the Israeli representative engaged in extensive exchanges regarding the Israeli position that its retaliatory acts against attacks originating from the PLO on Lebanese soil were in accordance with the right of self-defence under Article 51 of the Charter.³⁹⁰ A number of delegations called for sanctions against Israel in view of its continued defiance of Security Council resolutions.³⁹¹

At the beginning of the 2149th meeting on 14 June 1979, the President drew the attention of the Council members to a draft resolution³⁹² which had been prepared during consultations among Council members. In the course of the same meeting the President put the draft to the vote: it was adopted by 12 votes to none, with 2 abstentions as resolution 450 (1979); one member did not participate in the voting.³⁹³ The resolution reads as follows:

The Security Council,

Recalling its resolutions 425 (1978) and 426 (1978) of 19 March, 427 (1978) of 3 May and 434 (1978) of 18 September 1978, and the statement made by the President of the Security Council on 8 December 1978 (S/12958),

Recalling also, and particularly, its resolution 444 (1979) of 19 January 1979 and the statements made by the President of the Security Council on 26 April (S/13272) and on 15 May 1979,

Having studied the report of the Secretary-General on the United Nations Interim Force in Lebanon,

Acting in response to the request of the Government of Lebanon and noting with concern the questions raised in its letters addressed to the Security Council on 7 May, 30 May and 11 June 1979,

Reaffirming its call for the strict respect for the territorial integrity, unity, sovereignty and political independence of Lebanon within its internationally recognized boundaries,

Expressing its anxiety about the continued existence of obstacles to the full deployment of the Force and the threats to its very security, its freedom of movement and the safety of its headquarters, which prevented the completion of the phased programme of activities,

Convinced that the present situation has serious consequences for peace and security in the Middle East and impedes the achievement of a just, comprehensive and durable peace in the area,

1. *Strongly deplures acts of violence against Lebanon that have led to the displacement of civilians, including Palestinians, and brought about destruction and loss of innocent lives,*

2. *Calls upon Israel to cease forthwith its acts against the territorial integrity, unity, sovereignty and political independence of Lebanon, in particular its incursions into Lebanon and the assistance it continues to lend to irresponsible armed groups,*

3. *Calls also upon all parties concerned to refrain from activities inconsistent with the objectives of the United Nations Interim Force in Lebanon and to co-operate for the fulfilment of these objectives;*

4. *Reiterates that the objectives of the Force as set out in resolutions 425 (1978), 426 (1978) and 444 (1979) must be attained.*

³⁹⁰ For relevant statements regarding the interpretation of Article 51, see 2145th mtg., Kuwait, para. 44, 2148th mtg., Egypt, paras. 9-11, 2149th mtg., Israel, paras. 48-49. For a detailed discussion of the arguments, see also the relevant section in chapter XI below.

³⁹¹ For calls to invoke Chapter VII of the Charter or to apply effective measures under the Charter, see 2147th mtg., Kuwait, para. 57, Czechoslovakia, para. 68, 2148th mtg., Jordan, para. 79, Syrian Arab Republic, para. 110, 2149th mtg., USSR, para. 146.

³⁹² S/13192, subsequently adopted without change as resolution 450 (1979).

³⁹³ For the vote, see 2149th mtg., para. 148.

5. *Highly commends the performance of the Force and reiterates its terms of reference as set out in the report of the Secretary-General of 19 March 1978 and approved by resolution 426 (1978), in particular that the Force must be enabled to function as an effective military unit, that it must enjoy freedom of movement and communication and other facilities necessary for the performance of its tasks and that it must continue to be able to discharge its duties according to the above-mentioned terms of reference, including the right of self-defence,*

6. *Reaffirms the validity of the General Armistice Agreement between Israel and Lebanon in accordance with its relevant decisions and resolutions and calls upon the parties to take the necessary steps to reactivate the Mixed Armistice Commission and to ensure full respect for the safety and freedom of action of the United Nations Truce Supervision Organization*

7. *Urges all Member States which are in a position to do so to bring their influence to bear on those concerned, so that the Force can discharge its responsibilities fully and unhampered;*

8. *Decides to renew the mandate of the Force for a period of six months, that is, until 19 December 1979;*

9. *Reaffirms its determination, in the event of continuing obstruction of the mandate of the Force, to examine practical ways and means in accordance with relevant provisions of the Charter of the United Nations to secure the full implementation of resolution 425 (1978),*

10. *Decides to remain seized of the question*

Decision of 29 August 1979 (2164th meeting): invitation accorded to the PLO

By letter³⁹⁴ dated 24 August 1979, the representative of Lebanon requested the President to convene an urgent meeting of the Security Council in view of the continued escalation of violence and the loss of civilian lives resulting from Israeli attacks and shelling of Lebanese territory. He stated that the Lebanese Government felt that the deteriorating situation in Southern Lebanon was endangering peace and security and that it was imperative to ask the Council to take appropriate measures, including the imposition of sanctions against Israel, to put once and for all an end to aggression against Lebanon.³⁹⁵

At the close of the 2163rd meeting on 24 August 1979, following the adjournment of the Council's discussion of the question of the exercise by the Palestinian people of its inalienable rights, the President drew the attention of the Council to many recent reports about intense military activity in Southern Lebanon and said that he had been informed that the UNIFIL Commander had been instructed to make every effort to arrange an immediate cease-fire in the area. He recalled the Secretary-General's recent appeal for restraint on the part of all the parties and issued his own appeal that the hostilities be brought to an end.³⁹⁶

In a letter³⁹⁷ dated 28 August 1979, the representative of Lebanon requested that measures be taken urgently to ensure the safety, integrity and freedom of movement of UNIFIL by providing the Force with weapons and equipment of a defensive character, to reconsider the definition of the area of operation of UNIFIL, to increase the number of posts and personnel in

³⁹⁴ S/13516, OR, 34th yr., Suppl. for July-Sept. 1979, pp. 117-118.

³⁹⁵ The letter contained references to two previous letters dated 22 August 1979 (S/13509 and S/13510, *ibid.*, pp. 114-115) in which the new Israeli attacks were set out in detail.

³⁹⁶ See 2163rd mtg., paras. 188-189.

³⁹⁷ S/13519, OR, 34th yr., Suppl. for July-Sept. 1979, pp. 118-119.

the United Nations Truce Supervision Organization (UNTSO) on the border with Israel and to reactivate the Mixed Armistice Commission.

In a second letter³⁹⁸ also dated 28 August 1979, the representative of Lebanon again requested a meeting of the Security Council at the earliest possible date in order to help consolidate the *de facto* cease-fire.

At its 2164th meeting on 29 August 1979, the Security Council included the letters dated 24 and 28 August from the representative of Lebanon in its agenda and considered the item at its 2164th and 2165th meetings.

During the 2164th and 2165th meetings, the Security Council decided to invite the representatives of Ireland, Israel, Lebanon, Netherlands and the Syrian Arab Republic to participate, without vote, in the discussion of the question.³⁹⁹ At the 2164th meeting, in accordance with the Council's past practice, the Council also decided, by vote, to invite the representative of the PLO to participate in the discussion.⁴⁰⁰

Opening the deliberations, the President conveyed to the Council pertinent information regarding the establishment of the *de facto* cease-fire in Southern Lebanon and the casualties suffered by the contingents of UNIFIL as a result of the recent hostilities.⁴⁰¹

At the same meeting, the representative of Lebanon called for the full implementation of all the relevant Council resolutions in order to make Southern Lebanon a zone of peace. He indicated that his Government did not ask for the adoption of another resolution which logically would have to contain measures under Chapter VII of the Charter to force Israel into compliance with the will of the international community.

Instead he proposed that the Council reconsider the ongoing peace-keeping operation and in particular the objectives put forward by his Government in its memorandum dated 28 August 1979 (S/13519). These proposals had been devised to strengthen the safety, integrity and freedom of operation of UNIFIL, to expand and deepen its operations in Southern Lebanon, to increase the number of observers in the area and to reactivate the Israeli-Lebanese Mixed Armistice Commission. He reaffirmed his Government's readiness to work together with UNIFIL to progress towards peace in the area, stressed the crucial significance of the conditions in UNIFIL's area of operation for Southern Lebanon as a whole and emphasized once again the principal importance of implementing resolution 425 (1978).⁴⁰²

During the subsequent deliberations at the 2164th and 2165th meetings, members of the Council were united in their appreciation of the cease-fire attained and in their appeal to the parties to seek a more stable and extensive condition of peace in the area as a whole.

The precarious situation that had not yet eased for the members of the United Nations Force was also generally deplored.

The representative of France specifically suggested that an increase in the number of United Nations observer posts along the southern border of Lebanon as well as the reactivation of the Israeli-Lebanese Mixed Armistice Commission would be advantageous in the current situation.⁴⁰³

The President speaking in his capacity as representative of the United States condemned the violent acts committed by both sides in the area of conflict and called upon the parties to co-operate fully with UNIFIL, demanded of Israel an end of its policy of pre-emptive strikes on Lebanese soil and urged the Palestinian leadership to help heal the wounds of Lebanon. He called for a complete, immediate and lasting halt by all parties to all shelling, terrorism and other acts of violence.⁴⁰⁴

The representative of Kuwait issued a new appeal to the Council that in view of Israel's continuous defiance of the decisions of the world Organization measures under Chapter VII should be considered and imposed.⁴⁰⁵

At the end of the 2165th meeting on 30 August 1979, the President reminded the Council members of his appeal issued at the 2163rd meeting and expressed satisfaction that this appeal had been heeded. He concluded his remarks by appealing to all concerned to make permanent the cessation of hostilities and to implement resolution 425 (1978) in all its parts.⁴⁰⁶

Decision of 30 November 1979 (2174th meeting): resolution 456 (1979)

At its 2174th meeting on 30 November 1979, the Security Council included the report⁴⁰⁷ of the Secretary-General on the United Nations Disengagement Observer Force (UNDOF) for the period 25 May to 23 November 1979 dated 23 November 1979 in its agenda.

The report of the Secretary-General covered the activities of UNDOF from May to November 1979. The Secretary-General stated that UNDOF had continued to function effectively with the co-operation of the parties. He added, however, that despite the prevailing quiet in the Israel-Syria sector, the situation in the Middle East as a whole remained potentially dangerous unless and until a comprehensive peace settlement could be reached. Under the circumstances, he concluded that the continued presence of the Force was essential and recommended the extension of its mandate for another six months until 31 May 1980. He indicated that the Governments of Israel and the Syrian Arab Republic had agreed to the proposed extension.

Following the adoption of the agenda, the President drew the attention of the Council members to a draft

³⁹⁸ S. 13520, *OR*, 34th yr., *Suppl.* for July-Sept. 1979, p. 120.

³⁹⁹ For details, see chapter III.

⁴⁰⁰ For the relevant arguments and the vote (10 votes in favour, 1 against, with 4 abstentions), see 2164th mtg., paras. 2-7.

⁴⁰¹ *Ibid.*, paras. 9-12.

⁴⁰² *Ibid.*, paras. 15-31.

⁴⁰³ *Ibid.*, para. 37.

⁴⁰⁴ *Ibid.*, paras. 67-77. For contradictory statements regarding the origins and cessation of acts of violence, see the interventions by the representatives of Israel and the PLO.

⁴⁰⁵ See 2165th mtg., para. 41.

⁴⁰⁶ *Ibid.*, paras. 154-155.

⁴⁰⁷ S. 13637, *OR*, 34th yr., *Suppl.* for Oct.-Dec. 1979, pp. 76-78.

resolution⁴⁰⁸ which he immediately put to the vote: it was adopted by 14 votes to none as resolution 456 (1979); one member did not participate in the voting.⁴⁰⁹ The resolution 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 31 May 1980,

(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).

After the vote the President made the following complementary statement⁴¹⁰ on behalf of the Security Council regarding the resolution just adopted:

As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force (S/13637) states in paragraph 25 that "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". This statement of the Secretary-General reflects the view of the Security Council

Decision of 19 December 1979 (2180th meeting): resolution 459 (1979)

At its 2180th meeting on 19 December 1979, the Security Council included the report⁴¹¹ of the Secretary-General on the United Nations Interim Force in Lebanon (UNIFIL) for the period from 9 June to 10 December 1979 dated 14 December 1979 in its agenda.

The Secretary-General covered in his report the activities of UNIFIL from June to December 1979 and noted that despite intensive efforts both at Headquarters and in the field, it had proved very difficult to make significant progress in fulfilling the mandate of the Force during that period.

The Secretary-General reported that during the earlier part of the period under review there had been serious exchanges of fire, involving the armed elements, on one side, and the *de facto* force or the Israeli forces, or both combined, on the other. A *de facto* cease-fire brought about through UNIFIL on 26 August had defused the highly dangerous situation but the basic problems remained unresolved. The essential problem, in the view of the Secretary-General, was the inability of UNIFIL to assume complete and peaceful control over its area of operation as a preliminary to the restoration of the effective authority of the Lebanese Government in the entire area. One main element of the problem was the intransigence of the *de facto* forces, which had continued and intensified their encroachments into the UNIFIL area of co-operation and had established four

positions which were a source of constant tension and of increased harassment of the local population. Another problem resulted from the continuing attempts by armed elements to infiltrate the UNIFIL area.

The Secretary-General added that in order to maintain the cease-fire and to consolidate the UNIFIL area of operation, a plan of action had been formulated, setting out those objectives as first essential steps and the restoration of the sovereignty and authority of the Lebanese Government over the territory of Lebanon as a whole as the long-term objective, including the reactivation of the Israel-Lebanon Mixed Armistice Commission. He pointed out that the Lebanese Government had given full support to the plan.

The Secretary-General also observed that an essential factor in the successful implementation of UNIFIL's mandate was the position of the Israeli Government, in as much as the *de facto* forces were supported by Israel, and its attitude towards the situation in Southern Lebanon was interrelated with its perception of the situation in the Middle East as a whole. Since a withdrawal or reduction of UNIFIL at the current juncture would, in his view, be extremely dangerous, the Secretary-General recommended that the mandate of the Force be extended for another period of six months.

Following the adoption of the agenda, the President drew the attention of the Council members to a draft resolution⁴¹² which had been drawn up during consultations among the members. Then, the Council decided to invite the representatives of Lebanon, Israel and the Syrian Arab Republic to participate in the discussion, without the right to vote,⁴¹³ and, in accordance with the Council's past practice, also decided, by vote, to invite the representative of the PLO to participate in the discussion.⁴¹⁴

In accordance with the agreement reached during consultations, the President first put the draft resolution to the vote: it was adopted by 12 votes to none, with 2 abstentions, as resolution 459 (1979); one member did not participate in the voting.⁴¹⁵ The resolution reads as follows:

The Security Council.

Recalling its resolutions 425 (1978) and 426 (1978) of 19 March, 427 (1978) of 3 May and 434 (1978) of 18 September 1978, 444 (1979) of 19 January and 450 (1979) of 14 June 1979, as well as the statements made by the President of the Security Council on 8 December 1978 (S/12958), on 26 April (S/13272) and on 15 May 1979,

Recalling its debate on 29 and 30 August 1979 and the statements of the Secretary-General concerning the cease-fire.

Having studied the report of the Secretary-General on the United Nations Interim Force in Lebanon,

Acting in response to the request of the Government of Lebanon and noting with concern the continued violations of the cease-fire, the attacks on the Force and the difficulties in implementing Security Council resolutions,

⁴⁰⁸ S/13660, adopted without change as resolution 456 (1979).

⁴⁰⁹ For the vote, see 2174th mtg., paras 3-2.

⁴¹⁰ *Ibid.*, para. 3. The statement was also issued in document S/13662.

⁴¹¹ S/13693, OR, 34th yr., Suppl. for Oct.-Dec. 1979, pp. 121-128.

⁴¹² S/13695, adopted without change as resolution 459 (1979).

⁴¹³ 2180th mtg., paras 2 and 184.

⁴¹⁴ For the relevant arguments and the vote (10 votes in favour, 1 against, with 4 abstentions), *ibid.*, paras 3-6.

⁴¹⁵ For the vote, *ibid.*, para. 7.

Expressing its anxiety about the continued existence of obstacles to the full deployment of the Force and the threats to its very security, its freedom of movement and the safety of its headquarters,

Convinced that the present situation has serious consequences for peace and security in the Middle East and impedes the achievement of a just, comprehensive and durable peace in the area,

Reaffirming its call for the strict respect for the territorial integrity, unity, sovereignty and political independence of Lebanon within its internationally recognized boundaries, and welcoming the efforts of the Government of Lebanon to reassert its sovereignty and restore its civilian and military authority in Southern Lebanon,

1. Reaffirms the objectives of resolutions 425 (1978) and 450 (1979);

2. Expresses its support for the efforts of the Secretary-General to consolidate the cease-fire and calls upon all parties concerned to refrain from activities inconsistent with the objectives of the United Nations Truce Supervision Organization and to co-operate for the fulfilment of these objectives;

3. Calls upon the Secretary-General and the Force to continue to take all effective measures deemed necessary in accordance with the approved guidelines and terms of reference of the Force as adopted in resolution 426 (1978);

4. Takes note of the determination of the Government of Lebanon to draw up a programme of action, in consultation with the Secretary-General, to promote the restoration of its authority in pursuance of resolution 425 (1978);

5. Takes note also of the efforts of the Government of Lebanon to obtain international recognition for the protection of the archaeological and cultural sites and monuments in the city of Tyre in accordance with international law and the Convention of The Hague of 1954, under which such cities, sites and monuments are considered to be a heritage of interest to all mankind;

6. Reaffirms the validity of the General Armistice Agreement between Israel and Lebanon in accordance with its relevant decisions and resolutions and calls upon the parties, with the assistance of the Secretary-General, to take the necessary steps to reactivate the Mixed Armistice Commission and to ensure full respect for the safety and freedom of action of the United Nations Truce Supervision Organization;

7. Highly commends the performance of the Force and its Commander, and reiterates its terms of reference as set out in the report of the Secretary-General of 19 March 1978 and approved by resolution 426 (1978), in particular that the Force must be enabled to function as an efficient military unit, that it must enjoy freedom of movement and communication and other facilities necessary for the performance of its tasks and that it must continue to be able to discharge its duties according to the above-mentioned terms of reference, including the right of self-defence;

8. Urges all Member States which are in a position to do so to continue to bring their influence to bear on those concerned, so that the Force can discharge its responsibility fully and unhampered;

9. Decides to renew the mandate of the Force for a period of six months, that is, until 19 June 1980;

10. Reaffirms its determination, in the event of continuing obstruction of the mandate of the Force, to examine practical ways and means in accordance with relevant provisions of the Charter of the United Nations to secure the full implementation of resolution 425 (1978);

11. Decides to remain seized of the question

Following the adoption of the resolution, Council members expressed their appreciation for the activities and extension of UNIFIL and for the maintenance of the *de facto* cease-fire in the area; they also deplored recurring violent clashes involving various parties and called for the full implementation of resolution 425 (1978).

Decision of 24 April 1980 (2218th meeting): resolution 467 (1980)

In a letter⁴¹⁸ dated 10 April 1980, the representative

of Lebanon drew the attention of the Security Council to renewed acts of aggression committed by Israeli armed forces inside Lebanese territory including direct clashes with UNIFIL and announcing its intent to carry out patrols in the UNIFIL area of operation. In view of the latest confrontation the Government of Lebanon requested a meeting of the Council at the earliest possible convenience to put an end to Israeli aggression and to enable UNIFIL to acquire full control over the totality of its area of operation.

On 11 April 1980, the Secretary-General submitted a special report⁴¹⁹ on UNIFIL in which he informed the Council of a dangerously escalating level of tension in, and adjacent to, the area of operation of the Force, where serious incidents had occurred because of violent harassment by the *de facto* forces of long-established observation posts manned by observers of UNTSO. Since 6 April, the *de facto* forces had sought forcibly to establish a permanent presence in a village in the area of deployment of the Irish battalion. Furthermore, starting on 8 April, Israeli tanks, armoured vehicles and personnel had moved into Southern Lebanon, including the area of deployment of UNIFIL, following an attack by Palestinian armed elements on the Israeli Kibbutz Misgav Am during the night of 6/7 April.⁴²⁰

At its 2212th meeting on 13 April 1980, the Security Council included the Lebanese letter and the special report of the Secretary-General on UNIFIL in its agenda and considered the item during its 2212th to 2218th meetings from 13 to 24 April 1980. In the course of its deliberations, the Council decided to invite the representatives of Lebanon, Fiji, Ireland, Israel, Italy, Netherlands, Nigeria, Saudi Arabia and the Syrian Arab Republic to participate, without vote, in the discussion of the question.⁴²¹ In accordance with its past practice, the Council also decided, by vote, to invite the representative of the PLO to participate in the debate.⁴²² The Council further decided, at the request of the representative of Tunisia, to extend an invitation to Mr. Clovis Maksoud and Mr. Hammadi Essid under rule 39 of the provisional rules of procedure.⁴²³

At the 2212th meeting on 13 April 1980, the Secretary-General informed the Council of further developments in the current crisis which had been brought about and was exacerbated by intolerable aggression and harassment experienced by the UNIFIL personnel. He presented in detail the attacks and casualties suffered by members of the Force and emphasized his responsibility and the Council's for the peace-keeping force in Southern Lebanon.

At the beginning of the 2213th meeting on 14 April 1980, the Secretary-General, in an additional short

⁴¹⁸ S/13888, *ibid.*, pp. 15-17.

⁴¹⁹ In three addenda to his special report issued on 16 and 18 April (S/13888, Addds. 1-3), the Secretary-General provided the Security Council with further information on the continuing acts of harassment by the *de facto* forces against UNIFIL which had resulted in the murder of two Irish soldiers by the *de facto* forces (*ibid.*, pp. 17-18).

⁴²⁰ For details, see chapter III.

⁴²¹ For the arguments and the vote (10 in favour, 3 against, with 4 abstentions), see 2213th mtg., paras. 3-7.

⁴²² Mr. Maksoud was invited at the 2213th mtg., para. 8, Mr. Essid at the 2214th mtg., para. 2. For further details, see chapter III.

statement, informed the Council members as to the Israel withdrawal from Lebanese territory, as announced by the Government of Israel, the inability of UNIFIL to confirm that due to severe restrictions on its freedom of movement in its area of operation and as to the extreme difficulty under which UNIFIL continued to labour, with its headquarters isolated, important equipment immobilized and major roads closed to UNIFIL troops trying to resupply observation posts on the international border.⁴²²

The representative of Lebanon stated that the Israeli withdrawal was in doubt, as Israel, since 1978, had remained on Lebanese ground conducting military operations there. He called for a real and total withdrawal of the Israeli forces as well as for the disbanding of the *de facto* forces who were nothing but an accessory of Israel's occupation. He considered the attacks against UNIFIL as most dangerous and called upon all those who wanted peace in the area to defend the Lebanese boundaries. He demanded once again the immediate cessation of hostility against UNIFIL, the free, total deployment of UNIFIL up to the international boundaries, a clear injunction against further attempts to prevent UNIFIL from carrying out its full mandate, the condemnation of Israel's aggression and the dismantling of the *de facto* forces and the reactivation of the Armistice Agreement. He indicated that a draft resolution along these lines would be submitted at the appropriate time through the appropriate channels.⁴²³

The representative of France expressed his great distress about the harassment and attacks against UNIFIL resulting from Israel's intervention in Southern Lebanon. He also condemned the operations launched by the *de facto* forces against the United Nations Force and the violent terrorist act of taking children as hostages at the Misgav Am kibbutz.⁴²⁴

At the same meeting, the representative of Israel accused the international community of disregarding the cause of all the crises in Southern Lebanon and laid the blame for the Israeli acts of reprisals on the PLO terrorists whose violent attacks against targets in Israel such as the Misgav Am kibbutz called for forceful punishment at the source, that is against PLO camps in Lebanon. He concluded that, in taking all the measures to protect the lives and safety of its citizens, the Government of Israel merely exercised its inherent right of self-defence recognized under Article 51 of the Charter.⁴²⁵

At the 2214th meeting on 14 April, the representative of the USSR charged that Israel once again had violated the norms of international law and resolutions of the Security Council by its own acts of aggression in Lebanon and by supporting the anti-Government forces of Haddad. He condemned the harassment of UNIFIL by the Israeli and the *de facto* forces and accused the United States of blocking effective measures by the Security Council against the aggressors. His delegation

believed it essential for the Council to adopt a resolution which would condemn Israel outright and provide for extremely forthright measures against it.⁴²⁶

At the 2216th meeting on 16 April 1980, the representative of Lebanon expressed deep regret at the death of two UNIFIL soldiers and raised the question whether the Israeli forces had indeed completely withdrawn from Lebanese territory.⁴²⁷ The representative of Israel restated from his previous intervention that after having taken certain precautions to foil further PLO attacks against innocent Israeli civilians, all Israeli soldiers had withdrawn behind the border. But the Lebanese representative refused to accept the Israeli assertion.⁴²⁸

At the beginning of the 2217th meeting on 18 April 1980, the President drew the attention of the Council members to a draft resolution⁴²⁹ sponsored by Tunisia.

In the preambular part of this draft resolution, the Security Council would have recalled the relevant resolutions adopted in the past and in particular the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978 (S/12611) and confirmed by resolution 426 (1978); in the operative part the Security Council would have (1) reaffirmed its determination to implement the relevant resolutions, particularly resolutions 425 (1978), 426 (1978) and 459 (1979); (2) strongly condemned the military intervention of Israel in Lebanon and the violation of Lebanese sovereignty and territorial integrity, and called for the complete withdrawal of Israeli forces and the immediate cessation of all direct and indirect Israeli military action inside the internationally recognized boundaries of Lebanon; (3) strongly condemned all violations of the General Armistice Agreement between Israel and Lebanon and the provision of military assistance to illegal armed groups, as well as all acts of interference with the United Nations Truce Supervision Organization; (4) strongly condemned all attacks on the United Nations Interim Force in Lebanon and the United Nations Truce Supervision Organization, as well as all obstructions and hostile activities in or through the area of operation of the Force that were inconsistent with Security Council resolutions and the mandate of the Force, which was designed to ensure the peaceful character of the area of operation, to control movement and to take all measures deemed necessary for the effective restoration of the sovereignty of Lebanon; (5) strongly condemned the acts that had led to loss of life and physical injuries among personnel of the Force and of the United Nations Truce Supervision Organization, as well as their harassment and abuse, the destruction of property and matériel and the disruption of communications; (6) strongly condemned the deliberate shelling of the field hospital of the Force, which enjoys special protection under international law; (7) commended the efforts undertaken by the Secretary-General and by the interested Governments to secure

⁴²² 2213th mtg., paras. 10-13.

⁴²³ *Ibid.*, paras. 15-32.

⁴²⁴ *Ibid.*, paras. 33-39.

⁴²⁵ *Ibid.*, paras. 41-78.

⁴²⁶ 2214th mtg., paras. 43-54.

⁴²⁷ 2216th mtg., paras. 50-55.

⁴²⁸ *Ibid.*, paras. 57 and 59.

⁴²⁹ S/13897, OR, 35th yr., Suppl. for April-June 1980, pp. 23-24. The draft was subsequently revised (S/13897/Rev. 1) but was not pressed to a vote. For the President's remarks, see 2217th mtg., para. 3.

the withdrawal of Israeli forces from Lebanon, as well as the cessation of hostilities, and to enable the Force to carry out its mandate effectively without interference; (8) commended the performance of the Force in carrying out its duties with great restraint in very adverse circumstances; (9) called attention to the provisions in the mandate that would allow the Force to use its right of self-defence, and called attention to the terms of reference which provided that it would use its best efforts to prevent the recurrence of fighting and to ensure that its area of operation would not be utilized for hostile activities of any kind; (10) called upon all parties concerned and all those capable of lending any assistance to co-operate with the Secretary-General in restoring peace and security and in enabling the Force to fulfil its mandate and further to reactivate the General Armistice Agreement of 1949 conducive to the restoration of the sovereignty of Lebanon over all of its territory up to the internationally recognized boundaries; and (11) requested the Secretary-General to report as soon as possible on the completion of the withdrawal of Israeli troops, the cessation of hostilities and all acts inconsistent with the mandate of the Force.

At the 2217th meeting, the Under-Secretary-General for Special Political Affairs made a statement in accordance with rule 22 of the Council's provisional rules of procedure and informed the members of the Council of critical developments in the last few days leading to the cold-blooded murder of two Irish soldiers of the UN Force by members of the *de facto* forces.⁴³⁰

After this short report the President, speaking on behalf of the Security Council, made the following statement which had been agreed upon by all the members of the Security Council:⁴³¹

I am authorized by the Security Council to make the following statement on behalf of its members, pending action on the resolution which the Security Council is considering on the overall situation in Lebanon and on the acts of hostility against Lebanon, the United Nations Interim Force in Lebanon (UNIFIL) and the United Nations Truce Supervision Organization in Palestine (UNTSO).

The members of the Security Council are shocked and outraged at the report that the Security Council has received on the attacks on the Force and the cold-blooded murder of peace-keeping soldiers by the *de facto* forces.

This unprecedented, barbaric act against a peace-keeping force is a direct challenge to and a defiance of the authority of the Security Council and the mission of the United Nations in maintaining international peace and security.

The Security Council strongly condemns all those who share in the responsibility for this outrageous act. The Council reaffirms its intention to take such determined action as the situation calls for to enable UNIFIL to take immediate and total control of its entire area of operations up to the internationally recognized boundaries.

The Council extends its deep-felt condolences to the Government of Ireland and the families of the victims.

The Council also commends the valiant action of the commanders and soldiers of UNIFIL and the courage of the United Nations observers under the most adverse circumstances.

Following the statement of the President on behalf of the Council, members of the Council and other speakers who had already expressed their condemnation of the

recent attacks against UNIFIL personnel and facilities in previous meetings joined in stating, in clear and unequivocal terms, their shock and dismay at the brutal killing of unarmed peace-keepers.

At the 2218th meeting on 24 April 1980, the representative of Tunisia indicated his delegation's full support for the efforts undertaken by the President of the Council to lead the debate to a responsible decision and to promote a positive and constructive conclusion through the adoption of a resolution having the broadest possible support of the Council.⁴³²

Speaking in his capacity as representative of Mexico, the President stated that the representatives of the countries contributing troops to UNIFIL agreed on three points: they had no doubt about the fact that the illegal forces were receiving direct assistance from Israel; they regretted that the Force was limited to preventing incursions as a consequence of the harassment to which it was subjected; and they considered it necessary that the Force be deployed in the entire area of operations under its jurisdiction. He added that the conditions of deployment had been changed due to the fact that not all parties to the conflict were prepared to comply with resolution 425 (1978) and that therefore the Force had been put in a very vulnerable position.⁴³³

Resuming again his functions as President of the Council, he announced that it was his understanding that the draft resolution⁴³⁴ which had been prepared in the course of consultations could be put to the vote. The draft resolution was adopted by 12 votes to none, with 3 abstentions, as resolution 467 (1980).⁴³⁵ It reads as follows:

The Security Council,

Acting in response to the request of the Government of Lebanon,

Having studied the special report of the Secretary-General on the United Nations Interim Force in Lebanon of 11 April 1980 and the subsequent statements, reports and addenda,

Having expressed itself through the statement of the President of the Security Council of 18 April 1980,

Recalling its resolutions 425 (1978), 426 (1978), 427 (1978), 434 (1978), 444 (1979), 450 (1979) and 459 (1979),

Recalling the terms of reference and general guidelines of the Force, as stated in the report of the Secretary-General of 19 March 1978 confirmed by resolution 426 (1978), and particularly:

(a) That the Force "must be able to function as an integrated and efficient military unit",

(b) That the Force "must enjoy the freedom of movement and communication and other facilities that are necessary for the performance of its tasks",

(c) That the Force "will not use force except in self-defence",

(d) That "self-defence would include resistance to attempts by forceful means to prevent it from discharging its duties under the mandate of the Security Council",

1. *Reaffirms* its determination to implement the above-mentioned resolutions, particularly resolutions 425 (1978), 426 (1978) and

⁴³² 2218th mtg., paras. 4-12. The revised draft sponsored by Tunisia (S/13897/Rev.1) contained a number of substantial changes in terms of the language used and the way the paragraphs of the resolution were organized. The text was issued on 23 April 1980, but there was no reference to it at the 2218th meeting.

⁴³³ 2218th mtg., paras. 50-60.

⁴³⁴ S/13905, subsequently adopted without change as resolution 467 (1980).

⁴³⁵ For the President's statement, see 2218th mtg., para. 62. For the vote, *ibid.*, para. 86.

⁴³⁰ 2217th mtg., paras. 5-14.

⁴³¹ *Ibid.*, para. 15.

459 (1979), in the totality of the area of operation assigned to the United Nations Interim Force in Lebanon, up to the internationally recognized boundaries.

2. *Condemns* all actions contrary to the provisions of the above-mentioned resolutions and, in particular, strongly deplores:

(a) Any violation of Lebanese sovereignty and territorial integrity;

(b) The military intervention of Israel in Lebanon;

(c) All acts of violence in violation of the General Armistice Agreement between Israel and Lebanon;

(d) Provision of military assistance to the so-called *de facto* forces;

(e) All acts of interference with the United Nations Truce Supervision Organization;

(f) All acts of hostility against the Force and in or through its area of operation as inconsistent with Security Council resolutions;

(g) All obstructions of the ability of the Force to confirm the complete withdrawal of Israeli forces from Lebanon, to supervise the cessation of hostilities, to ensure the peaceful character of the area of operation, to control movement and to take measures deemed necessary to ensure the effective restoration of the sovereignty of Lebanon;

(h) Acts that have led to loss of life and physical injuries among the personnel of the Force and of the United Nations Truce Supervision Organization, their harassment and abuse, the disruption of communication, as well as the destruction of property and material;

3. *Condemns* the deliberate shelling of the headquarters of the Force and more particularly the field hospital, which enjoys special protection under international law;

4. *Commends* the efforts undertaken by the Secretary-General and by the interested Governments to bring about the cessation of hostilities and to enable the Force to carry out its mandate effectively without interference;

5. *Commends* the Force for its great restraint in carrying out its duties in very adverse circumstances;

6. *Calls attention* to the provisions in the mandate that would allow the Force to use its right to self-defence;

7. *Calls attention* to the terms of reference of the Force which provide that it will use its best efforts to prevent the recurrence of fighting and to ensure that its area of operation will not be utilized for hostile activities of any kind;

8. *Requests* the Secretary-General to convene a meeting, at an appropriate level, of the Israel-Lebanon Mixed Armistice Commission to agree on precise recommendations and further to reactivate the General Armistice Agreement conducive to the restoration of the sovereignty of Lebanon over all its territory up to the internationally recognized boundaries;

9. *Calls upon* all parties concerned and all those capable of lending any assistance to co-operate with the Secretary-General in enabling the Force to fulfil its mandate;

10. *Recognizes* the urgent need to explore all ways and means of securing the full implementation of resolution 425 (1978), including enhancing the capacity of the Force to fulfil its mandate in all its parts;

11. *Requests* the Secretary-General to report as soon as possible on the progress of these initiatives and the cessation of hostilities.

Speaking in explanation of their votes, two Council members indicated that they had decided to abstain on the vote because the resolution did not provide for effective measures to overcome Israel's defiance of the Council's decisions and to finally implement the relevant resolutions adopted on the issue;⁴¹⁶ another member explained his delegation's abstention by suggesting that the text of the resolution was not sufficiently balanced and comprehensive.⁴¹⁷

⁴¹⁶See 2218th mtg.: German Democratic Republic, paras. 67-69, USSR, paras. 88-91.

⁴¹⁷*Ibid.*: United States, paras. 70-85.

Decision of 30 May 1980 (2224th meeting): resolution 470 (1980)

At its 2224th meeting on 30 May 1980, the Security Council included the report⁴¹⁸ of the Secretary-General on the United Nations Disengagement Observer Force (UNDOF) for the period 24 November 1979 to 23 May 1980 dated 23 May 1980 in its agenda.

The report covered the activities of UNDOF, which had continued to supervise the observance of the cease-fire between Israel and the Syrian Arab Republic. During the period under review the cease-fire had been maintained without any complaints by either party. The Secretary-General warned, however, that despite the present quiet in the Israel-Syria sector, the situation in the Middle East continued to be potentially dangerous; he remained hopeful that a comprehensive settlement covering all aspects of the Middle East problem could be reached. But in the prevailing circumstances, he recommended that the Council extend the mandate of the Force for a further period of six months until 30 November 1980, with the assent of the Governments of Israel and the Syrian Arab Republic.

At the 2224th meeting, the President drew the attention of the Council members to a draft resolution⁴¹⁹ which he immediately put to the vote. It was adopted by 14 votes to none as resolution 470 (1980); one delegation did not participate in the voting.⁴²⁰ The resolution 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 1980;

(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).

After the adoption of the resolution, the President made the following complementary statement on behalf of the Security Council:⁴²¹

As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force (S/13957) states in paragraph 26 that

"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."

This statement of the Secretary-General reflects the view of the Security Council.

Decision of 17 June 1980 (2232nd meeting): resolution 474 (1980)

At its 2232nd meeting on 17 June 1980, the Security

⁴¹⁸S/13957, *OR*, 35th yr., *Suppl. for April-June 1980*, pp. 64-66.

⁴¹⁹S/13967, adopted without change as resolution 470 (1980).

⁴²⁰See 2224th mtg., para. 2, for the voting.

⁴²¹*Ibid.*, para. 3.

Council included the report⁴⁴² of the Secretary-General on the United Nations Interim Force in Lebanon (UNIFIL) for the period 11 December 1979 to 12 June 1980 dated 12 June 1980 in its agenda.

The report contained an account of developments relating to the functioning of UNIFIL for the period from December 1979 to June 1980. The Secretary-General noted that, despite the intensive effort made both at United Nations Headquarters and in the field to fulfil the mandate of UNIFIL, grave difficulties had prevented progress during the period under review. The report gave a detailed account of the increasingly tense situation in Southern Lebanon culminating in the violence of April and involving recurrent infiltration of UNIFIL's area of operation by the *de facto* forces as well as by armed elements (mainly PLO and the Lebanese National Movement).

The Secretary-General emphasized that the most serious problems had arisen with the *de facto* forces, which had not only prevented a further deployment of UNIFIL but had attempted to establish additional encroachments and confronted the Force with heavy artillery bombardments, resulting in the death of UNIFIL soldiers. The *de facto* forces were dependent on the Israeli forces. On occasion, UNIFIL had sought the intercession of the Israeli authorities to curb the hostile activities of the *de facto* forces against UNIFIL or against the civilian population in the UNIFIL area. In a few instances, Israeli intervention had resolved specific difficulties, but the Israeli authorities continued their support of the *de facto* forces and had made incursions into Lebanese territory and maintained a number of positions in the enclave. Regarding the attitude of the PLO, the Secretary-General reported assurances of continued co-operation with UNIFIL, but he also pointed out that the Force had frequently been subjected to attempts by armed elements to infiltrate personnel and weapons into its area of operation. In recent weeks in particular, sizable groups of the Lebanese National Movement had attempted to force their way into the UNIFIL area.

In conclusion the Secretary-General observed that the use of force in self-defence would not by itself achieve significant progress in the implementation of the UNIFIL mandate. A peace-keeping operation must achieve its major objectives through means other than the use of force, and that consideration certainly applied to UNIFIL. Therefore, the main road to full implementation of the UNIFIL mandate lay in political and diplomatic efforts, which must secure genuine co-operation with the Force in the interest of security and normality for all concerned. Owing to his conviction that UNIFIL, despite all the difficulties it had to face, was performing an indispensable service to peace in Lebanon and in the Middle East as a whole, the Secretary-General recommended that the mandate of the Force be extended for another period of six months, a recommendation with which the Government of Lebanon had expressed full agreement.

At the beginning of the 2232nd meeting, the Council decided to invite the representatives of Ireland, Israel, Lebanon and the Netherlands to participate, without vote, in the discussion of the agenda item.⁴⁴³

The President drew the attention of the Council members to a draft resolution⁴⁴⁴ which had been drawn up in consultations among the members, and immediately put it to the vote: it was adopted by 12 votes to none, with 2 abstentions, as resolution 474 (1980); one member did not participate in the voting.⁴⁴⁵ The resolution reads as follows:

The Security Council.

Recalling its resolutions 425 (1978), 426 (1978), 427 (1978), 434 (1978), 444 (1979), 450 (1979), 459 (1979) and 467 (1980), as well as the statement by the President of the Security Council of 18 April 1980.

Having studied the report of the Secretary-General on the United Nations Interim Force in Lebanon of 12 June 1980.

Acting in response to the request of the Government of Lebanon and noting with concern the questions raised in its letters addressed to the Security Council on 8 May, 17 May and 27 May 1980.

Convinced that the present situation has serious consequences for peace and security in the Middle East,

Reaffirming its call for the strict respect for the territorial integrity, unity, sovereignty and political independence of Lebanon within its internationally recognized boundaries,

Commending the performance of the Force, yet expressing its concern about the continued existence of obstacles to the full deployment of the Force and its freedom of movement, the threats to its security and the safety of its headquarters,

1. Decides to renew the mandate of the United Nations Interim Force in Lebanon for a period of six months, that is, until 19 December 1980, and reiterates its commitment to the full implementation of the mandate of the Force throughout its entire area of operation up to the internationally recognized boundaries, according to the terms of reference and guidelines as stated and confirmed in the appropriate Security Council resolutions,

2. Takes note of the report of the Secretary-General on the United Nations Interim Force in Lebanon and fully endorses the conclusions and recommendations expressed therein;

3. Strongly condemns all actions contrary to the provisions of the mandate and, in particular, continued acts of violence that prevent the fulfilment of this mandate by the Force;

4. Takes note of the steps already taken by the Secretary-General to convene a meeting of the Israel-Lebanon Mixed Armistice Commission and urges the parties concerned to extend to him their full co-operation in accordance with the relevant Security Council decisions and resolutions, including resolution 467 (1980);

5. Takes note of the efforts deployed by Member States, and more particularly the troop-contributing countries, in support of the Force and urges all those which are in a position to do so to continue to use their influence with those concerned so that the Force can discharge its responsibilities fully and unhampered;

6. Reaffirms its determination, in the event of continuing obstruction of the mandate of the Force, to examine practical ways and means to secure the full implementation of resolution 425 (1978),

7. Decides to remain seized of the question

Following the adoption of the resolution, Council members and other representatives expressed concern about the continuing hostile acts directed against UNIFIL from various sides in the area of operation, about the seemingly unending presence of the Force in South-

⁴⁴² For details, see chapter III.

⁴⁴³ S/14001, adopted without change as resolution 474 (1980).

⁴⁴⁴ See 2232nd mtg., para. 3, for the voting.

ern Lebanon and the lack of progress in implementing the relevant provisions of resolution 425 (1978).

Decision of 30 June 1980 (2242nd meeting): resolution 476 (1980)

By letter⁴⁴⁶ dated 28 May 1980, the representative of Pakistan, which at that time served as Chairman of the Organization of the Islamic Conference, requested, in accordance with the decision taken by the Eleventh Islamic Conference of Foreign Ministers, held at Islamabad from 17 to 22 May 1980, an immediate meeting of the Security Council to examine the dangerous situation arising from the latest decision by the Israeli authorities seeking to annex and declare Al-Quds Al-Sharif (the Holy City of Jerusalem) as the capital of Israel and to consider the consequences of this decision on the endeavours for achieving a comprehensive, just and lasting peace in the Middle East.

At the 2233rd meeting on 24 June 1980, the Security Council included the letter of the representative of Pakistan in its agenda. It considered the issue during the 2233rd to 2236th, 2238th, 2239th, 2241st and 2242nd meetings from 24 to 30 June 1980. During these meetings the Council decided to invite the representatives of Algeria, Bahrain, Chad, Cuba, Democratic Yemen, Djibouti, Egypt, Gabon, Gambia, Guinea, Guinea-Bissau, Indonesia, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Somalia, Sudan, Syrian Arab Republic, Turkey, Uganda, United Arab Emirates, United Republic of Cameroon, Upper Volta, Yemen and Yugoslavia to participate, without vote, in the discussion of the item.⁴⁴⁷ At the 2233rd meeting, the Council also decided, by vote, that an invitation, in accordance with past practice, be accorded to the representative of the PLO to participate in the debate.⁴⁴⁸ At the same meeting, the Council extended an invitation to Mr. Clovis Maksoud under rule 39 of the provisional rules of procedure; at the 2236th meeting, the Council invited, also under rule 39, the Rapporteur of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.⁴⁴⁹

The Foreign Minister of Pakistan, speaking in his capacity as Chairman of the Islamic Conference of Foreign Ministers, stated that the Eleventh Islamic Foreign Ministers' Conference had requested an urgent meeting of the Security Council to consider the dangerous situation arising from Israel's latest moves to consolidate its illegal annexation of the Holy City of Jerusalem and to declare it as the permanent capital of Israel. A bill which recently had been introduced in the Israeli Parliament with the full backing of the ruling coalition would declare Al-Quds Al-Sharif as Israel's capital. This move to alter juridically the status of

Jerusalem had been followed by the decision to shift the office of the Israeli Prime Minister to East Jerusalem. The Islamic Conference had declared its opposition to these measures unequivocally and appealed to the Security Council to declare the annulment of the Israeli measures and, in case of defiance by Israel, to impose sanctions under Chapter VII of the Charter against Israel.

He reviewed the decisions taken by the Islamic Conference and by the United Nations in regard to the status of Jerusalem after its occupation by the Israelis in 1967. In view of the long history of Israeli intransigence, he felt that the Security Council should bring all possible pressure to bear on the Israeli authorities to rescind forthwith the administrative and juridical measures taken by them to annex Al-Quds. If Israel continued to flout the verdict of the international community and persist in its design to declare Jerusalem its capital, the Council would have to impose sanctions under Chapter VII of the Charter.⁴⁵⁰

The views expressed by the Foreign Minister of Pakistan were amplified in somewhat varying ways by a large number of Council members and other representatives who had been invited to participate in the discussion.⁴⁵¹ Other representatives also criticized the Government of Israel for its plans regarding Jerusalem and strongly appealed to Israel to desist from these illegal moves.⁴⁵²

At the 2241st meeting on 30 June 1980, the President of the Council drew the attention of the members to a draft resolution⁴⁵³ which was sponsored by 39 Member States.⁴⁵⁴

At the same meeting, the representative of Egypt addressed himself to the draft resolution which his Government had decided to co-sponsor as it covered the decisive aspects of the issue regarding Jerusalem; he mentioned in particular the reaffirmation of previous Assembly and Council resolutions deploring earlier Israeli measures, the renewed emphasis on the inadmissibility of the acquisition of territory by force and the reassertion of the principle that as an occupying Power Israel had to comply scrupulously with the existing legal obligations and responsibilities. He concluded that the

⁴⁴⁶ S/2233rd mtg., paras. 10-29.

⁴⁴⁷ For the texts of relevant statements, see 2233rd mtg.: Morocco, paras. 31-54; PLO, paras. 56-84; 2234th mtg.: Egypt, paras. 60-75; Jordan, paras. 4-58; Mauritania, paras. 77-104; 2235th mtg.: Cuba, paras. 56-72; Kuwait, paras. 5-28; Syrian Arab Republic, paras. 74-86; Mr. Maksoud, paras. 30-54; 2236th mtg.: Qatar, paras. 77-90; Saudi Arabia, paras. 22-43; Tunisia, paras. 5-20; Turkey, paras. 62-75; Yemen, paras. 92-104; and Mr. Gauci (Rapporteur, Committee on the Exercise of the Inalienable Rights of the Palestinian People), paras. 45-60; 2238th mtg.: German Democratic Republic, paras. 50-58; Iraq, paras. 104-112; USSR, paras. 11-26; Zambia, paras. 37-49; 2239th mtg.: Bahrain, paras. 63-79; China, paras. 14-20; Lebanon, paras. 124-134; Philippines, paras. 2-13; Somalia, paras. 99-109; Sudan, paras. 81-97; United Arab Emirates, paras. 111-122; 2241st mtg.: Algeria, paras. 13-25.

⁴⁴⁸ See in particular 2241st mtg.: France, paras. 68-73; United Kingdom, paras. 74-79, both of whom referred to a decision taken by the European Community on the issue of Jerusalem.

⁴⁴⁹ S/14031, subsequently adopted without change as resolution 476 (1980).

⁴⁵⁰ Thirty-eight sponsors were listed by the President at the 2241st mtg., para. 3. The thirty-ninth sponsor was mentioned at the beginning of the 2242nd meeting.

⁴⁴⁵ S/13966, *OR, 35th yr., Suppl. for April-June 1980*, p. 71.

⁴⁴⁶ For details, see chapter III.

⁴⁴⁷ The vote was 10 votes to 1, with 4 abstentions. For the vote and relevant discussion, see 2233rd mtg., paras. 2-5. For further details, see chapter III.

⁴⁴⁸ See chapter III for details regarding the invitations under rule 39 of the provisional rules of procedure.

adoption of the draft resolution would be an added confirmation of the illegality of the Israeli designs on Jerusalem.⁴⁵⁵

At the 2242nd meeting on 30 June 1980, the President, speaking in his capacity as the representative of Norway, expressed support for the draft resolution, but noted that in his Government's view subsequent steps envisaged in the text would not constitute measures under Chapter VII of the Charter.

Resuming his functions as President he stated that it was his understanding that the Council was ready to vote on the draft resolution.⁴⁵⁶

Prior to the vote, the representative of the United States reiterated his Government's programme of pursuing the Arab-Israeli talks under the Camp David Agreements which the United States viewed as the most auspicious path to peace in the area. As the draft resolution was judged to contribute little if anything to the ongoing process of negotiations, the United States felt that its abstention on the text would signal its determination most clearly, while indicating its disapproval of the Israeli moves regarding Jerusalem.⁴⁵⁷

Then the President put the draft resolution to the vote; it was adopted by 14 votes against none with one abstention, as resolution 476 (1980).⁴⁵⁸ It reads as follows:

The Security Council,

Having considered the letter of 28 May 1980 from the representative of Pakistan, the current Chairman of the Organization of the Islamic Conference, contained in document S/13966,

Reaffirming that the acquisition of territory by force is inadmissible,

Bearing in mind the specific status of Jerusalem and, in particular, the need to protect and preserve the unique spiritual and religious dimension of the Holy Places in the city,

Reaffirming its resolutions relevant to the character and status of the Holy City of Jerusalem, in particular resolutions 252 (1968), 267 (1969), 271 (1969), 298 (1971) and 465 (1980),

Recalling the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,

Deploping the persistence of Israel in changing the physical character, demographic composition, institutional structure and the status of the Holy City of Jerusalem,

Gravely concerned about the legislative steps initiated in the Israeli Knesset with the aim of changing the character and status of the Holy City of Jerusalem,

1 *Reaffirms the overriding necessity for ending the prolonged occupation of Arab territories occupied by Israel since 1967, including Jerusalem;*

2 *Strongly deplores the continued refusal of Israel, the occupying Power, to comply with the relevant resolutions of the Security Council and the General Assembly;*

3 *Reconfirms that all legislative and administrative measures and actions taken by Israel, the occupying Power, which purport to alter the character and status of the Holy City of Jerusalem have no legal validity and constitute a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and also constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East;*

4 *Reiterates that all such measures which have altered the geographic, demographic and historical character and status of the Holy City of Jerusalem are null and void and must be reversed in compliance with the relevant resolutions of the Security Council;*

5 *Urgently calls on Israel, the occupying Power, to abide by the present and previous Security Council resolutions and to desist forthwith from persisting in the policy and measures affecting the character and status of the Holy City of Jerusalem;*

6 *Reaffirms its determination, in the event of non-compliance by Israel with the present resolution, to examine practical ways and means in accordance with relevant provisions of the Charter of the United Nations to secure the full implementation of the present resolution.*

Following the adoption of the resolution, the representative of Pakistan expressed his satisfaction at the Council's decision and indicated that if Israel did not abide by this resolution the best means of enforcing the will of the United Nations would be the application of measures provided for under the Charter.⁴⁵⁹

The representative of Israel rejected the Council decision as another element in a long chain of resolutions ignoring the rights, interests and concerns of Israel. He charged that the resolution merely served the interests of the enemies of Israel and suggested that peace could be obtained only through honest dialogue and negotiation.⁴⁶⁰

Decision of 20 August 1980 (2245th meeting): resolution 478 (1980)

By letter⁴⁶¹ dated 1 August 1980, the representative of Pakistan, the current Chairman of the Islamic Conference, recalled paragraph 6 of Security Council resolution 476 (1980), pointed out that in total disregard of the will of the international community and in flagrant violation of the Council's resolutions Israel had persisted in its designs to alter the status of Jerusalem and had enacted a law proclaiming it as the capital of Israel, and requested an immediate meeting of the Council to examine, in accordance with resolution 476 (1980), paragraph 6, ways and means to implement the resolution.

At the 2245th meeting on 20 August 1980, the Security Council included the letter in its agenda and discussed the item at that meeting. The Council decided to invite the representatives of Algeria, Bahrain, Chad, Democratic Yemen, Djibouti, Egypt, Gambia, Guinea, Guinea-Bissau, Indonesia, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Somalia, Sudan, Syrian Arab Republic, Turkey, United Arab Emirates, Upper Volta and Yemen to participate, without vote, in the discussion of the item.⁴⁶² The Council also decided, by vote, to invite the representative of the Palestine Liberation Organization to participate in the debate, in accordance with past practice.⁴⁶³

⁴⁵⁹ *Ibid.*, paras. 27-37.

⁴⁶⁰ *Ibid.*, paras. 56-58.

⁴⁶¹ S/14084, *OR*, 35th yr., *Suppl. for July-Sept. 1980*, p. 23.

⁴⁶² For details, see chapter III.

⁴⁶³ The vote was 10 votes to 1, with 4 abstentions. For the vote and relevant discussion, see 2245th mtg., paras. 4-8. For further details, see chapter III.

⁴⁵⁵ 2241st mtg., paras. 5-11.

⁴⁵⁶ See 2242nd mtg., para. 12. A similar reservation regarding Chapter VII measures was expressed by the representative of the United Kingdom (*ibid.*, para. 25).

⁴⁵⁷ *Ibid.*, paras. 14-22.

⁴⁵⁸ For the vote, *ibid.*, para. 23.

At the beginning of the meeting, the President drew the attention of the Council members to a draft resolution⁴⁶⁴ sponsored by 35 Member States and to another draft resolution⁴⁶⁵ which had been prepared in the course of the Council's consultations.

The first draft resolution sponsored by 35 Member States would have provided for the Council to condemn Israel for its refusal to comply with resolution 476 (1980), would have called the Israeli action a threat to international peace and security and would have invoked Article 41 of the Charter calling upon all Member States to apply measures against Israel, including the interruption of economic and military relations with Israel.⁴⁶⁶

At the 2245th meeting, the representative of Pakistan indicated that the Islamic Conference had decided to seek a meeting of the Council to discuss the further deterioration of the situation regarding Jerusalem due to the formal annexation of the city by act of the Israeli parliament. He recalled Council resolution 476 (1980) and urged the Council members to take decisive action through the imposition of economic and military sanctions under Chapter VII against Israel.⁴⁶⁷

The representative of Tunisia echoed in unequivocal terms the demand of the representative of Pakistan for stern measures by the Council and added that the 35 sponsors of draft resolution S/14106 considered themselves duty-bound to put the text before the members, but not to call for an immediate vote so that the draft could be ensured of the widest possible support.⁴⁶⁸

Prior to the vote, the representative of the German Democratic Republic stated that in view of the severe worsening of the situation regarding Jerusalem his delegation had been ready fully to support the 35-Power draft resolution (S/14106), but was willing to vote for the second draft (S/14113) as the minimum of what the Council should do, because the Islamic Conference viewed this resolution as a further step towards urging Israel to comply with United Nations decisions.⁴⁶⁹

The Secretary of State of the United States suggested that a common vision of Jerusalem's future should be realized in the framework of negotiations for a comprehensive peace in the Middle East, not by unilateral actions or attempts to impose sanctions against Israel under Chapter VII. He pointed out that his Government was fully committed to the process begun with the Camp David Accords that was designed to lead to a final comprehensive peace agreement. He added that

the draft resolution that had been elaborated in the course of consultations still was deficient in parts and that his Government had decided to abstain in the vote.⁴⁷⁰

Then the President put the draft resolution contained in document S/14113 to the vote; it was adopted by 14 votes in favour, none against, with 1 abstention, as resolution 478 (1980).⁴⁷¹ It reads as follows:

The Security Council,

Recalling its resolution 476 (1980),

Reaffirming again that the acquisition of territory by force is inadmissible,

Deeply concerned over the enactment of a "basic law" in the Israeli Knesset proclaiming a change in the character and status of the Holy City of Jerusalem, with its implications for peace and security,

Noting that Israel has not complied with resolution 476 (1980),

Reaffirming its determination to examine practical ways and means, in accordance with the relevant provisions of the Charter of the United Nations, to secure the full implementation of its resolution 476 (1980), in the event of non-compliance by Israel,

1. *Censures* in the strongest terms the enactment by Israel of the "basic law" on Jerusalem and the refusal to comply with relevant Security Council resolutions;

2. *Affirms* that the enactment of the "basic law" by Israel constitutes a violation of international law and does not affect the continued application of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in the Palestinian and other Arab territories occupied since June 1967, including Jerusalem,

3. *Determines* that all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purport to alter the character and status of the Holy City of Jerusalem, and in particular the recent "basic law" on Jerusalem, are null and void and must be rescinded forthwith;

4. *Affirms also* that this action constitutes a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East,

5. *Decides* not to recognize the "basic law" and such other actions by Israel that, as a result of this law, seek to alter the character and status of Jerusalem and calls upon:

(a) All Member States to accept this decision;

(b) Those States that have established diplomatic missions at Jerusalem to withdraw such missions from the Holy City;

6. *Requests* the Secretary-General to report to the Security Council on the implementation of the present resolution before 15 November 1980,

7. *Decides* to remain seized of this serious situation.

After the adoption of the resolution, a few delegates expressed satisfaction with the Council's decision as appropriate response to Israel's defiance.⁴⁷²

Arab representatives deplored the muted quality of the Council's reaction to the worsening situation in Jerusalem,⁴⁷³ whereas the representative of Israel announced that his Government would ignore the appeal of the Council and continue to carry out the full integration of the city of Jerusalem within Israel.⁴⁷⁴

⁴⁶⁴ S/14106, *OR, 35th yr., Suppl. for July-Sept. 1980*, pp. 36-37. The draft submitted on 13 August 1980 was not pressed to the vote. The text of S/14113 which had been elaborated in consultations was to a significant degree identical to S/14106.

⁴⁶⁵ S/14113, adopted without change as resolution 478 (1980).

⁴⁶⁶ There were other minor editorial changes which did not affect the thrust of the draft resolution. For the full text, see reference given in footnote 464.

⁴⁶⁷ 2245th mtg., paras. 12-28. For a similar view, *ibid.*: Egypt, paras. 63-86.

⁴⁶⁸ *Ibid.*, paras. 14-44.

⁴⁶⁹ 2245th mtg., paras. 88-99. For a similar view, *ibid.*: USSR, paras. 129-140.

⁴⁷⁰ *Ibid.*, paras. 101-125.

⁴⁷¹ For the vote, *ibid.*, para. 127.

⁴⁷² *Ibid.*: France, paras. 146-152, and the United Kingdom, paras. 141-144.

⁴⁷³ See, for example, *ibid.*: Jordan, paras. 154-168; also PLO, paras. 170-195. See also the short statement by Egypt, *ibid.*, paras. 203-206.

⁴⁷⁴ *Ibid.*: Israel, paras. 197-201.

Decision of 26 November 1980 (2256th meeting): resolution 481 (1980)

At its 2256th meeting on 26 November 1980, the Security Council included the report⁴⁷⁵ of the Secretary-General on the United Nations Disengagement Force (UNDOF) for the period 24 May to 20 November 1980 dated 20 November 1980 in its agenda.

The report described the activities of UNDOF for the period from May to November 1980. The Secretary-General indicated that UNDOF had continued, with the co-operation of the parties, to perform its functions effectively and that the situation in the sector had remained quiet.

Nevertheless, the Secretary-General warned that 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. In the existing 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 31 May 1981, and pointed out that the Governments concerned had given their assent.

At the 2256th meeting, the President drew the attention of the Council members to a draft resolution⁴⁷⁶ which he immediately put to the vote. It was adopted by 14 votes to none as resolution 481 (1980); one member did not participate in the voting.⁴⁷⁷ The resolution 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 1981;

(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, the President, on behalf of the Council, made the following complementary statement⁴⁷⁸ regarding resolution 481 (1980):

As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force (S/14263) states in paragraph 27 that "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". This statement of the Secretary-General reflects the view of the Security Council

Decision of 17 December 1980 (2258th meeting): resolution 483 (1980)

At its 2258th meeting on 17 December 1980, the Security Council included the report⁴⁷⁹ of the Secretary-General on the United Nations Interim Force in Lebanon (UNIFIL) for the period 13 June to 11 December 1980 dated 12 December 1980 in its agenda.

The report contained an account of developments relating to the functioning of UNIFIL from June to December 1980. The Secretary-General indicated that, despite strenuous efforts at all levels during the period under review, UNIFIL had been prevented from making further progress towards implementing fully the objectives of resolution 425 (1978). He stressed that UNIFIL could fulfil its mandate only if it had the full support of all the parties concerned and that the situation in Southern Lebanon could not be isolated from the extremely complex developments in the region. The search for a comprehensive, just and lasting settlement of the Middle East problem continued to be frustrated, affecting the circumstances in which UNIFIL had to function. The Secretary-General pointed out that during the period in question, the activities of armed elements, the *de facto* forces and IDF in and near the UNIFIL area of operation had continued and, in some cases, intensified.

The Secretary-General reported that the Chief of Staff of the United Nations Truce Supervision Organization in Palestine (UNTSO) had continued his efforts towards the reactivation of the Israel-Lebanon Mixed Armistice Commission in accordance with Security Council resolution 467 (1980), and that a first meeting had been convened under his chairmanship at UNIFIL headquarters at Naqoura on 1 December. Efforts continued to convene another meeting.

Although UNIFIL had not been able fully to implement its mandate, the Secretary-General recommended that its mandate be extended for another six months because he had no doubt that it was performing an indispensable service as a vital mechanism for conflict control in an extremely volatile situation. He indicated that the Government of Lebanon had agreed to the extension and urged all sides to make a determined effort to consolidate the UNIFIL area, in particular through removal of the five positions established there by the *de facto* forces and the two established by armed elements.

At the 2258th meeting, the Council invited the representatives of Israel and Lebanon to participate, without vote, in the discussion of the agenda item.⁴⁸⁰ The President drew the attention of Council members to a draft resolution⁴⁸¹ which had been prepared in the course of consultations among the members. As agreed, the President immediately put the text to the vote: it was adopted by 12 votes in favour, none against, with 2 abstentions, as resolution 483 (1980); one member did

⁴⁷⁵ S/14263, OR, 35th yr., Suppl. for Oct.-Dec. 1980, pp. 45-47.

⁴⁷⁶ S/14269, adopted without change as resolution 481 (1980).

⁴⁷⁷ For the vote, see 2256th mtg., para. 2.

⁴⁷⁸ For the statement, *ibid.*, para. 3.

⁴⁷⁹ S. 14295, OR, 35th yr., Suppl. for Oct.-Dec. 1980, pp. 113-122.

⁴⁸⁰ For details, see chapter III.

⁴⁸¹ S. 14298, adopted without change as resolution 483 (1980).

not participate in the voting.⁴⁴¹ The resolution reads as follows:

The Security Council,

Recalling its resolutions 425 (1978), 426 (1978), 427 (1978), 434 (1978), 444 (1979), 450 (1979), 459 (1979), 467 (1980) and 474 (1980),

Having studied the report of the Secretary-General on the United Nations Interim Force in Lebanon of 12 December 1980,

Noting the letter dated 15 December 1980 from the Permanent Representative of Lebanon to the Secretary-General,

Convinced that the present situation has serious consequences for peace and security in the Middle East,

Reaffirming its call for the strict respect for the territorial integrity, unity, sovereignty and political independence of Lebanon within its internationally recognized boundaries,

1. *Takes note of the report of the Secretary-General on the United Nations Interim Force in Lebanon;*

2. *Decides to renew the mandate of the Force for a period of six months, that is, until 19 June 1981, and reiterates its commitment to the full implementation of the mandate of the Force throughout its entire area of operation up to the internationally recognized boundaries, according to the terms of reference and guidelines as stated and confirmed in the appropriate Security Council resolutions.*

3. *Commends the performance of the Force and reiterates its terms of reference as set out in the report of the Secretary-General of 19 March 1978 and approved by resolution 426 (1978), in particular that the Force must be enabled to function as an efficient military unit, that it must enjoy freedom of movement and communication and other facilities necessary for the performance of its tasks and that it must continue to be able to discharge its duties according to the above-mentioned terms of reference, including the right of self-defence,*

4. *Expresses its support for the Lebanese Government in its efforts to strengthen its authority, both at the civilian and at the military level, in the zone of operation of the Force,*

5. *Commends the Secretary-General for his efforts to reactivate the Israel-Lebanon Mixed Armistice Commission, takes note of the preparatory meeting that was held on Monday, 1 December 1980, and calls on all parties to continue such efforts as are necessary for the total and unconditional implementation of the General Armistice Agreement,*

6. *Requests the Secretary-General to take the necessary measures to intensify discussions among all the parties concerned, so that the Force may complete its mandate, and to report periodically on the results of his efforts to the Security Council,*

7. *Reaffirms its determination, in the event of continuing obstruction of the mandate of the Force, to examine practical ways and means to secure the full implementation of resolution 425 (1978)*

Following the adoption of the resolution, the representative of Lebanon referred to his letter⁴⁴² dated 15 December 1980, in which he had transmitted his Government's views regarding the Secretary-General's report, and emphasized that Lebanon wanted to see several issues taken up in a practical manner: these were the security, safety and freedom of movement of the personnel of the Force and of UNTSO; the complete withdrawal of Israel and full deployment of the Force in the total area of operation; the complete cessation of all hostile activities; and the reactivation of the Israel-Lebanon Mixed Armistice Commission. He hoped that resolution 483 (1980), just adopted, would be interpreted in the light of these expectations. His Government would no longer put much trust in UNIFIL if its

extension again failed to bring the fulfilment of such practical needs.⁴⁴³

A few members expressed appreciation for the continued functioning of UNIFIL in Lebanon and stated in varying ways their strong wish to see the full implementation of resolution 425 (1978) and the restoration of peace and sovereignty in the area.

B. THE MIDDLE EAST PROBLEM INCLUDING THE PALESTINIAN QUESTION

Decision of 26 January 1976 (1879th meeting): rejection of six-Power draft resolution

In its resolution 381 (1975) of 30 November 1975, extending the mandate of UNDOF, the Security Council had also decided "to reconvene on 12 January 1976, to continue the debate on the Middle East problem including the Palestinian question, taking into account all relevant United Nations resolutions."⁴⁴⁴

In accordance with that decision, the Security Council, at its 1870th meeting on 12 January 1976, included the "Middle East problem including the Palestinian question" in its agenda.⁴⁴⁵ The Security Council considered the issue at its 1870th to 1879th meetings from 12 to 26 January 1976. During its consideration of this item, the Council decided to invite the representatives of Algeria, Bulgaria, Cuba, Czechoslovakia, Democratic Yemen, Egypt, German Democratic Republic, Guinea, Hungary, India, Iraq, Jordan, Kuwait, Mauritania, Morocco, Poland, Qatar, Saudi Arabia, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates, Yemen and Yugoslavia to participate, without vote, in the discussion of the question.⁴⁴⁶

At the 1870th meeting, the President of the Council referred to the statement made by the President at the 1856th meeting on 30 November 1975 following the adoption of resolution 381 (1975), in which he had expressed the understanding of the majority of the Council that when it convened on 12 January 1976, the representatives of the PLO would be invited to participate in the debate. Based on that statement the President put forward the proposal that the representative of the PLO be invited to participate in the current debate, pointing out that the proposal was not being made under rule 37 or rule 39 of the provisional rules of procedure, but that if it was adopted, the invitation would confer on the PLO the same rights of participa-

⁴⁴⁴ 2258th mtg., paras. 15-16.

⁴⁴⁵ Among those relevant resolutions were General Assembly resolutions 3375 (XXX) entitled "Invitation to the Palestine Liberation Organization to participate in the efforts for peace in the Middle East", resolution 3376 (XXX) entitled "Question of Palestine", *inter alia* requesting the Council to consider as soon as possible after 1 January 1976 the question of the exercise by the Palestinian people of their inalienable rights recognized in resolution 323b (XXIX), and resolution 3414 (XXX) entitled "The Situation in the Middle East", *inter alia* requesting the Council to seek the implementation of all relevant resolutions aimed at establishing just and lasting peace in the Middle East.

⁴⁴⁶ For the adoption of the agenda, see 1870th mtg., para. 12.

⁴⁴⁷ For details, see chapter III.

⁴⁴¹ For the vote, see 2258th mtg., para. 3.

⁴⁴² S/14296, OR, 35th yr., Suppl. for Oct. Dec. 1980, pp. 122-123.

tion as were conferred when a Member State was invited to participate under rule 37.⁴⁸⁸

After an extended procedural debate with regard to this proposal focusing in particular on the issue whether or not the Council had decided at its 1856th meeting on 30 November 1975 to invite the PLO to participate at the meeting on 12 January 1976,⁴⁸⁹ the Council decided, by 11 votes in favour to one against, with 3 abstentions,⁴⁹⁰ to issue the invitation to the PLO.

In opening the discussion, the representative of the PLO stated that the willingness of the Security Council specifically to consider the Palestinian question was a welcome sign for the Palestinians that there existed now profound and widespread understanding for their predicament. He submitted that had there not been a question of Palestine there would not have been what was mistakenly termed "the Middle East crisis". He summarized the unfolding of the tragedy affecting the Palestinian people within the framework of the resolutions of the United Nations and the concepts underlying them. In his view the development since the disruption of the unity of Palestine was characterized by unjust resolutions and by resolutions which tried, sometimes partially, to relieve oppression and injustice and were never implemented. He pointed out that the decision of the PLO to resume the armed struggle in 1965 arose from its bitter recognition that the Palestinians could not expect to attain their goals merely through political options.

He suggested that the inclusion of the question of Palestine in the agenda of the General Assembly following the aftermath of the war in October 1973 resulted in the recognition by the international community of the following basic facts: first, that the question of Palestine was the central issue of the Middle East conflict; secondly, that peace in the Middle East was contingent upon the realization of the inalienable rights of the Palestinian people, beginning with their right to return, to self-determination and to sovereignty on their soil; thirdly, that the 1967 war was not a conflict over regional frontiers between the Arab States and Israel, but the inevitable result of the continued usurpation of Palestinian land and violation of Palestinian rights; and fourthly, that resolutions of the Arab Summit Conference in Rabat and General Assembly resolution 3237 (XXIX) confirmed the PLO as the representative of the Palestinian people.

In conclusion, the representative of the PLO stressed that the Palestinian people wanted peace for themselves and for the Jews, that its struggle was directed against the Zionist movement, and that it appealed to the Security Council to bring about forceful measures that would promote the hopes of the Palestinian people for peace with justice for the whole East.⁴⁹¹

At the 1871st meeting on 13 January 1976, the representative of Egypt stated that his Government's policy regarding the Palestinian question was guided by the following six elements: (1) The Council debate should be focused primarily on the political aspects of the Palestinian question, and the Council should resolve that peace in the Middle East must be based on the achievement by the Palestinian people of their national rights. (2) Egypt called for the establishment of an independent Palestinian entity. (3) Egypt expected Israel's complete withdrawal from all Arab territories occupied since 5 June 1967. (4) The Geneva Peace Conference had not yet been given the chance to deal with the situation in the Middle East in a comprehensive and constructive way. (5) The Government of Egypt did not see the Council debate as an alternative but rather a prerequisite to the Peace Conference which should be resumed with the participation of all parties concerned, including the PLO. (6) The Council should support the call for the reconvening of the Peace Conference and request the Secretary-General, the Soviet Union and the United States to issue the invitations.⁴⁹²

At the same meeting, the representative of the Syrian Arab Republic welcomed the new phase in the Council's consideration of the Middle East problem as a whole. He hoped that this would be another step on the road to just and lasting peace in the area. He reiterated his Government's view that resolution 242 (1967) did not supersede other United Nations resolutions adopted previously or subsequently on the Middle East issues and that therefore the search for solutions could not be restricted to the scope of that Council resolution; the Council itself had demonstrated the validity of his argument with the adoption of resolution 338 (1973). He then proceeded to review some General Assembly resolutions containing provisions of direct relevance to the Palestinian question and indicated that the Arab States were willing to talk about peace and its necessary requirements and guarantees as soon as the two preconditions for peace, namely the total Israeli withdrawal from all occupied Arab territories and the recognition of the inalienable national rights of the Palestinian people, were put into implementation.⁴⁹³

At the 1872nd meeting on 14 January 1976, the representative of France suggested that the components of an over-all settlement were obvious: (1) The Arab territories occupied by Israel since 1967 must be evacuated. (2) The rights of the Palestinian people to an independent homeland must be recognized. (3) The right of all States of the area to exist within frontiers which must be recognized, guaranteed and secured should be affirmed. Regarding the procedure to be followed in seeking a settlement, resolution 338 (1973) provided that a settlement could emerge only from genuine negotiations among the parties. The French Government believed that the Palestinians should be able to express their views in those negotiations and

⁴⁸⁸ For the President's statement and proposal, see 1870th meeting, paras 14 and 15.

⁴⁸⁹ For the statements on the invitation to the PLO, *ibid.*, paras 11-103, 105-120. For further details, see chapter III.

⁴⁹⁰ For the vote, see 1870th mtg., para. 104.

⁴⁹¹ 1870th mtg., paras 138-189.

⁴⁹² 1871st mtg., paras. 5-50.

⁴⁹³ *Ibid.*, paras 53-102.

hoped that everything would be ready for the resumption of negotiations along those lines.⁴⁹⁴

At the 1873rd meeting on 15 January 1976, the representative of the USSR pointed out that the political settlement in the Middle East entailed two key conditions: the withdrawal of Israeli troops from all the Arab territories occupied in 1967 and the satisfaction of the legitimate national rights of the Arab people of Palestine, including their inalienable right to create their own State. His Government remained convinced that a just and lasting peace could be achieved through implementation of the decisions of the Council and of the General Assembly on the Middle East. To facilitate this aim he again urged the resumption of the Geneva Peace Conference with the participation of all parties concerned, including the PLO.⁴⁹⁵

At the same meeting, the representative of the United Kingdom proposed that the aims of the Council should be to assist the resumption of negotiations, with the participation in them of all the parties concerned, to reaffirm the existing resolutions of the Council, in particular resolutions 242 (1967) and 338 (1973), setting out the framework of a lasting settlement, to recognize the fundamental importance of the Palestinian problem and to take account of the legitimate political rights of the Palestinian people.⁴⁹⁶

At the 1876th meeting on 19 January 1976, the representative of the United States underlined the importance of resolutions 242 (1967) and 338 (1973) as the foundation and framework for the required negotiating process which had already taken place and which, if continued, would offer hope for the future. He added that efforts to change the agreed basis for negotiations would not guarantee a solution or even progress and would not be worth the risk. Instead, he argued, the Council should refrain from endangering what had already been achieved and, having succeeded in establishing an agreed framework of procedure and principles for a settlement and in creating conditions for the establishment of the Geneva Conference as a forum in which the implementation of those could be negotiated, the Council should not now seek to prejudge the work of that Conference.⁴⁹⁷

At the same meeting, the representative of India stated that resolutions 242 (1967) and 338 (1973) had so far failed to bring about a just and lasting settlement because the Palestinian question had remained neglected. He expressed hope that the Council, in establishing a suitable framework of principles and procedures for the settlement of the Middle East problem, would stipulate the national right of the Palestinian people to have a State of their own, without prejudice to the rights of the State of Israel.⁴⁹⁸

At the 1877th meeting on 21 January 1976, the representative of Algeria proposed that the Council should consider as non-negotiable the following three

principles: first, that the Palestinian people was an interested party in any settlement; secondly, that the PLO was the genuine representative of the Palestinian people; and thirdly, that as refugees the Palestinians had the right to return to their homes and to recover their properties and that as a people they enjoyed the right to self-determination as far as the definition of their national future was concerned. These principles implied that the Council would have to expand the framework set out in resolution 242 (1967) in order to facilitate progress towards a solution acceptable to all parties.⁴⁹⁹

At the 1879th meeting on 26 January 1976, following long and detailed deliberations during the previous nine meetings, the representative of Pakistan introduced a draft resolution⁵⁰⁰ sponsored by Benin, Guyana, Pakistan, Panama, Romania and the United Republic of Tanzania. He indicated that the draft was the result of two weeks of informal consultations within groups of interested countries and between the sponsors and the remaining members of the Council. The draft did not reflect in full the position of any particular group or even of the sponsors, but offered a much wider consensus of views. The representative of Pakistan suggested that the exclusive focus on the framework contained in resolution 242 (1967) had so far hindered the Council in reviewing other proposals contained in more recent United Nations resolutions. He mentioned that the view of the Palestinian question as merely a refugees problem also was a shortcoming in that Council resolution and expressed the hope that the Council members would be willing to accept the reasoning underlying the draft resolution.

He then described in some detail the provisions of the draft resolution under which the Security Council, in the preamble, convinced that the question of Palestine was the core of the conflict in the Middle East, would express its concern over the continuing deterioration of the situation in the Middle East, deeply deplore Israel's persistence in its occupation of Arab territories and its refusal to implement the relevant United Nations resolutions, reaffirm the principle of inadmissibility of acquisition of territories by the threat or use of force, reaffirm further the necessity of the establishment of a just and lasting peace in the region based on full respect for the Charter of the United Nations as well as for its resolutions concerning the problem of the Middle East including the question of Palestine, and, in the operative part, first, affirm (a) that the Palestinian people should be enabled to exercise its inalienable national right of self-determination, including the right to establish an independent State in Palestine in accordance with the Charter of the United Nations; (b) that the Palestinian refugees wishing to return to their homes and live at peace with their neighbours had the right to do so and those choosing not to return had the right to compensation for their property; (c) that Israel should withdraw from all the Arab territories occupied since June 1967; (d) that appropriate arrangements should be established

⁴⁹⁴ 1872nd mtg., paras. 46-55.

⁴⁹⁵ 1873rd mtg., paras. 73-58.

⁴⁹⁶ *Ibid.*, paras. 62-77.

⁴⁹⁷ 1876th mtg., paras. 3-10.

⁴⁹⁸ *Ibid.*, paras. 72-84.

⁴⁹⁹ 1877th mtg., paras. 131-136.

⁵⁰⁰ S/1940/DR.31st yr., Suppl. for Jan.-March 1976, p. 19.

to guarantee, in accordance with the Charter, the sovereignty, territorial integrity and political independence of all States in the area and their right to live in peace within secure and recognized boundaries; secondly, decide that the provisions contained in paragraph 1 above should be taken fully into account in all international efforts and conferences organized within the framework of the United Nations for the establishment of a just and lasting peace in the Middle East; thirdly, request the Secretary-General to take all the necessary steps as soon as possible for the implementation of the provisions of the present resolution and to report to the Security Council on the progress achieved; and fourthly, decide to convene within a period of six months to consider the report by the Secretary-General regarding the implementation of the present resolution, and in order to pursue its responsibilities regarding such implementation.⁵⁰¹

The representative of the United Kingdom repeated his delegation's commitment to the principles and provisions of resolutions 242 (1967) and 338 (1973) and, in order to restore the importance of those resolutions, proposed an amendment consisting of a new operative paragraph which would have the Council reaffirm the principles and provisions of its resolutions 242 (1967) and 338 (1973) and declare that nothing in the foregoing provisions of the resolution superseded them.⁵⁰²

The representative of Pakistan expressed his astonishment that following the detailed consultations among Council members the representative of the United Kingdom now insisted on introducing this amendment. Since the step was completely unexpected, he asked that the meeting be suspended for one hour.⁵⁰³

When the meeting was resumed two hours later, the President announced that the Council would proceed to vote first on the amendment presented by the delegation of the United Kingdom.⁵⁰⁴

Prior to the vote on the amendment, the representative of the United States stated that his delegation would abstain on the amendment, as the draft resolution altered the rights, entitlements and expectations that the amendment sought to reaffirm.⁵⁰⁵

Other statements prior to the vote on the amendment reflected the divergence of views ranging from full acceptance of the text to explicit rejection, as determined by the judgement whether resolutions 242 (1967) and 338 (1973) were crucial to the peace process or had become useless or a hindrance.⁵⁰⁶

The amendment was then put to the vote, received 4 votes in favour, 2 against, and 9 abstentions, and was not adopted, having failed to obtain the required majority.⁵⁰⁷

Then the draft resolution (S/11940) was put to the vote and received 9 votes in favour, one against, and 3 abstentions; China and the Libyan Arab Republic did not participate in the vote. Owing to the negative vote of a permanent member of the Council the draft was not adopted.⁵⁰⁸

Following the vote, the Secretary-General stated that it was his duty to express the general and growing anxiety in the international community that stagnation and stalemate in the Middle East peace process could only lead to further frustration and violence and called upon all the parties concerned to persist in the efforts for peaceful settlement.⁵⁰⁹

Speaking in explanation of vote, the representative of the United States stated that after long and careful examination, his Government had decided that its responsibility to seek further progress towards an overall peace settlement in the Middle East required it, even if it stood alone, to preserve the framework for negotiations established in resolutions 242 (1967) and 338 (1973).⁵¹⁰

The representative of France said that his delegation viewed the draft as complementary to the Council's resolutions 242 (1967) and 338 (1973) and therefore had voted in its favour. Despite the defeat of the draft, he felt that the debate in the Council had been meaningful in that it implied the affirmation of the right of the Palestinian people to an independent State.⁵¹¹

The representative of the USSR indicated that his delegation expressed its deepest regret that, because of the negative vote cast by the United States, the Council could not adopt the draft resolution on such an important question. The inalienable national rights of the Arab people of Palestine had been recognized by members of the Council and by many other Member States in the course of the Council's deliberations. This position had been reflected to a considerable degree in the text of the draft resolution.⁵¹²

The representative of the Syrian Arab Republic joined Council members in conveying his disappointment at the defeat of the draft resolution which, as he explained in some detail, offered a strong reaffirmation of the right of every people to self-determination and thus clear support for the right of the Palestinian people to establish an independent State in its homeland, in conformity with the Charter of the United Nations. He also failed to comprehend how the United States and other Governments could refuse to endorse the Charter principle of the inadmissibility of the acquisition of

⁵⁰¹ For the introduction of the draft resolution, see 1879th mtg., paras. 3-10.

⁵⁰² See 1879th mtg., paras. 12-15. For the text of the amendment see S 11942, *OR, 31st yr., Suppl. for Jan.-March 1976*, p. 21.

⁵⁰³ See *ibid.*, paras. 16-18.

⁵⁰⁴ *Ibid.*, paras. 20 and 21.

⁵⁰⁵ *Ibid.*, paras. 22 and 23.

⁵⁰⁶ France (*ibid.*, paras. 24-26) and Italy (para. 34) fully supported the amendment; the Libyan Arab Republic (paras. 35 and 36) stated its opposition, whereas the representatives of Japan (para. 27), Pakistan (paras. 42-44), USSR (paras. 28-33) and the President of United Republic of Tanzania (paras. 53-55) stated their varying reasons for abstaining.

⁵⁰⁷ For the vote on the amendment see *ibid.*, para. 56.

⁵⁰⁸ For the vote on the draft resolution see *ibid.*, para. 67.

⁵⁰⁹ See *ibid.*, paras. 69-72.

⁵¹⁰ S 11942, *OR, 31st yr., Suppl. for Jan.-March 1976*, pp. 43-46.

⁵¹¹ *Ibid.*, paras. 70-81.

⁵¹² *Ibid.*, paras. 82-94.

territory by the threat or use of force in the case of the occupied Arab territories. In view of this constellation he suggested that the United Nations and its Secretary-General take up the task of establishing a just and lasting peace in the region with the help of the overwhelming majority of Member States.³¹³

C. REQUEST BY THE LIBYAN ARAB REPUBLIC AND PAKISTAN FOR CONSIDERATION OF THE SERIOUS SITUATION ARISING FROM RECENT DEVELOPMENTS IN THE OCCUPIED ARAB TERRITORIES

Decision of 25 March 1976 (1899th meeting): rejection of five-Power draft resolution

By letter³¹⁴ dated 19 March 1976, the representatives of the Libyan Arab Republic and Pakistan requested an urgent meeting of the Security Council to consider the serious situation arising from recent developments in the occupied Arab territories. They pointed out that the situation continued to deteriorate in Jerusalem and other parts of the occupied West Bank and was becoming explosive. Under these circumstances, they called on the Security Council to take prompt and effective measures which would halt the deterioration of the situation and put an end to Israeli defiance of its existing decisions on Jerusalem. They also requested that representatives of the PLO be invited to participate in the debate as on previous occasions.

At the 1893rd meeting on 22 March 1976, the Security Council included the letter in the agenda under the title "Request by the Libyan Arab Republic and Pakistan for consideration of the serious situation arising from recent developments in the occupied Arab territories" and considered the item during its 1893rd to 1899th meetings from 22 to 25 March 1976.

During these meetings the Council decided to invite the representatives of Bangladesh, Egypt, India, Iraq, Israel, Jordan, Mauritania, Saudi Arabia, the Syrian Arab Republic, Tunisia, and Yugoslavia to participate, without vote, in the discussion of the question.³¹⁵

At the 1893rd meeting, the Council also decided, by vote, that the representatives of the PLO should be invited to participate in the debate, in accordance with the Council's past practice.³¹⁶

At the beginning of the discussion of the question, the President drew the attention of the Council members to two letters³¹⁷ dated 1 March and 15 March 1976

³¹³ *Ibid.*, pp. 93-102.

³¹⁴ S/19011, *Ibid.*, p. 126.

³¹⁵ For details, see chapter III.

³¹⁶ The vote was 11 votes in favour, 1 against, and 3 abstentions. For relevant statements regarding the proposal to invite the PLO and for the vote, see 1893rd mtg., paras. 4-21. For further details, see chapter III.

³¹⁷ The letter dated 1 March 1976 from the representative of the Libyan Arab Republic to the President of the Security Council (S/12100), OR, *31st yr., Suppl. for Jan.-March 1976*, pp. 108-109) contained as an annex a letter dated 23 February 1976 from the acting representative of the PLO reporting in detail the recent violations by Israel of the Holy Places in Jerusalem and other acts of aggression in occupied Palestine; the letter dated 15 March 1976 from the representative of Saudi Arabia to the Secretary-General (S/12012, *ibid.*, pp. 123-124) transmitted a statement by members of the Islamic Conference concerning those developments in Jerusalem.

containing information regarding the violation of the sanctity of Al Aqsa Mosque in Jerusalem.

At the same meeting, the representative of the Libyan Arab Republic referred to the call for an urgent meeting from the delegation of Pakistan and his own delegation as the situation in Jerusalem and other parts of the occupied West Bank continued to deteriorate. He mentioned the detailed information about widespread protests against the occupation authorities by Palestinians in Jerusalem and other areas and large-scale arrests as well as other repressive measures ordered by the Israeli authorities. He also noted with appreciation the statement of concern by the Secretary-General about these recent clashes which had resulted from the ruling of an Israeli magistrate on 28 January 1976 concerning prayer by Jews in the Al Aqsa Mosque in Jerusalem. The Israeli policy aimed at radically changing the cultural, religious, demographic and political status of the land and undermining the universal sacred character of the Holy City, in violation of Security Council and General Assembly resolutions.

He warned that every time Israel defied the United Nations without receiving the appropriate response, the authority of the Organization was further eroded and demanded that the international community must take effective measures by imposing appropriate sanctions against Israel.³¹⁸

The representative of the PLO described in detail the measures of suppression to thwart popular anger against the forces of occupation. He expressed the great appreciation of the Palestinians to the Secretary-General for his genuine concern, but added that he was confident in his assumption that the Council would utilize its powers under the Charter to deal with the situation in Palestine. He specifically urged that faced with the great variety of violations by the Israeli occupiers the Council would invoke its powers under Article 36 of the Charter or any other suitable Article, exercise its authority and seek a decisive, effective resolution in order to bring justice to the Palestinian people.³¹⁹

At the same meeting, the representative of Egypt expressed his alarm about the explosive situation in the occupied Arab territories created by Israel's intransigent policy of perpetuating its control over those territories in violation of international law and international standards of civilized behaviour. He added that the Council could no longer acquiesce in the continuation of this illegal occupation. If Israel persisted in its policy of repression and coercion, it would be solely responsible for the disruption of the processes of peace. In view of the dangerous situation that Israel had created in the occupied territories, in flagrant breach of its legal obligations deriving from the norms of international law and the Geneva Convention Relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, his Government believed that the Council should adopt a resolution calling for: the exercise by the Palestinian people of the right to self-determination; the condemna-

³¹⁸ 1893rd mtg., paras. 25-44.

³¹⁹ *Ibid.* paras. 49-69.

tion by the Council of Israel's brutal and illegal actions in the occupied territories; and the taking of immediate and effective steps with a view to putting an end to these violations and to rescinding all previous measures taken by the occupation authorities in Jerusalem and in the West Bank.³²⁰

At the 1894th meeting on 22 March 1976, the representative of the Syrian Arab Republic expressed the viewpoint that Israel's occupation of Arab territories not only was a flagrant violation of the United Nations Charter and the Universal Declaration on Human Rights but also constituted a continued act of aggression according to the definition of aggression adopted by General Assembly resolution 3314 (XXIX). The right of the Palestinians to resist the Israeli occupation with all means at their disposal was legitimate under the Charter and international law. He called upon the Security Council to adopt the necessary measures to put an end to Israel's violations of the human and national rights of the Arab population in the occupied territories. Israel's persistent violations and repressive measures against the Arab inhabitants could be terminated only with the complete withdrawal of the Israeli occupation forces from the West Bank, the Gaza Strip and the rest of the occupied Arab territories.³²¹

At the same meeting, the representative of Israel criticized the invitation to the PLO to participate in the Council discussion as incompatible with the provisional rules of procedure as the PLO could not be seen as equal to a Member State of the United Nations. He also set out in detail his Government's response to the accusations brought against Israel and stated that its enemies had wilfully misrepresented the facts; while a Jerusalem magistrate had ruled that the penalties of the law could not be applied to some Jews praying in the vicinity of the Al Aqsa Mosque, the Government continued to enforce the law that restricted the access of non-Moslems to that Holy Site of Islam. He therefore rejected the charges against his Government as malicious and unwarranted.³²²

The representative of Yugoslavia called upon the Council to condemn Israel for the acts perpetuated by it recently in the occupied territories and with regard to the civilian population; the Council should further demand that Israel put a stop immediately to the oppression of the civilian Arab and Palestinian population by its occupation forces, that it desist from mass arrests, curfews, administrative detention and trials by military courts, from the persecution of intellectuals, collective punishments, destruction of houses, forcible transfers of population and closing down of stores and commercial establishments. The Council should also condemn the Israeli policy of the establishment of any settlements in the occupied territories.³²³

At the 1895th meeting on 23 March 1976, the representative of the USSR stated that a whole series of

completely impermissible actions by the Israeli occupation forces had aroused mass protests by the Arab population. His delegation condemned the highly arbitrary acts against the Arabs in the occupied territories and considered that an end should be put to such acts once and for all. Israel should be compelled to respect the appropriate decisions of the Security Council and the General Assembly and to withdraw its troops from all the Arab territories occupied since 1967.³²⁴

At the 1896th meeting on 23 March 1976, the representative of the United States welcomed the opportunity to hear the representative of the PLO, but expressed his regret that the Council did not adhere to its rules of procedure in inviting the Palestinians. Regarding the issue under discussion, he pointed out that for his Government the big question was the problem of the occupied territories *vis-à-vis* the right of Israel to be and to be secure to which the Americans were strongly and deeply dedicated. He added that the United States remained committed to the implementation of the bargain embedded in resolution 242 (1967) providing for the withdrawal of Israeli forces in return for termination of all claims or states of belligerency and respect for an acknowledgement of the sovereignty, the territorial integrity and the political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force.

He took up the issue of the administration of the holy sites and suggested that the Government of Israel should abide by the standard contained in article 27 of the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War, i.e. preserve the religious practices as they were at the time the occupation began, an attitude maintained by the Israeli Government. With regard to the status of Jerusalem, the United States Government did not regard any of the unilateral measures, including expropriation of land or other administrative action, as anything other than interim and provisional and without effect for the final and permanent status of the city. The situation in the occupied territories should also be seen in the light of the appropriate standards of international law; the occupier had to maintain the territory as intact and unaltered as possible; substantial resettlement of the Israeli civilian population in occupied territories was illegal under article 49 of the fourth Geneva Convention. As far as prospective action of the Security Council was concerned, his delegation would apply three tests: First, would the facts and judgements on which the draft resolution was based correspond to the actual situation? Secondly, would the Council's action in practice advance the proper administration of the areas involved? Thirdly, and most important of all, would the Council's action help or hinder the peaceful settlement process for which resolutions 242 (1967) and 338 (1973) had established the framework?³²⁵

³²⁰ 1893rd mtg., paras. 71-104.

³²¹ 1894th mtg., paras. 25-52.

³²² *Ibid.*, paras. 56-61; 69-125.

³²³ *Ibid.*, paras. 129-137.

³²⁴ 1895th mtg., paras. 2-11.

³²⁵ 1896th mtg., paras. 52-69.

At the 1899th meeting on 25 March 1976, the representative of Pakistan introduced a draft resolution³²⁶ sponsored by the delegations of Guyana, Panama, the United Republic of Tanzania and his own delegation, which, in the preambular part, would have the Council express deep concern at the serious situation which had arisen in the occupied Arab territories as a result of continued occupation and at the measures taken by the Israeli authorities leading to the present grave situation, including measures aimed at changing the physical, cultural, demographic and religious character of the occupied territories and, in particular, the city of Jerusalem, the establishment of Israeli settlements in the occupied territories and other violations of the human rights of the inhabitants of those territories, emphasize the inadmissibility of the acquisition of territory by war, recall and reaffirm the resolutions of the General Assembly and the Security Council calling upon Israel to rescind all measures already taken and to desist from taking any further action which would alter the status of the city of Jerusalem and the character of the occupied Arab territories, note that, notwithstanding the aforementioned resolutions, Israel persisted in its policy aimed at changing the physical, cultural, demographic and religious character of the city of Jerusalem in particular, and reaffirm the urgent need for establishing a just and lasting peace in the Middle East; under the operative part of the draft resolution, the Council would (1) deplore Israel's failure to put a stop to actions and policies tending to change the status of the city of Jerusalem and to rescind measures already taken to that effect; (2) call on Israel, pending the speedy termination of its occupation, to refrain from all measures against the Arab inhabitants of the occupied territories; (3) call on Israel to respect and uphold the inviolability of the Holy Places which were under its occupation and to desist from the expropriation of or encroachment upon Arab lands and property or the establishment of Israeli settlements thereon in the occupied Arab territories and to desist from all other actions and policies designed to change the legal status of the city of Jerusalem and to rescind measures already taken to that effect; and (4) decide to keep the situation under constant attention with a view to meeting again should circumstances so require.

The representative of Pakistan indicated that in preparing the draft the sponsors had sought to accommodate the viewpoints of the Council members and of the parties in order to ensure unanimous approval of the resolution. The sponsors had attempted to formulate the general concern about what had happened in Jerusalem and in the occupied territories, but if any delegation wished to raise further questions or make additional suggestions, the sponsors stood ready to listen to them and to accept them if at all feasible. The sponsors were convinced that the draft resolution would facilitate the peaceful settlement of the Middle East problem and

would be very unhappy if it could not be approved unanimously.³²⁷

Speaking in explanation of vote, the representative of the United States indicated that his Government had carefully measured the draft resolution against the criteria put forward by him at an earlier meeting and had concluded that it failed to meet them, especially because it reflected or implied judgement which on balance did not correspond to the actual situation in the area. In his Government's view Israel had administered the Holy Places in Jerusalem in a way that actively minimized tensions. As the United States was currently involved in an effort to regain the momentum in the negotiating process, his Government felt that the draft before the Council would not facilitate the process of peaceful settlement and had decided to cast a negative vote.³²⁸

At the same meeting, the President put the draft resolution to the vote: it received 14 votes in favour and 1 against and failed of adoption, owing to the negative vote of a permanent member of the Council.³²⁹

D. THE SITUATION IN THE OCCUPIED ARAB TERRITORIES

Decision of 26 May 1976 (1922nd meeting): adjournment

By a letter dated 3 May 1976,³³⁰ the representative of Egypt requested an urgent meeting of the Council to consider the situation that had developed on the West Bank and in the Gaza Strip as a result of the policies and practices that were being applied in those territories by the Israeli authorities. He also requested that the representative of the Palestine Liberation Organization (PLO) be invited to participate in the debate.

At the 1916th meeting on 4 May 1976, the Council included the letter from Egypt in its agenda, without objection,³³¹ and considered the matter at seven meetings held from 3 to 26 May 1976. Following the adoption of the agenda 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. The representative of the PLO was then invited to take a seat at the side of the Council chamber.³³² Subsequently the President invited the representatives of Israel and the PLO to take seats at the Council table.³³³

In the course of the meeting, the representatives of Egypt, Israel, Jordan, Kuwait, Qatar, Saudi Arabia, Somalia, the Syrian Arab Republic and Yemen were invited, at their request, to participate in the debate without the right to vote.

³²⁶ 1899th mtg., paras. 29-42.

³²⁷ *Ibid.*, paras. 93-97.

³²⁸ For the vote, *ibid.*, para. 106.

³²⁹ S/12066, *OR, 31st yr., Suppl. for April-June 1976*, p. 20.

³³⁰ See 1916th mtg., para. 1.

³³¹ The proposal to invite the representative of the PLO was carried by 11 votes in favour to one against, with 3 absentions. For the relevant statements regarding the invitation and for details of the voting, see 1916th mtg., paras. 2-10, as well as chapter III.

³³² See statements by the USSR and the President (1916th mtg., paras. 44-46), as well as chapter III.

³³³ S/12022, *OR, 31st yr., Suppl. for Jan-March 1976*, pp. 100-131. The draft resolution was subsequently voted upon and failed of adoption owing to the negative vote of a permanent member.

Opening the debate, the representative of Egypt said that since the Security Council's last consideration of the question in March 1976,⁵³⁴ the situation in the occupied Arab territories had deteriorated further and further as a result of Israel's adamant policy of continued forceful occupation of those territories and its indiscriminate and repressive measures against the Arab population there. He cited press criticism of Israel for its practices and its expansion of Israeli settlements in those territories, often resulting in the displacement of the Arab populations from their land. He also criticized Israel's human rights record in the territories, recalling the resolution⁵³⁵ adopted by the United Nations Commission on Human Rights on 13 February 1976, based on the reports of the Secretary-General and the Special Committee to Investigate Israeli Practices Involving the Human Rights of the Population of the Occupied Territories, deploring Israel's violations of the inhabitants' human rights and condemning certain specific Israeli policies and practices in those territories. He stressed the unshakable resolve of the Arab inhabitants of the occupied territories to regain their lands and doubted that Israel had the capacity to suppress those aspirations. In any search for a peaceful settlement of the Palestinian question, the indisputable position of the PLO as the sole and legitimate representative of the Palestinian people, its success in that role, and the necessity for full recognition of its position by all the parties concerned would have to be taken into consideration.⁵³⁶

At the 1917th meeting on 5 May 1976, the representative of the PLO said that the success of PLO candidates in the municipal elections conducted in the occupied territories in April 1976 by the Israeli authorities had sent a distressing message to Israel of the patriotism, solidarity and viability of the PLO. Unfortunately, that victory had only served to inflame the Israelis and to harden the attitude of the Israeli Government against the interests of the Palestinians, so that the Government had accelerated the establishment of Jewish settlements and the displacement of Arab inhabitants in the occupied territories in keeping with the surreptitious Zionist design of eradicating all Arabs from the so-called land of Israel. He invited the Council to bear in mind a number of fundamental points, namely: the continued occupation of the Arab territories, the accompanying Israeli practices in those territories, the establishment of Jewish settlements there, the violations of the Arabs' human rights, and the disregard of the purposes and principles of the United Nations Charter by Israel.⁵³⁷

The representative of Jordan said that the intransigence of Israel made it necessary for the Arab countries to resort to the Security Council frequently. Even though no effective measures appeared to follow, it was

important to keep the international community apprised of the plight of the people in the occupied territories. He described recent developments on the West Bank, including mass protests against the Israeli occupation. He also drew particular attention to a reported "master plan" by which Israel intended to annex to Jerusalem vast areas on the West Bank for Jewish settlement and to affect the physical, demographic and cultural composition of the Holy City to the detriment of the Arab sector. He appealed to the Council to act immediately by prevailing upon Israel to respect human rights, to preserve the character of the occupied areas, and, above all, to end its occupation finally and irreversibly.⁵³⁸

The representative of the Syrian Arab Republic charged that there was growing collaboration between Israel and South Africa, as evidenced from the official visit of the Prime Minister of South Africa to Israel in April 1976, and that the two countries were pursuing similar racist policies. He emphasized that the continued illegal occupation of the occupied territories by Israel was the root cause of the Middle East problem. He therefore urged that the Council condemn Israel's repressive practices, demand an end to them, order a halt to any Jewish settlements in the occupied territories and instruct Israel to end its illegal occupation immediately.⁵³⁹

The representative of Israel charged that the Security Council had become an international forum utilized at will by Arab countries, but that the Council did not deal equally with malpractices attributed to those Governments. He mentioned a number of events in that connection, such as the civil strife in Lebanon involving Syria and the PLO, Egypt's record of the treatment of its nationals and the harassment of civilians by the Jordanian authorities. He rejected the allegations of violations of human rights by Israel, pointing to the large number of people, including Arabs, who entered the areas under Israeli administration either as tourists or for medical treatment. He defended the conduct of the recent elections on the West Bank which, despite the expected success of candidates hostile to Israel, had been a free and democratic exercise by Arabs under Israeli administration. He also charged that despite the interim agreement of September 1975 between Egypt and Israel, and the subsequent disengagement agreements with Egypt and the Syrian Arab Republic, his Government's efforts towards an end to hostilities in the Middle East had still elicited no response from the Arab countries. In his delegation's view the complaint under discussion was a frivolous exercise unrelated to the crux of the matter, to wit the failure of the Arab countries to recognize Israel's right of existence as an integral part of the Middle East. He affirmed his Government's determination to continue its efforts in the search for peace.⁵⁴⁰

The representative of Saudi Arabia criticized as untenable Israel's dogmatic stance of basing its claim to

⁵³⁴ See section C above.

⁵³⁵ Resolution 2 (XXXII) (see E 5768, *ESCOR 60th Session, Suppl. No. 3*, p. 54).

⁵³⁶ 1916th mtg., paras. 13-14.

⁵³⁷ 1917th mtg., paras. 3-17.

⁵³⁸ *Ibid.*, paras. 22-35.

⁵³⁹ *Ibid.*, paras. 40-59.

⁵⁴⁰ *Ibid.*, paras. 64-114.

a geographical homeland on the biblical myth of a gift from God, a dogma which, he said, was sustained through utilization of the mass media under Jewish influence. He predicted that in due course Israel's adamant hold over Palestine would come to an end, and urged Israel to adapt its attitudes towards a peaceful change so as to gain acceptance in the area by the Arab world.⁵⁴¹

The representative of the USSR emphasized the position of the PLO as the sole and legitimate representative of the Palestinian people. He quoted from various official Soviet statements which pointed out that failure to solve the Middle East question had already led to four armed conflicts between Israel and the Arab States, and that another similar conflict could not be discounted. It was necessary to end the arms race in the Middle East. Three fundamental and related elements were required for a solution of the problem, namely: the withdrawal by Israel to its pre-1967 borders, the restoration of Palestinian rights, including the right to create their own state, and institution of international guarantees for the security of all States in the area. To that end the Soviet Union favoured a resumption of the efforts under the aegis of the Geneva Conference in which the PLO would participate on an equal basis.⁵⁴²

The representative of China said that in China's view, the question of the situation in the occupied Arab territories was an integral part of the whole Middle East problem, the solution to which was hampered by the super-Power rivalry in the area. It was therefore necessary to eliminate that rivalry and to prevail upon Israel to withdraw from all the occupied Arab territories, objectives that could be achieved by promoting close unity among the Palestinian and other Arab people in their struggle.⁵⁴³

The representative of the Sudan dismissed Israel's claims of humane administration and economic advancement for the people in the areas under its occupation, arguing that Israel regarded those areas as a supplementary market for its trade and a source of supply for unskilled labour. Similar claims of advancement for colonial peoples had been made by the colonial Powers, but in fact, the record of colonial history showed foreign domination to be an evil which retarded political and economic development.⁵⁴⁴

Speakers from other Arab States expressed similar views regarding the Middle East problem as a whole. They denounced Israel's practices in the occupied territories and criticized Israel for attempting to play down or even divert attention from those complaints. They identified, with varying degrees of emphasis, the following elements of the problem: the continued illegal occupation of Arab territories by Israel, Israel's establishment of Jewish settlements in those territories, Israel's violation of the human rights of the inhabitants

there, characterized by some as reminiscent of South Africa's racial injustices, the status of the Holy City of Jerusalem, and the restoration of the Palestinians' rights, including the right to return to their homes and to establish their own state. The speakers pointed out that solutions to the above elements of the problem had already been set out in various United Nations resolutions, and that all that was needed was for the Security Council to find the means of enforcing the relevant decisions. They believed the Security Council to have the capacity in that regard and urged it to have the moral strength to do so.⁵⁴⁵

The representative of Romania urged the Council to explore all possibilities and formulate a decision incorporating a consensus of all the views expressed by the various speakers. For its part, Romania believed that no lasting peace for the area could ever be obtained without finding a solution to the Palestinian problem and without the direct participation of the PLO in the search for such a solution.⁵⁴⁶

The representative of Pakistan urged the Council to initiate appropriate action along the lines already suggested to bring peace in the occupied territories and to resolve the Middle East problem on a permanent basis; otherwise the Council would find itself in the same situation as in March 1976.⁵⁴⁷

At the beginning of the 1922nd meeting on 26 May 1976, the President of the Security Council read out the following statement, which he had been authorized to make following his consultations with all members of the Council:

Following the request submitted by Egypt on 3 May 1976, the Security Council held seven meetings between 4 and 26 May to consider the situation in the occupied Arab territories. After consulting all the members, the President of the Council concludes that the majority of the members agreed on the following:

Grave anxiety was expressed over the present situation in the occupied Arab territories; concern was also expressed about the well being of the population of those territories.

The Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Arab territories occupied by Israel since 1967. The occupying Power was therefore called upon to comply strictly with the provisions of that Convention and to refrain from and rescind any measure which would violate them. In this regard, the measures taken by Israel in the occupied Arab territories which alter their demographic composition or geographical character, and in particular the establishment of settlements, were deplored. Such measures, which cannot prejudice the outcome of the efforts to achieve peace, constitute an obstacle to peace.

The Security Council should continue to follow the situation closely.⁵⁴⁸

The representative of the Libyan Arab Republic said that the statement just read by the President was inadequate in dealing with the central issue of the problem, namely the withdrawal of Israel from the occupied territories, and added that Libya did not

⁵⁴¹ *Ibid.*, paras. 120-146.

⁵⁴² 1918th mtg., paras. 42-66.

⁵⁴³ *Ibid.*, paras. 68-70.

⁵⁴⁴ 1919th mtg., paras. 5-19 and 94-104.

⁵⁴⁵ See in particular the statements by the representatives of Kuwait, 1918th mtg., paras. 5-14; Yemen, *ibid.*, paras. 18-34; Libya, 1920th mtg., paras. 6-24, and Qatar, *ibid.*, paras. 28-37.

⁵⁴⁶ 1921st mtg., paras. 5-19.

⁵⁴⁷ *Ibid.*, paras. 23-34.

⁵⁴⁸ 1922nd mtg., para. 2.

accept the provisions of resolution 242 (1967) as a basis for a solution of the problem.⁵⁴⁹

The representative of the United States said that his delegation had dissociated itself from the President's statement of the view of the majority of the Council because while it contained much that his delegation could accept, it lacked the requisite balance. In particular he criticized the failure to mention the rights accruing to Israel as the occupying Power, under the Geneva Convention, or to recognize the achievements of the Israeli administration in the occupied territories. Nevertheless aspects of Israeli policy, in particular the establishment of settlements, were increasingly a matter of concern.⁵⁵⁰

The representative of Israel criticized the decision of the Council and, referring to decisions of certain other United Nations organs or specialized agencies, complained that the international community did not understand the operation of natural justice in international relations. If it were acting with honour and impartiality, the Council could not ignore the numerous acts of terrorism committed by PLO terrorists in Israel and in the occupied territories. He asserted that the failure to find a solution to the problem lay with the divided Arab States themselves. Israel had accepted Security Council resolutions 242 (1967) and 338 (1973) as a basis for the negotiation of a solution to the Middle East problem.⁵⁵¹

The representative of Jordan replied that the 1967 borders could not be the basis of peace without addressing the question of the rights of the Palestinian people.⁵⁵²

In the absence of objection, the meeting was adjourned.

Decision of 11 November 1976 (1969th meeting): statement by the President on behalf of the members of the Security Council.

By a letter⁵⁵³ dated 20 October 1976, the representative of Egypt requested a meeting of the Council to discuss the situation in the occupied Arab territories resulting from repressive Israeli measures there, despite the action by the Council during the last series of meetings on the subject in May 1976.

By another letter of the same date,⁵⁵⁴ the representative of Egypt requested that the representative of the PLO be invited to participate in the debate.

At the 1966th meeting on 1 November 1976, the Council included the letter from Egypt in its agenda, without objection,⁵⁵⁵ and considered the matter at four meetings held from 1 to 11 November 1976. Following the adoption of the agenda at the 1966th 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.⁵⁵⁶

In the course of the meetings the representatives of Bangladesh, Egypt, Indonesia, Israel, Jordan, Mauritania, Morocco, Nigeria, Saudi Arabia and the Syrian Arab Republic were invited at their request to participate in the debate without the right to vote.⁵⁵⁷

The representative of Egypt recalled pertinent passages in the statement read out by the President at the 1922nd meeting on 26 May 1976, and charged that instead of heeding the measures called for by a majority of the Council in the statement, Israel had ignored all those measures, and had in fact continued to work methodically and persistently against all the points contained in the statement. He also referred to other Security Council resolutions, such as resolution 298 (1971) concerning the status of the city of Jerusalem and resolution 271 (1969) concerning the holy Al Aqsa Mosque, which he said Israel had flouted, as well as to the Israeli practices condemned by the General Assembly in its resolution of 15 December 1975.⁵⁵⁸ He contended that Israeli policies in the occupied territories were based on well-studied and documented Government guidelines for the eventual annexation of those territories by Israel. In view of those developments Egypt had decided to come to the Security Council again in the hope that the Council would condemn those Israeli policies and declare them to be a threat to peace and security.⁵⁵⁹

The representative of the PLO said that the situation in the occupied Arab territories was deteriorating and that nothing had been done to prevent the recurrence of violence there or to deal with the root cause of the problem. He charged that Israeli practices in the occupied territories were a deliberate Government design to demoralize and subjugate the Arab inhabitants and annex their land, while overlooking or treating with benign disinterest the wrongdoings of the Israeli residents or visitors there.⁵⁶⁰

The representative of Jordan complained in particular about the events in Hebron, where the entire city population of 60,000 had been imprisoned for 16 days. As a result of the increasing construction of Israeli settlements in the occupied territories, there would soon be nothing left of Security Council resolution 242 (1967), which Israel was urging Arab States to heed. He stated two prerequisites for a just peace: the prompt withdrawal by Israel from all occupied Arab territories and restoration of the legitimate national rights for the Palestinians.⁵⁶¹

The representative of the Syrian Arab Republic charged that in preparation for the annexation of the occupied Arab lands, Israel contemplated getting rid of as many Arabs as possible through expulsions, harass-

⁵⁴⁹ 1922nd mtg., paras. 29-32.

⁵⁵⁰ *Ibid.*, paras. 33-36.

⁵⁵¹ *Ibid.*, paras. 49-79.

⁵⁵² *Ibid.*, paras. 82-93.

⁵⁵³ S.12218, *OR*, 31st yr., *Suppl. for Oct.-Dec. 1976*, p. 13.

⁵⁵⁴ S.12220, *ibid.*, p. 14.

⁵⁵⁵ 1966th mtg., preceding para. 2.

⁵⁵⁶ The proposal to invite the representative of the PLO was carried

by 11 votes in favour to one against, with 3 abstentions. For the relevant statement regarding the invitation and for details of the voting, see 1966th mtg., paras. 2-22, as well as chapter III.

⁵⁵⁷ For details regarding the invitations, see chapter III.

⁵⁵⁸ See General Assembly resolution 3525 (XXX).

⁵⁵⁹ 1966th mtg., paras. 26-78.

⁵⁶⁰ *Ibid.*, paras. 82-117.

⁵⁶¹ *Ibid.*, paras. 120-146.

ment and persecution. He therefore appealed to the Council to invoke the powers available to it under the Charter so as to defuse the explosive situation in the Middle East.⁵⁶²

The representative of Israel rejected characterization of the situation in the occupied territories as dangerous and explosive, and said that there had been no bloodshed at all in Israel or in the territories under Israeli administration. Actually it was in Lebanon that carnage was taking place, about which the Security Council was doing absolutely nothing. He concluded that the Council's convocation at the request of Egypt was unjustified, and wondered how long it would be willing to let itself be used in that way. In defending his Government's policies in the occupied territories, he said that with regard to the Holy Places Israel would continue to adhere strictly to the fundamental principle of free access to those places by all believers. Contrary to the allegations of previous Arab speakers, Israeli authorities were fostering harmonious religious relations among all the residents in the territories and economic and social gains had accrued to the inhabitants in the occupied territories since they had come under Israeli administration. Rather than engaging in sterile debates it would be more profitable for the parties concerned to engage in direct negotiations, as called for in Security Council resolution 338 (1973), provided that the other parties recognized Israel's right to exist as an integral part of the region.⁵⁶³

The representative of the USSR said that, since the representative of Israel had brought up the situation in Lebanon, it was worth noting that, according to a recent routine report of the Chief of Staff of the United Nations Truce Supervision Organization (UNTSO),⁵⁶⁴ Israel had contributed to the chaos there by violating Lebanese airspace with its aircraft, territorial waters with its warships and militarily occupying positions on Lebanese territory.⁵⁶⁵

At the 1968th meeting on 9 November 1976, the representative of the USSR stated that the situation in the occupied Arab territories resulted from Israel's continued occupation of those territories, a situation which was indicative of Israel's design to annex them. He reaffirmed that, in the view of the Soviet Union, the only way to a just and lasting peace was through a resumption of the Geneva Peace Conference on the Middle East, the Soviet Union was ready to extend its efforts to that end.⁵⁶⁶

During the course of the debate a number of other speakers appealed, in various terms, for firm action by the Security Council to adopt appropriate measures to ensure compliance with the relevant United Nations resolutions.⁵⁶⁷

⁵⁶² *Ibid.*, paras 148-181.

⁵⁶³ 1967th mtg., paras 6-97.

⁵⁶⁴ S/11663/Add. 32, *OR, 31st yr., Suppl. for Oct.-Dec. 1976*, p. 1.

⁵⁶⁵ 1967th mtg., paras 100-103.

⁵⁶⁶ 1968th mtg., paras 4-20.

⁵⁶⁷ For example, Mauritania (1967th mtg., paras 108-120), Bangladesh (*ibid.*, paras 122-128), United Republic of Tanzania (*ibid.*, paras 130-136), Morocco (1968th mtg., paras 23-44), Nigeria (*ibid.*, paras 59-70), Pakistan (1969th mtg., paras 11-20).

At the 1969th meeting on 11 November 1976, the representative of China said that his Government condemned Israeli practices in the occupied territories and deeply sympathized with the plight of the people in those territories. He reiterated his Government's firm support for the Palestinian and other Arab people in their struggle against Israeli Zionism and against big-Power machinations in the area.⁵⁶⁸

The representative of Romania expressed his Government's conviction that since no solution to the Middle East problem could be achieved without resolution of the Palestinian question, it was imperative to resume the Geneva Conference on the Middle East and to ensure that the interests of the Palestinian people were represented there by the PLO. In that connection he expressed his Government's belief that the United Nations, particularly the Security Council and the Secretary-General, must play an important role in the exercise.⁵⁶⁹

In the course of the 1969th meeting the President of the Security Council, on authority of the members of the Council, read out the following statement, which he said had been agreed following his consultations with all of them:

As a result of consultations over which I presided with all members of the Council, I am authorized as President to make the following statement on behalf of the Council:

Following the request submitted by Egypt on 20 October 1976, the Security Council held four meetings between 1 and 11 November to consider the situation in the occupied Arab territories, with the participation of the representative of the Palestine Liberation Organization. After consulting all the members, the President of the Council states that the Council has agreed:

1. To express its grave anxiety and concern over the present serious situation in the occupied Arab territories as a result of continued Israeli occupation
2. To reaffirm its call upon the Government of Israel to ensure the safety, welfare and security of the inhabitants of the territories and to facilitate the return of those inhabitants who have fled the areas since the outbreak of hostilities
3. To reaffirm that the Geneva Convention relative to the Protection of Civilian Persons in Time of War is applicable to the Arab territories occupied by Israel since 1967. Therefore, the occupying Power is called upon once again to comply strictly with the provisions of that Convention and to refrain from any measure that violates them. In this regard, the measures taken by Israel in the occupied Arab territories which alter their demographic composition or geographical character, and in particular the establishment of settlements, are strongly deplored. Such measures, which have no legal validity and cannot prejudice the outcome of the efforts to achieve peace, constitute an obstacle to peace
4. To consider once more that all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon and the transfer of populations, which tend to change the legal status of Jerusalem, are invalid and cannot change that status, and urgently to call upon Israel once more to rescind all such measures already taken and to desist forthwith from taking any further action which tends to change the status of Jerusalem. In this connection, the Council deplores the failure of Israel to show any regard for Security Council resolutions 237 (1967) of 14 June 1967, 252 (1968) of 21 May 1968 and 299 (1971) of 25 September 1971 and General Assembly resolutions 2254 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967.

⁵⁶⁸ 1969th mtg., paras 2-8.

⁵⁶⁹ *Ibid.*, paras 23-31.

5. To recognize that any act of profanation of the Holy Places, religious buildings and sites or any encouragement of, or connivance at, any such act may seriously endanger international peace and security.

The Council decides to keep the situation under constant attention with a view to meeting again should circumstances require.⁵⁷⁰

Following the President's statement, the representative of the United States said that his delegation took exception to some of the criticisms levelled against Israel during the debate, particularly those regarding access to the holy sites. With regard to the central problem of the Middle East, he said that a satisfactory solution could be obtained only through negotiations for a just and lasting peace in accordance with Security Council resolutions 242 (1967) and 338 (1973). On its part the United States vowed to stand by its previous commitments regarding those resolutions.⁵⁷¹

The representative of Israel said that his delegation rejected the statement just read by the President as it was biased against Israel, particularly in its failure to condemn equally Arab defilement of the Israeli Holy Scrolls of Law; its disregard of the salient provisions of Security Council resolutions 242 (1967) and 338 (1973), and its failure to address the central issue of the unwillingness of the Arab States to sit down and negotiate with Israel directly.⁵⁷²

Decision of 22 March 1979 (2134th meeting): resolution 446 (1979)

By a letter dated 23 February 1979⁵⁷³ addressed to the President of the Security Council, the representative of Jordan requested a meeting of the Council to consider the status of the city of Jerusalem and the Israeli policy and practice of settlements and colonization in the rest of the occupied Arab territories.⁵⁷⁴

At the 2123rd meeting on 9 March 1979, the Council included the letter from Jordan in its agenda without objection,⁵⁷⁵ and considered the matter at eight meetings held between 9 and 22 March 1979. 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.⁵⁷⁶ 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.⁵⁷⁷

In the course of the meetings the representatives of Democratic Kampuchea, Egypt, German Democratic

Republic, Hungary, India, Indonesia, Iran, Iraq, Israel, Jordan, Lebanon, Mauritania, Pakistan, Qatar, Romania, Saudi Arabia, Senegal, Somalia, Sudan, Syrian Arab Republic, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Viet Nam, Yemen and Yugoslavia were invited, at their request, to participate in the debate without the right to vote.⁵⁷⁸

At the 2123rd meeting the representative of Jordan distributed to members of the Council maps and accompanying notes⁵⁷⁹ indicating what he termed a terrifying record of the continuing establishment of Israeli settlements in the occupied territories, thereby usurping slowly but deliberately more and more of whatever was left of the Palestinian lands, in flagrant disregard of Security Council resolutions 242 (1967) and 338 (1973). The Council was faced with the question of the continued existence of the Palestinians as a people and of their lands as a homeland, since, he stated, the Israeli occupation authorities had so far confiscated Arab land amounting to about 29 per cent of the entire West Bank.⁵⁸⁰ He then described as pretexts the arguments which the Israelis used as justification for such usurpation and gave a detailed account of the location and methods used by the Israelis in that exercise. In addition he alleged that Israel had started an intensive exploitation of water resources on the West Bank partly to cater to the needs of the increasing population in Israel, and partly to deprive the Arab population in the occupied territories of a vital element of subsistence and thereby force them to vacate their lands. With regard to the Holy City of Jerusalem he said that the Israeli authorities were pursuing policies with a similar purpose in mind, turning Arab areas into uninhabitable slums and taking over Arab places of worship or else harassing Arab worshippers there. The representative of Jordan appealed to the Council to impose a moratorium on any further construction of Israeli settlements in the occupied territories and ensure Israel's compliance therewith; send a Security Council commission of inquiry to the area for an on-the-spot investigation into the complaints brought to the Council; and, in the event that the complaints should be confirmed by the commission, exercise its powers under the Charter, including Chapter VII, to ensure compliance.⁵⁸¹

The representative of Israel rejected the statement by the representative of Jordan as being full of inaccuracies and instead asserted Israel's commitment to peace by pointing to the Camp David agreement of September 1978, worked out during negotiations which Jordan had refused an invitation to join. Jordan's request for a meeting was therefore mischievous and obstructive to the course of international peace.⁵⁸²

⁵⁷⁰ 1969th mtg., para. 41

⁵⁷¹ *Ibid.*, paras. 42-47

⁵⁷² *Ibid.*, paras. 67-81

⁵⁷³ S/13115, *OR*, 34th yr., *Suppl.* for Jan.-March 1979, p. 86

⁵⁷⁴ See also letter dated 2 March 1979 addressed to the President of the Security Council by the Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (S/13132, *ibid.*, p. 95)

⁵⁷⁵ 2123rd mtg., preceding para. 1

⁵⁷⁶ The proposal to invite the representative of the PLO was carried by 10 votes in favour to one against, with 4 abstentions. For the relevant statement by the representative of the United States regarding the invitation and for details of the voting, see 2123rd meeting, paras. 5-7, as well as chapter III

⁵⁷⁷ 2123rd mtg., para. 9

⁵⁷⁸ For details regarding the invitations, see chapter III

⁵⁷⁹ Included in Security Council document S/13149 issued at the request of the representative of Jordan (see *OR*, 34th yr., *Suppl.* for Jan.-March 1979, p. 113)

⁵⁸⁰ The representative of Jordan said that Israeli statistics conceded the land so far taken over by the Israelis to amount to 27 per cent of the West Bank

⁵⁸¹ 2123rd mtg., paras. 15-20

⁵⁸² *Ibid.*, paras. 83-90

The representative of the PLO referred to the draft resolution presented to the Council in March 1976,³⁸¹ vetoed by the United States at the 1899th meeting, and said that action had encouraged Israel's intransigence, as did the enormous American financial assistance to that country. Using the map distributed by the representative of Jordan he gave further details of the Israeli practices and intentions regarding settlements and the effect they were having on the Arab populations in the occupied territories. The representative of the PLO said that the Camp David agreement would, in effect, leave Israeli military authorities in control of the occupied territories and was therefore unacceptable. Instead the PLO would continue to rely only on the formulas set out in the various relevant resolutions of the Security Council and the General Assembly, failing which the Palestinian people would resort to all legitimate means, including the use of force, to resist their elimination.³⁸²

Other Arab representatives charged that Israel had ignored the actions by the Security Council, the General Assembly and other international bodies regarding its occupation of the Arab territories. Nevertheless, they would continue to advocate eventual termination of Israeli occupation of all the territories, including Jerusalem, which must be preserved as a multi-communal and international Holy City, and the restoration to the Palestinian people of all their inalienable rights. They protested Israel's reported intention to make Jerusalem its capital as well as its diversion to its own benefit of the economic assets of the territories and abuse of the inhabitants, and supported Jordan's request for a Security Council commission of inquiry.³⁸³

The Vice-Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People said that the Arab complaints brought to the Council on the present and previous occasions were similar to complaints against Israel received by that Committee. The Committee considered that a just and lasting peace in the region could be achieved only with a solution to the Palestinian question, including the right of the Palestinian people to return and their right to independence and sovereignty in Palestine, and that, accordingly, no other agreements purporting to promote such peace could be tenable outside the framework of the relevant resolutions and Charter of the United Nations.³⁸⁴

The representatives of other Islamic countries noted that the question of Jerusalem touched the most cherished sensibilities of millions of religious adherents in the world and called for the restoration of Arab sovereignty over Jerusalem.³⁸⁵

The representative of Bolivia said that while his country had opened its doors to many Jews fleeing from Nazi Germany, it was opposed to territorial conquest.

His delegation therefore appealed to the Council to undertake appropriate remedial action, including that which would restore and maintain the status of the Holy City of Jerusalem.³⁸⁶

The representative of Yugoslavia stated that the international community was justified in its indignation at Israel's attempts to dispossess the Arab inhabitants in the occupied territories and to change the character of the city of Jerusalem. It was up to the Security Council to institute the requisite measures to that end.³⁸⁷

At the 2125th meeting on 13 March 1979, the representative of Israel complained that the Council was biased in responding to issues raised before it by the Arab States while consistently ignoring Israel's complaints. The current deliberations by the Council had nothing to do with the realities of the situation. Instead, the timing of the Council's meeting was intended to frustrate the ongoing peace efforts, as highlighted by the visit to the Middle East of the President of the United States. In defence of the Israeli settlements programme he argued that some of the settlements complained about had existed in the West Bank for centuries. Furthermore, in view of the Arab States' rejections of peace with Israel, the establishment of the settlements was necessary for Israel's security purposes. With regard to Jerusalem he said that Israel's policy was based on its law on Protection of Holy Places of June 1967, when the city was reunited, which guaranteed unrestricted access to members of all faiths. He also pointed to political and economic advances which he said the Arab inhabitants had achieved in the occupied territories since they had come under Israeli administration.³⁸⁸

The representative of India said that Israel's declared rationale for its practices in the occupied territories had no justification in law and must therefore be regarded as a flagrant violation of the fourth Geneva Convention of 1949. Thus, the United Nations, especially the Security Council, had a clear duty to redress the situation.³⁸⁹

At the 2126th meeting on 14 March 1979, the representative of Jordan responded to Israel's accusation regarding Jordan's refusal to join the Camp David process, and pointed out that his Government rejected both the procedure and substantive results of those talks. The premises upon which the exercise was based fell short of what Jordan considered to be correct and necessary, namely: assurance of the eventual self-determination and sovereignty of the Palestinian people; prospects for a comprehensive settlement that would at once solve the issues of the occupation of Arab territories and Palestinian sovereignty; and assurance against fragmentation of the problem. Unfortunately, he said, the failure to observe those guidelines meant that the United States had already taken sides with Egypt and Israel, and Jordan could not commit itself blindly to a process without a clear idea of the expected result of that process.³⁹⁰

³⁸¹ See S/12022 *OR, Hist. & Suppl. for Jan. - March 1976*, p. 130.

³⁸² 2123rd mtg., paras. 92-115.

³⁸³ 2123rd mtg. - Egypt, paras. 149-152; Lebanon, paras. 155-163;

2124th mtg. - Iraq, paras. 5-13; Syrian Arab Republic, paras. 55-87;

2125th mtg. - Kuwait, paras. 4-29; 2127th mtg. - Qatar, paras. 6-14.

³⁸⁴ 2123rd mtg., paras. 185-186.

³⁸⁵ 2124th mtg. - Pakistan, paras. 12-26; Iran, paras. 90-100;

Turkey, paras. 29-35; 2125th mtg. - Indonesia, paras. 143-151; 2126th

mtg. - Senegal, paras. 15-32; 2127th mtg. - Bangladesh, paras. 16-39.

³⁸⁶ 2124th mtg., paras. 36-51.

³⁸⁷ *Ibid.*, paras. 102-112.

³⁸⁸ 2125th mtg., paras. 31-99.

³⁸⁹ *Ibid.*, paras. 103-115.

³⁹⁰ 2126th mtg., paras. 34-72.

Many other speakers who participated in the debate⁵⁹¹ identified the central issues of the Middle East problem as the question of the Palestinian people, the continued occupation of Arab territories by Israel, the establishment of Israeli settlements in those territories and the status of the City of Jerusalem. They cautioned that failure by the Council to deal with those issues squarely would leave the Middle East in a state of constant threat to international peace and security. Many of them criticized the Camp David process principally on account of its failure to address those issues comprehensively. The representatives from Arab States in particular denounced the Camp David accord, citing its rejection by the Arab Summit Conference held in Baghdad in November 1978.

At the 2127th meeting on 15 March 1979, the representative of the USSR reviewed Israel's record of disregard for the decisions of the United Nations and, within the context of the Camp David arrangements, said that the so-called autonomy for the people of Gaza and the West Bank was a sham. Moreover, he pointed out, no separate agreement purporting to promote Palestinian interests could have any juridical validity without the full participation by the lawful representatives of the Palestinian people. Consequently, his delegation supported the demands and measures against Israel advocated in the Security Council by Arab and other States.⁵⁹²

At the 2128th meeting on 16 March 1979, the representative of China reiterated his Government's position that the Israeli-occupied territories formed an inseparable part of the Middle East problem and decried the fact that prospects for any solution to that problem were hampered by the super-Power rivalry and intervention in the region.⁵⁹³

At the same meeting, the representative of Kuwait introduced a draft resolution co-sponsored by Bangladesh, Kuwait, Nigeria and Zambia.⁵⁹⁴ He explained the principal provisions of the draft resolution, which he said did not go beyond what had already been stated and reaffirmed in previous resolutions. He emphasized the urgency of the matter by pointing out that if the resolution were adopted, the proposed commission would be obliged to report to the Council by the end of May 1979.⁵⁹⁵

At the 2131st meeting on 19 March 1979, the representative of Norway said that his Government felt that, all things considered, only a settlement which recognized Israel's right to exist within secure and recognized boundaries and assured the legitimate national rights of the Palestinian people could bring a just

and lasting peace to the Middle East. The provisions and objectives of the Camp David agreement, if carefully implemented, provided an initial step towards such a comprehensive solution.⁵⁹⁶

The representative of Israel rejected the allegations that Israel was plundering the water resources in the occupied territories for its own use, and pointed out that, in fact, it was Israel which supplied water to the Arab towns during shortfalls there. He also denied the applicability of the Geneva Convention of 1949 to Israel's administration in the West Bank and Gaza, and he quoted leading international legal sources to prove that point. He urged the Council not to give way to the opponents of peace, but to recognize the process under way towards the objective of peace, which was based on the Council's own resolution 242 (1967).⁵⁹⁷

The representative of Jordan rejected Israel's attempts not to recognize the applicability of the Geneva Convention of 1949. He stated that Israel had not occupied a non-sovereign territory on the West Bank in 1967: that territory had been under Palestinian occupation for thousands of years—a situation that had been reaffirmed by resolutions of the United Nations—and had been operating under a system of unity with its counterpart on the East Bank. He reiterated his complaints of violations of human rights by the Israeli authorities in the occupied territories and challenged Israel to accept the proposed commission of the Security Council.⁵⁹⁸

At the 2134th meeting on 22 March 1979, the representative of the United Kingdom recalled the statement issued by the Security Council on 11 November 1976 and regretted that its provisions had not been heeded. In his Government's view Israel's settlement policies posed a major obstacle to peace. Meanwhile, in light of the imminent conclusion of the Camp David agreement the United Kingdom delegation expressed reservations on the proposal to send a Security Council commission to the Middle East. Accordingly his delegation intended to abstain on the draft resolution before the Council, although that abstention should not be taken to indicate acquiescence in the Israeli policies in the occupied territories.⁵⁹⁹

The President, speaking in his capacity as the representative of Nigeria, said that the historical record of the Israeli leaders indicated a clandestine intention to annex the occupied territories, although Israel pretended to favour a policy of coexistence with the Arab inhabitants there. Israel should not be allowed to formalize its mythical claim to the West Bank as a gift from God. He urged the international community to prevail upon Israel to comply with the relevant United Nations resolutions; otherwise that country must be prepared to face the punitive measures provided under the Charter.⁶⁰⁰

⁵⁹¹ 2125th mtg., Somalia, paras. 120-138, 2126th mtg., Czechoslovakia, paras. 3-13, Sudan, paras. 76-87, 2127th mtg., Qatar, paras. 6-14, German Democratic Republic, paras. 43-54, Jamaica, paras. 55-63, Hungary, paras. 102-110, Yemen, paras. 133-129, 2128th mtg., Ukrainian SSR, paras. 39-54, 2131st mtg., Gabon, paras. 10-24, Mauritania, paras. 26-53, Tunisia, paras. 56-67, Romania, paras. 70-84, 2134th mtg., Saudi Arabia, paras. 26-31.

⁵⁹² 2127th mtg., paras. 64-84.

⁵⁹³ 2128th mtg., paras. 14-18.

⁵⁹⁴ S/13171/Rev.1, *OR*, 34th yr., *Suppl. for Jan-Mar, 1979*

p. 148.

⁵⁹⁵ 2128th mtg., paras. 24-34.

⁵⁹⁶ 2131st mtg., paras. 4-9.

⁵⁹⁷ *Ibid.*, paras. 96-129.

⁵⁹⁸ *Ibid.*, paras. 133-167.

⁵⁹⁹ 2134th mtg., paras. 52-55.

⁶⁰⁰ *Ibid.*, paras. 72-108.

The draft resolution before the Council was put to the vote and was adopted as resolution 446 (1979) by 12 votes to none, with three abstentions.⁶⁰¹ The text of the resolution reads as follows:

The Security Council,

Having heard the statement of the Permanent Representative of Jordan and other statements made before the Council,

Stressing the urgent need to achieve a comprehensive, just and lasting peace in the Middle East,

Affirming once more that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Arab territories occupied by Israel since 1967, including Jerusalem,

1. *Determines* that the policy and practices of Israel in establishing settlements in the Palestinian and other Arab territories occupied since 1967 have no legal validity and constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East;

2. *Strongly deplures* the failure of Israel to abide by Security Council resolutions 237 (1967) of 14 June 1967, 252 (1968) of 21 May 1968 and 298 (1971) of 25 September 1971, by the consensus statement made by the President of the Council on 11 November 1976 and by General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967, 3275 of 28 October 1977 and 33/113 of 18 December 1978,

3. *Calls once more upon* Israel, as the occupying Power, to abide scrupulously by the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to rescind its previous measures and to desist from taking any action which would result in changing the legal status and geographical nature and materially affecting the demographic composition of the Arab territories occupied since 1967, including Jerusalem, and, in particular, not to transfer parts of its own civilian population into the occupied Arab territories;

4. *Establishes* a commission consisting of three members of the Security Council, to be appointed by the President of the Council after consultation with the members of the Council, to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem;

5. *Requests* the Commission to submit its report to the Security Council by 1 July 1979;

6. *Requests* the Secretary-General to provide the Commission with the necessary facilities to enable it to carry out its mission;

7. *Decides* to keep the situation in the occupied territories under constant and close scrutiny and to reconvene in July 1979 to review the situation in the light of the findings of the Commission.

Speaking after the vote, the representative of the United States criticized the confrontational tenor of the debate, which he said had ignored the positive process under way for a peaceful settlement of the Middle East question that was built upon the foundations of Security Council resolutions 242 (1967) and 338 (1973). In the circumstances he doubted the utility of creating a Security Council commission of inquiry; instead the United States appealed to all members to support the peace process under way.⁶⁰²

The representative of Jordan expressed his delegation's gratitude to the Security Council for agreeing to the establishment of a Security Council commission, although he expressed disappointment that three delegations had found it necessary to abstain from the vote.⁶⁰³

⁶⁰¹ *Ibid.*, para. 113.

⁶⁰² *Ibid.*, paras. 126-136.

⁶⁰³ *Ibid.*, paras. 145-164.

The representative of Israel said that the real purpose behind the resolution just adopted was to frustrate the peace process under way. Moreover, his delegation despaired of the proposed commission, judging from similar United Nations fact-finding commissions which had come up with predetermined and hostile conclusions.⁶⁰⁴

The representative of the PLO pointed out that the resolution avoided the central issue of the Palestinian people, and said Israel's real intention, declared on several occasions by Government leaders, was never to return to the border of 1967.⁶⁰⁵

In a note dated 3 April 1979⁶⁰⁶ the President of the Security Council stated that, following his consultations with the members of the Council, it had been agreed that the commission established under paragraph 4 of resolution 446 (1979) would be composed of Bolivia, Portugal and Zambia.

Decision of 20 July 1979 (2159th meeting): resolution 452 (1979)

On 12 July 1979, the Commission established under resolution 446 (1979) submitted its report,⁶⁰⁷ which was included in the agenda of the Security Council without objection at the 2156th meeting on 18 July 1979 and was considered at four meetings held between that date and 20 July 1979.

Following the adoption of the agenda at the 2156th 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.⁶⁰⁸ Also at the same meeting the Council decided to extend an invitation under rule 39 to the Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.⁶⁰⁹

In the course of the meetings the representatives of Egypt, Jordan, Israel and Syria were invited, at their request, to participate in the discussion without the right to vote.

At the 2156th meeting the President of the Council invited the members of the Commission to introduce their report.⁶¹⁰

The representative of Portugal, Chairman of the Commission, described the procedures and methods adopted by the Commission for the proper implementation of its mandate. While all the other Governments in the area concerned had extended assistance and co-operation to the Commission, he reported with regret that the Government of Israel had rejected any collaboration with the Commission. Nevertheless, the Commission had been able to gather useful and pertinent information by taking note of the official information conveyed

⁶⁰⁴ *Ibid.*, paras. 166-172.

⁶⁰⁵ *Ibid.*, paras. 174-188.

⁶⁰⁶ S/13218, OR, 34th yr., Suppl. for July-Sept. 1979, p. 10.

⁶⁰⁷ S/13450 and Corr. 1 and Add. 1, *ibid.*, p. 16.

⁶⁰⁸ The 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 regarding the invitation and for details of the voting, see 2156th meeting, paras. 7-8, as well as chapter III.

⁶⁰⁹ 2156th mtg., para. 4.

⁶¹⁰ *Ibid.*, para. 10.

by the other Governments concerned, by receiving such information from appropriate United Nations bodies and from the PLO, and by hearing individual witnesses in connection with the plight of the Palestinian refugees and the status of the city of Jerusalem. The Commission had analysed all the information thus obtained and drawn the conclusions contained in the report. He emphasized the Commission's conviction that the Israeli settlements were being used as a political weapon to reinforce Israel's presence in the occupied territories, and that Israel's practices in those territories, including Jerusalem, were in violation of the Geneva Convention of 12 August 1949, as well as against international law relative to military occupation.⁶¹¹

The representative of Bolivia endorsed the Chairman's statement and emphasized his delegation's view that it was important to respect the territorial sovereignty of States. With regard to Jerusalem, his delegation was convinced that the measures recommended to the Council by the Commission might preserve the status of that city and create there an atmosphere of harmony among the believers in Judaism, Islam and Christianity.⁶¹²

The representative of Zambia also associated his delegation with the statement made by the Chairman of the Commission and added his delegation's view that Israel's settlements policy in the occupied Arab territories was a modern form of colonialism. Israel's colonialist policy was the more objectionable because its implementation entailed the expulsion or displacement of the Arab inhabitants. His delegation therefore appealed to the Council to demand that Israel immediately stop the establishment, construction and planning of any future settlements and dismantle the existing ones.⁶¹³

The President expressed the appreciation of the Council for the good will and conscientiousness with which the Commission had undertaken the difficult task entrusted to it by the Council.⁶¹⁴

The representative of Israel charged that Jordan's timing for initiating the establishment of the Security Council Commission had been intended to frustrate the progress of the Camp David peace talks, a view that he said was amply vindicated by Jordan's refusal to join in those talks. Noting the input obtained by the Commission from the Committee on the Exercise of the Inalienable Rights of the Palestinian People and by the PLO, he asserted that the Commission's report naturally and predictably presented a one-sided and distorted treatment of its mandate. His Government had rejected Security Council resolution 446 (1979) by which the Commission had been established, and he asserted that the conclusions of the Commission were based on the erroneous premises of that resolution and were contrary to principles of international law. He questioned why the Commission had ignored the position expressed by his delegation during the Council's consideration of the Middle East question in March 1979⁶¹⁵ and wondered

why the Commission had not verified its so-called findings by checking them against readily available sources in the United Nations archives. He said that the population in the West Bank had increased by 16.4 per cent between 1967 and 1978, which showed the falsity of the allegations that the Israeli authorities had expelled or displaced Arab inhabitants therefrom. He also referred to the many Moslem and Christian tourists and pilgrims that had visited Jerusalem since 1967, a fact that, he said, had been conveniently ignored by the Commission. Consequently, his delegation rejected the Commission's report and asserted instead that his Government would continue with the peace talks under way as the best prospect for real peace in the Middle East.⁶¹⁶

The representative of Jordan referred to the Commission's report and noted that the Commission had confirmed the existence of 133 Israeli settlements in the occupied territories, including 17 in and around Jerusalem. His delegation commended the work of the Commission and urged that it pursue its assignment. He added that Israel's talk of reunification of Jerusalem in effect amounted to designs to annex that city altogether.⁶¹⁷

The representative of Egypt commended the Commission's efforts. His delegation deeply regretted Israel's refusal to co-operate with the Commission or to allow it to visit the occupied territories. Nevertheless, his Government fully supported the Commission's conclusions and recommendations, which could serve as a basis for the Council's firm action against Israel's settlements policy in the occupied territories.⁶¹⁸

The representative of the PLO expressed his delegation's regret that owing to Israel's refusal to co-operate with the Commission, it had been unable to talk to Palestinians in the occupied territories. Israel's attitude was indicative of that country's real intentions not to vacate the occupied territories. He referred to the Commission's recommendation for a demand for Israel's immediate cessation and dismantling of its settlements in the occupied territories and noted that the recommendation was a mere restatement of a position taken by the Council itself since 1967, to which Israel had paid no heed, and the situation had continued to deteriorate. He hoped that the Council would endorse the Commission's recommendations, if only in appreciation of the Commission's objective efforts.⁶¹⁹

At the 2157th meeting on 19 July 1979, the representative of Kuwait criticised Israel's attitude as hypocritical, since that Government claimed that it had nothing to hide and yet denied the Commission access to the occupied territories. His delegation accepted and endorsed the recommendations of the Commission and hoped that the Council would make them the basis of measures for fulfilling legitimate expectations, namely: respect for international law, observance of the Geneva

⁶¹¹ 2156th mtg., paras. 11-24.

⁶¹² *Ibid.*, paras. 28-36.

⁶¹³ *Ibid.*, paras. 38-56.

⁶¹⁴ *Ibid.*, para. 57.

⁶¹⁵ See 2125th mtg., paras. 31-99.

⁶¹⁶ 2156th mtg., paras. 62-105.

⁶¹⁷ *Ibid.*, paras. 112-153.

⁶¹⁸ *Ibid.*, paras. 157-164.

⁶¹⁹ *Ibid.*, paras. 167-199.

Convention, adherence to the United Nations Charter and implementation of the Security Council decisions.⁶²²

The representative of France said that despite Israel's non-co-operation the Commission had presented information that justified the international concerns about that Government's practices in the occupied territories. France was therefore ready to join in any efforts by the Council aimed at remedying the situation on the basis of and within the framework of the Commission's recommendations.⁶²³

The representative of China urged that, on the basis of the Commission's findings, which clearly confirmed the accusations against Israel, the Security Council should adopt a resolution strongly condemning that Government for its aggression and expansionist policies.⁶²⁴

The Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People expressed satisfaction that the Commission had presented findings of Israeli practices in the occupied territories which his Committee had on several occasions drawn to the attention of the Council. It was particularly pertinent to note the Commission's reaffirmation that Israel's settlements policy had no legal validity and constituted a serious obstruction to a comprehensive and lasting peace in the Middle East. Endorsement by the Council of the Commission's recommendations should be a first step towards endorsement of the Committee's own recommendations to the Council.⁶²⁵

The representative of the Syrian Arab Republic said that the Commission's report had provided the Council with irrefutable evidence of Israel's real designs in the occupied territories. Consequently, his delegation felt that the Council had sufficient grounds for invoking the provisions of Chapter VII of the Charter against Israel and also for reprimanding the United States, which his delegation regarded as the overall supporter of Israel.⁶²⁶

The representative of Jordan argued that the Camp David accords were all the more unacceptable because they did not, in his delegation's view, conform to the provisions of either Security Council resolutions 242 (1967) and 338 (1973) or General Assembly resolutions 181 (II) and 194 (III), both of which his delegation considered still binding. He assured the Council that, contrary to Israel's allegations characterizing them as enemies, Jordan, Syria and the Palestinian people were very much committed to the cause of peace.⁶²⁷

At the 2158th meeting on 20 July 1979 the representative of Jamaica rejected Israel's contention that the establishment of settlements in the occupied territories could be justified on security grounds. He fully endorsed the Commission's recommendations and appealed to the

Council to prevail upon Israel to implement the relevant Council resolutions adopted since 1967.⁶²⁸

The representative of Bangladesh drew particular attention to the Commission's findings and conclusions concerning the status of Jerusalem, a city that symbolized the most cherished feelings of the adherents of the three great religions in the world. He therefore urged the Council to take immediate corrective and remedial measures to arrest and reverse the deteriorating situation regarding the holy city of Jerusalem.⁶²⁹

The representative of USSR said that the Commission's findings revealed the true intentions of the ruling circles in Israel to annex the occupied territories and to expel their Arab inhabitants. His delegation dismissed the so-called Camp David accords as a means to a comprehensive and just settlement in the Middle East and supported proposals that the Council consider applying against Israel the sanctions provided for under Chapter VII of the Charter.⁶³⁰

At the 2159th meeting on the same day the President drew the attention of the members of the Council to a draft resolution,⁶³¹ which he said had emerged in the course of consultations among the members.⁶³²

The representative of Portugal introduced the draft resolution, which he said incorporated the conclusions and recommendations of the Commission and took into account the view of the members of the Council that the settlements policy was illegal and that its continuation not only hindered any progress towards a peaceful solution to the Middle East conflict but also violated the Geneva Convention of 12 August 1949.⁶³³

The draft resolution was then put to the vote and was adopted by 14 votes to none with one abstention (the United States) as resolution 452 (1979). The resolution reads as follows:

The Security Council

Taking note of the report and recommendations of the Security Council Commission established under resolution 446 (1979) of 22 March 1979 to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem, contained in document S/13450 and Corr 1 and Add.1.

Strongly deploring the lack of co-operation of Israel with the Commission,

Considering that the policy of Israel in establishing settlements in the occupied Arab territories has no legal validity and constitutes a violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,

Deeply concerned by the practices of the Israeli authorities in implementing that settlements policy in the occupied Arab territories, including Jerusalem, and its consequences for the local Arab and Palestinian population,

Emphasizing the need for confronting the issue of the existing settlements and the need to consider measures to safeguard the impartial protection of property seized,

Bearing in mind the specific status of Jerusalem and reconfirming pertinent Security Council resolutions concerning Jerusalem, and in particular the need to protect and preserve the unique spiritual and religious dimension of the Holy Places in that city,

⁶²² 2157th mtg., paras. 5-15.

⁶²³ *Ibid.*, paras. 38-42.

⁶²⁴ *Ibid.*, paras. 44-47.

⁶²⁵ *Ibid.*, paras. 50-58.

⁶²⁶ *Ibid.*, paras. 61-76.

⁶²⁷ *Ibid.*, paras. 79-105.

⁶²⁸ 2158th mtg., paras. 4-11.

⁶²⁹ *Ibid.*, paras. 14-24.

⁶³⁰ *Ibid.*, paras. 33-48.

⁶³¹ S/13461, for the text of which see resolution 452 (1979) reproduced below.

⁶³² 2159th mtg., paras. 2 and 3.

⁶³³ *Ibid.*, paras. 4-9.

Drawing attention to the grave consequences which the settlements policy is bound to have on any attempt to reach a peaceful solution in the Middle East.

1. *Commends* the work done by the Security Council Commission established under resolution 446 (1979) in preparing the report on the establishment of Israeli settlements in the Arab territories occupied since 1967, including Jerusalem;

2. *Accepts* the recommendations contained in the report of the Commission;

3. *Calls upon* the Government and people of Israel to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem;

4. *Requests* the Commission, in view of the magnitude of the problem of settlements, to keep under close survey the implementation of the present resolution and to report back to the Security Council before 1 November 1979.

Speaking in explanation of vote the representative of the United States said that his delegation had abstained from the vote because the resolution, like the Commission's report, went beyond the question of Israeli settlements, and included such extraneous matters as the status of Jerusalem. Nevertheless, he reaffirmed his delegation's opposition to Israeli settlements in the occupied territories as prejudicial to the outcome of the peace negotiations and contrary to the fourth Geneva Convention of 1949. He repeated his Government's request to Israel to cease the establishment of such settlements in the occupied territories.⁶³⁴

The President of the Council, speaking in his capacity as the representative of the United Kingdom, expressed his delegation's disappointment at Israel's refusal to co-operate with the Commission. Such co-operation would have helped to clear up several uncertainties, such as the statistical data regarding the actual number of Israeli settlers in the occupied territories or the proportion of land used for those settlements. In any case, his delegation was opposed to the policy of Israeli settlements and regarded them as an obstacle to peace in the area.⁶³⁵

Decision of 1 March 1980 (2203rd meeting) resolution 465 (1980)

Between 5 and 22 February 1980 eight communications⁶³⁶ were received in connection with the situation that had developed in the Arab city of Al Khalil (Hebron) following the reported establishment of Israeli settlements there. In its letter of 15 February 1980 Morocco, on behalf of the members of the Islamic Conference, requested an urgent meeting of the Security Council to consider the situation in Al Khalil (Hebron). Similarly, the letter from Jordan referred to the second report of the Security Council Commission established

under resolution 446 (1979)⁶³⁷ and also requested a meeting of the Council to consider Israel's defiance of the Council's decisions and to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem.

At the 2199th meeting on 22 February 1980 the Security Council included the letters from Jordan and Morocco in its agenda, without objection,⁶³⁸ and considered the matter at five meetings held from 22 February to 1 March 1980.

At the 2199th meeting 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.⁶³⁹

At the same meeting the Council also decided, by vote, to invite, in accordance with past practice, the representative of the PLO to participate in the discussion.⁶⁴⁰

Also at the same meeting the Council decided to extend an invitation under rule 39, at the request of the representative of Tunisia, to Mr. Clovis Maksoud and Mr. Fahd Qawasma.⁶⁴¹ The representative of Tunisia later expressed the hope that in view of the Council's decision, the President of the Council or the Secretary-General of the United Nations would request the local authorities to permit Mr. Qawasma to travel to New York and address the Council.⁶⁴² Later, the Council was informed that Mr. Qawasma's application for permission to travel to New York had been denied by the Israeli administering authorities.⁶⁴³

In the course of the five meetings the representatives of Afghanistan, Algeria, Cuba, Egypt, Indonesia, Israel, Jordan, Kuwait, Lebanon, Morocco, Pakistan, Syrian Arab Republic, Viet Nam and Yugoslavia were invited, at their request, to participate in the discussion without the right to vote.⁶⁴⁴ Comments in connexion with the invitation extended to the representative of Afghanistan were made by representatives of Bangladesh, China, Norway, Portugal, the USSR, the United Kingdom and the United States, speaking on a point of order.⁶⁴⁵

The representative of Portugal, in his capacity as Chairman of the Security Council Commission Established under Resolution 446 (1979), introduced the Commission's second report. He said that the Commission had again failed to secure the co-operation of Israel, despite concerted efforts to that end; nevertheless the Commission had been able to gather information which confirmed its original findings and it stressed the gravity of Israel's adamant policy of establishing settlements, expanding those already in existence and plan-

⁶³⁴ 2159th mtg., paras. 20-23.

⁶³⁵ *Ibid.*, paras. 46-48.

⁶³⁶ Letters dated 5 Feb. 1980 from Israel (S/13781, *OR*, 35th yr., *Suppl. for Jan.-March 1980*, p. 38), 11 Feb. 1980 from Tunisia (S/13791, *Ibid.*, p. 44), 14 Feb. 1980 from Egypt (S/13795, *Ibid.*, p. 46), 14 Feb. 1980 from Tunisia (S/13798, *Ibid.*, p. 49), 15 Feb. 1980 from Jordan (S/13801, *Ibid.*, p. 49), 15 Feb. 1980 from Morocco (S/13802, *Ibid.*, p. 50), 20 Feb. 1980 from the Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (S/13811, *Ibid.*, p. 57), and 22 Feb. 1980 from Morocco (S/13815, *Ibid.*, p. 58).

⁶³⁷ S/13679, *OR*, 34th yr., *Suppl. for Oct.-Dec. 1979*, p. 106.

⁶³⁸ 2199th mtg., preceding para. 1.

⁶³⁹ *Ibid.*, paras. 2 and 3.

⁶⁴⁰ The proposal to invite the representative of the PLO was adopted by 10 votes to one with 4 abstentions. For the relevant statements regarding the invitation and for details of the voting, see 2199th mtg., paras. 4-10, as well as chapter III.

⁶⁴¹ 2199th mtg., paras. 11-14.

⁶⁴² *Ibid.*, para. 174.

⁶⁴³ See statement by the representative of Israel, 2200th mtg., paras. 117-120.

⁶⁴⁴ For full details regarding the invitations, see chapter III.

⁶⁴⁵ 2202nd mtg., paras. 108-126.

ning further settlements in the occupied territories. In the circumstances the Commission found it necessary to reiterate the conclusions and recommendations contained in its first report.⁶⁴⁶

The representative of Morocco, in his capacity as Chairman of the Islamic Group, said that the Commission's findings left no doubt about Israel's official designs to colonize and annex the occupied territories. Morocco was particularly concerned at Israel's attempts to transform the character of Jerusalem and its violations of other Holy Places in the occupied territories. He reaffirmed the Moslem world's solidarity with the Palestinian people in their struggle for the restoration of their legitimate rights.⁶⁴⁷

The representative of Jordan reviewed the Commission findings and noted that even after publication of the Commission's first report Israel had defiantly continued to construct new settlements in the occupied territories, thereby displacing more and more Arab inhabitants and confiscating their land. He described the location, size and nature of the new such settlements, particularly those constructed around Jerusalem. With regard to the situation in Al Khalil (Hebron), he stated that following the murder of an Israeli soldier there on 31 January by an unknown assailant, the Israeli occupation authorities had for 11 days imposed a 23-hour curfew on the city's inhabitants, during which their homes had been subjected to abusive and destructive searches, all communications with the outside world had been interrupted, perishable goods had rotted, and Moslems had been prohibited from performing their Friday prayers in a holy mosque while militant Israeli settlers prayed there illegally or harassed the Palestinian population. After drawing the Council's attention to the Commission's recommendations, he urged the Council to apply against Israel the punitive measures provided for under Chapter VII of the Charter.⁶⁴⁸

The representative of Israel said that its peace treaty with Egypt notwithstanding, Israel was entitled to apply appropriate measures to ensure its security, a point which the Council should not ignore. With regard to events in Al Khalil (Hebron), he said that the allegations by the Arab States were a distortion of the true facts. In fact, he said, Israel's policies were applied in such a way as to facilitate and promote good communal relations between the Arab and Jewish inhabitants of that city. Before their brutal liquidation in 1929, Jews had been living in Hebron for many years, and he stressed Israel's position of principle that Jews had the right to live in any part of the land of Israel.⁶⁴⁹

The representative of the PLO expressed satisfaction that the findings of the Commission's second report had vindicated the complaints of his delegation with regard in particular to the deprivation of water resources of the Arab inhabitants, the continued occupation of Arab

lands and establishment of Israeli settlements there, the question of Jerusalem and the destruction of Arab religious shrines.⁶⁵⁰

The representative of Egypt said that as one of the countries that the Commission had visited, his delegation had carefully studied its second report, and he supported its conclusions and recommendations with particular emphasis on the establishment of settlements and the status of the Holy City of Jerusalem. He urged the Council to act in conformity with the Commission's recommendations.⁶⁵¹

At the 2200th meeting on 25 February 1980, Mr. Maksoud said that the international community should grasp Israel's real intentions for the creation of a greater Israel. The league of Arab States had vigorously opposed the Camp David agreements because in the final analysis the so-called autonomy plan was a mere administrative device intended to secure Israel's sovereignty over the West Bank and Gaza in perpetuity. He appealed to the Council to institute punitive measures against Israel.⁶⁵²

The Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People said that Israel's denial of an exit permission to Mr. Qawasma was an implicit admission of guilt for the recent events in Al Khalil (Hebron) which had so shocked the international community. Those events were not isolated incidents but part of a series of systematic violations by Israel of the United Nations Charter and of the fourth Geneva Convention.⁶⁵³

The representative of Syria drew the Council's attention to reported Israeli plans to establish new settlements in the Golan Heights and to transform the demographic composition of that area, in contravention of United Nations resolutions and of the fourth Geneva Convention. Concurring in the findings and recommendations of the Commission's report, he suggested that the Council should apply against Israel the measures provided for in Chapter VII of the Charter.⁶⁵⁴

The representative of Cuba recalled the various conclusions and recommendations of the sixth conference of the Heads of State or Government of the Non-Aligned Countries in Havana in 1979 regarding the situation in the Middle East.⁶⁵⁵ As Chairman of the Group of the Non-Aligned Countries in the United Nations, he appealed to the Council to heed the wishes of the Non-Aligned Countries and of the overwhelming majority of the Member States by applying against Israel without delay the measures provided for in the Charter of the United Nations.⁶⁵⁶

At the 2201st meeting on 26 February 1980, the representative of Zambia said that by its practices in the occupied territories Israel was consolidating the colonization of those territories.⁶⁵⁷

⁶⁴⁶ 2199th mtg., paras. 18-30.

⁶⁴⁷ *Ibid.*, paras. 32-47.

⁶⁴⁸ *Ibid.*, paras. 49-97, 2200th mtg., paras. 140-172, 202-212 and 213-240.

⁶⁴⁹ 2199th mtg., paras. 99-105 and 110-116, 2200th mtg., paras. 117-138, 184-200 and 222-231.

⁶⁵⁰ 2199th mtg., paras. 120-160.

⁶⁵¹ *Ibid.*, paras. 162-173.

⁶⁵² 2200th mtg., paras. 4-31.

⁶⁵³ *Ibid.*, paras. 33-55.

⁶⁵⁴ *Ibid.*, paras. 91-103; 2201st mtg., paras. 145-150.

⁶⁵⁵ See A. 34/342, annex.

⁶⁵⁶ 2200th mtg., paras. 105-115.

⁶⁵⁷ 2201st mtg., paras. 25-37.

The representative of China said that by their recent statements and acts the Israeli authorities had left in no doubt their policy of aggression to perpetuate the occupation of Arab territories. He urged the Council to uphold justice and adopt a resolution strongly condemning Israel as well as practical and effective measures that would put an end to Israel's criminal acts.⁶⁵⁴

The representative of the USSR said the conclusions of the Commission's second report and the facts presented by the representatives of Jordan, the PLO and other Arab States had exposed the Camp David agreements as a camouflage for facilitating continued Israeli occupation of Arab territories. He reiterated that Israel could count on a secure existence within the frontiers of 1967 only if it gave up all the occupied Arab lands and ceased to hinder the exercise of the national rights of the people of Palestine.⁶⁵⁵

The representative of the United Kingdom emphasized the illegality of the Israeli settlements in the occupied territories and the negative effect those policies had on the search for a comprehensive peace in the area. In his Government's view, any unilateral transformation of the demographic and physical nature of the territories in question, including the status of Jerusalem and the Holy Places, was contrary to the fourth Geneva Convention of 1949.⁶⁵⁶

At the 2202nd meeting on 27 February 1980 the representative of Israel denied that the PLO was a moderate organization seeking a peaceful settlement with Israel, as its avowed policy was victory through the destruction of Israel. Israel was naturally concerned for its national security because, he said, the combined military establishment of the Arab countries far exceeded that of NATO. He dismissed the Commission's second report as preconceived, like the first one, and rejected many of its findings and the conclusions based thereupon, which deserved no credence.⁶⁵⁷

The representative of Kuwait criticized Israel's claim to the right to settle anywhere in Palestinian territory, a claim that he charged was encouraged by the political support it received from the United States. Owing to the constraints upon the Council which precluded punitive measures against Israel, he suggested that it might be more realistic for the Council to reassure the suffering people of Palestine that the Council and the international community as a whole were aware of their ordeal.⁶⁵⁸

The representative of Lebanon attacked the Israeli policies in the West Bank which he said caused Palestinians to flee their homes and seek refuge in Lebanon. His Government dreaded the prospect that sooner or later an attempt would be made to establish settlements in Southern Lebanon or to occupy that territory by proxy. If that were allowed to happen the tragic situation in the Middle East would be exacerbated.⁶⁵⁹

At the 2203rd meeting on 1 March 1980 the President drew the attention of the Council to a letter dated 29 February 1980 from the representative of Tunisia transmitting the statement that Mr. Qawasma had intended to make to the Council. The President also drew attention to the document before it containing a draft resolution prepared in the course of consultations.⁶⁶⁰

The Council then proceeded to vote on the draft resolution, which received 15 votes in favour and was thereby adopted unanimously as resolution 465 (1980),⁶⁶¹ the text of which reads as follows

The Security Council.

Taking note of the reports of the Security Council Commission established under resolution 446 (1979) to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem, contained in documents S/13450 and Corr.1 and Add.1 and S/13679,

Taking note also of letters from the Permanent Representative of Jordan and the Permanent Representative of Morocco, Chairman of the Islamic Group,

Strongly deploring the refusal by Israel to co-operate with the Commission and regretting its formal rejection of resolutions 446 (1979) and 452 (1979),

Affirming once more that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Arab territories occupied by Israel since 1967, including Jerusalem,

Deploring the decision of the Government of Israel officially to support Israeli settlements in the Palestinian and other Arab territories occupied since 1967,

Deeply concerned by the practices of the Israeli authorities in implementing that settlements policy in the occupied Arab territories, including Jerusalem, and its consequences for the local Arab and Palestinian population,

Taking into account the need to consider measures for the impartial protection of private and public land and property, and water resources,

Bearing in mind the specific status of Jerusalem and, in particular, the need to protect and preserve the unique spiritual and religious dimension of the Holy Places in the city,

Drawing attention to the grave consequences which the settlements policy is bound to have on any attempt to reach a comprehensive, just and lasting peace in the Middle East,

Recalling pertinent Security Council resolutions, specifically resolutions 237 (1967), 252 (1968), 267 (1969), 271 (1969) and 298 (1971), as well as the consensus statement made by the President of the Council on 11 November 1976,

Having invited Mr. Fahd Qawasma, Mayor of Al-Khalil (Hebron), in the occupied territory, to supply it with information pursuant to rule 39 of the provisional rules of procedure,

1. *Commends* the work done by the Security Council Commission established under resolution 446 (1979) in preparing the report contained in document S/13679,

2. *Accepts* the conclusions and recommendations contained in the report of the Commission,

3. *Calls upon* all parties, particularly the Government of Israel, to co-operate with the Commission,

4. *Strongly deploring* the decision of Israel to prohibit the free travel of Mayor Fahd Qawasma in order to appear before the Security Council and requests Israel to permit his free travel to United Nations Headquarters for that purpose.

⁶⁵⁸ 2201st mtg., paras. 42-46

⁶⁵⁹ *Ibid.*, paras. 47-62.

⁶⁶⁰ *Ibid.*, paras. 95-100.

⁶⁶¹ 2202nd mtg., paras. 4-55

⁶⁶² *Ibid.*, paras. 57-79

⁶⁶³ *Ibid.*, paras. 182-192

⁶⁶⁴ 2203rd mtg., para. 3

⁶⁶⁵ S/13827 (see the text of resolution 465 (1980), which follows).

5. *Determines* that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Palestinian and other Arab territories occupied since 1967, including Jerusalem, or any part thereof have no legal validity and that Israel's policy and practices of settling parts of its population and new immigrants in those territories constitute a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and also constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East;

6. *Strongly deplores* the continuation and persistence of Israel in pursuing those policies and practices and calls upon the Government and people of Israel to rescind those measures, to dismantle the existing settlements and in particular to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem.

7. *Calls upon* all States not to provide Israel with any assistance to be used specifically in connection with settlements in the occupied territories.

8. *Requests* the Commission to continue to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem, to investigate the reported serious depletion of natural resources, particularly the water resources, with a view to ensuring the protection of those important natural resources of the territories under occupation, and to keep under close scrutiny the implementation of the present resolution.

9. *Requests* the Commission to report to the Security Council before 1 September 1980 and decides to convene at the earliest possible date thereafter in order to consider the report and the full implementation of the present resolution.

Speaking after the vote the representative of the United States said that his Government regarded the Israeli settlements as illegal under international law and as an obstacle to a just and lasting peace in the Middle East. His delegation had supported the draft resolution just adopted, despite certain reservations; nevertheless, his delegation considered that the basic framework for peace efforts in the area, including the Camp David accords, was resolution 242 (1967).^{66a}

The representative of the USSR said that his delegation had supported the draft resolution although it did not respond fully to the demands made of the Security Council or express the Council's intention to institute the necessary effective measures in the event of Israel's continued non-compliance.^{66b}

The representative of Jordan expressed gratitude for the unanimous vote on the resolution which upheld legitimacy and international law although his delegation would have wished a clear warning to Israel in the event of its non-compliance.^{66c}

The representative of Israel said that his delegation regretted that the resolution just adopted ignored Israel's fundamental right to self-preservation and legitimate concern for its security and defence.^{66d}

Decision of 8 May 1980 (2221st meeting): resolution 468 (1980)

By a letter dated 8 May 1980,^{66e} the representative of Tunisia requested an urgent meeting of the Security Council to consider the expulsion measure taken by the

Israeli authorities against the Mayors of Al Khalil (Hebron) and Haihoul and the Islamic Judge of Al Khalil (Hebron).

At the 2221st meeting on 8 May 1980 the Council included the letter from the representative of Tunisia in its agenda without objection⁶⁷ and considered the matter in the course of that meeting.

At the same meeting the Council decided to invite, at their request, the representatives of Israel and Jordan to participate in the discussion without the right to vote.^{67a} Also at the same meeting the Council decided, by vote, to invite, in accordance with past practice, the representative of the PLO to participate in the discussion.^{67b}

The President drew the attention of the Council to the document before it^{67c} containing the text of a draft resolution prepared in the course of consultations. The Council then proceeded to vote on the draft resolution, which received 14 votes in favour to none against with one abstention (the United States) and was adopted as resolution 468 (1980), the text of which reads as follows:

The Security Council,

Recalling the Geneva Convention of 1949,

Deeply concerned at the expulsion by the Israeli military occupation authorities of the Mayors of Hebron and Haihoul and of the Shari'a Judge of Hebron,

1. *Calls upon* the Government of Israel, as the occupying Power, to rescind these illegal measures and to facilitate the immediate return of the expelled Palestinian leaders so that they can resume the functions for which they were elected and appointed.

2. *Requests* the Secretary-General to report upon the implementation of the present resolution.

Speaking after the vote the representative of the United States said that while the United States held the expulsions of the two Mayors and the Judge to be contrary to the fourth Geneva Convention of 1949, it considered that the failure of the Council to condemn the murder of Israeli citizens showed the Council's deliberations could not achieve a balanced result. Moreover, the United States had to take into consideration the peace negotiations it was participating in.^{67d}

The representative of the USSR said that although his delegation had voted for the draft resolution, he was disappointed that it did not condemn Israel for its illegal acts against the three Palestinian leaders.^{67e}

The representative of Israel referred to recent atrocities committed against Jewish residents, including the attack against a group of Jewish worshippers in Hebron on 2 May 1980 in which six had been killed; an issue to which the Security Council had chosen not to respond. He justified Israel's action against the three Palestinian personalities because they abused their offices, on instructions from the PLO and the Arab rejectionist

^{66a} 2203rd mtg., paras. 15-22.

^{66b} *Ibid.*, paras. 23-30.

^{66c} *Ibid.*, paras. 32-45.

^{66d} *Ibid.*, paras. 47-52.

^{66e} S/13912. For the full text of the letter, see 2221st mtg., para. 4

⁶⁷ 2221st mtg., para. 5.

^{67a} *Ibid.*, para. 3.

^{67b} The proposal to invite the representative of the PLO was adopted by 10 votes to one with 4 abstentions. For the relevant statement by the representative of the United States and for details of the voting, see 2221st mtg., paras. 7 and 8, as well as chapter III.

^{67c} S/13930 (see the text of resolution 468 (1980), which follows)

^{67d} 2221st mtg., paras. 12-17.

^{67e} *Ibid.*, para. 20.

^{66a} 2203rd mtg., paras. 15-22.

^{66b} *Ibid.*, paras. 23-30.

^{66c} *Ibid.*, paras. 32-45.

^{66d} *Ibid.*, paras. 47-52.

^{66e} S/13912. For the full text of the letter, see 2221st mtg., para. 4

States, by inciting the local Arab population to acts of violence and subversion against Israel and the Israelis. The deportation of the three individuals had been validly ordered under legislation carried over from the British Mandatory authorities.⁶⁷⁷

Decision of 20 May 1980 (2223rd meeting): resolution 469 (1980)

Pursuant to paragraph 2 of resolution 468 (1980) of 8 May, the Secretary-General submitted a report⁶⁷⁸ in which he relayed information received from the representative of Israel to the effect that for the reasons already indicated to the Council by the representative of Israel,⁶⁷⁹ the Government of Israel was unable to rescind the expulsion orders against the Mayors of Hebron and Halhoul and the Islamic Judge of Hebron. The Secretary-General also noted reports that the three individuals had been denied re-entry to the West Bank by the Israeli authorities.

By a letter dated 16 May 1980,⁶⁸⁰ the representative of Jordan requested a meeting of the Council to consider what he called Israel's defiance of resolution 468 (1980).

At the 2222nd meeting on 20 May 1980 the Council included the letter from the representative of Jordan in its agenda without objection⁶⁸¹ and discussed the matter at two meetings held on 20 and 22 May 1980.

At the 2222nd meeting the Council decided to invite, at their request, the representatives of Israel and Jordan to participate in the discussion without the right to vote. At the same meeting the Council decided, by vote, to invite, in accordance with past practice, the representative of the PLO to participate in the discussion.⁶⁸²

Also at the same meeting⁶⁸³ the Council decided to extend invitations under rule 39, at the request of the representatives of Tunisia, to Messrs. Fahd Qawasma, Mohamed Milhem and Rajab Attamini.

Opening the debate at the 2222nd meeting, the representative of Jordan said that the illegal deportation of the three Palestinian individuals concerned was indicative of Israel's genocidal design against the Palestinian people, which could be traced back to that country's reneging on the implementation of General Assembly resolutions 181 (II) and 194 (III). He welcomed the presence of the three individuals concerned, who would plead personally for the implementation of their right to return as mandated by the Security Council in its resolution 468 (1980).⁶⁸⁴

The representative of Israel defended his Government's deportation of the three individuals and non-compliance with Security Council resolutions 465

(1980) and 468 (1980), because they had repeatedly advocated a holy war (jihad) against Israel and had even called for an oil boycott against the United States. He cited provisions of the fourth Geneva Convention of 1949 and of The Hague Regulations of 1907 which permitted the occupying Power to maintain the existing local penal law and to take all measures to restore and assure public order and safety.⁶⁸⁵

At the 2223rd meeting on 20 May 1980, Mr. Milhem addressed the Council saying, as Mayor of Halhoul, that the persecution of Arab inhabitants had intensified over the last 13 years of Israeli occupation; the persecution was indiscriminate, including the razing of town buildings and Arabs' houses, the expulsion of Arab inhabitants, the confiscation of their lands, and the killing of young and innocent children. The real reason the Israelis had moved against the two Mayors and the Judge was that the three leaders had spoken out against Israeli tortures, had opposed the conversion of the Holy Mosque of Abraham, had opposed the imposition of heavy taxation and above all because they had categorically opposed Israel's continued occupation of their territory. He declared that he and his colleagues would never accept any autonomy programme such as was being discussed under the Camp David framework since it would amount to fraudulent autonomy. Instead, he pledged that he and his colleagues were prepared to work together for genuine peace under the umbrella of the United Nations and its resolutions for the benefit of all future generations in the area, including Israelis.⁶⁸⁶

Mr. Qawasma said that he came from Al Khalil, the second oldest city. He charged that following the establishment of Israeli settlements in Al Khalil, peaceful protests by the Arab inhabitants had been ignored by the Israeli military forces, who had instead protected the Jewish perpetrators of excesses. Israel's decision to expel him had nothing to do with the violent events in Al Khalil, but occurred because he and his colleagues had dared to oppose the Camp David accords. The Palestinians were puzzled, he said, as to how they could be expected to have confidence in the United States when that country made public declarations of the illegality of the Israeli settlements and at the same time disbursed billions of dollars to Israel every year for the establishment of Israeli settlement on Arab lands.⁶⁸⁷

At the same meeting the President put to the vote the draft resolution before the Council in document S/13949,⁶⁸⁸ which had been prepared in the course of consultations. The draft resolution received 14 votes in favour to none against with one abstention (the United States) and was adopted as resolution 469 (1980), the text of which reads as follows:

The Security Council

Having considered the report submitted by the Secretary-General on 13 May 1980, under Security Council resolution 468 (1980),

Recalling the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and in particular

⁶⁷⁷ *Ibid.*, paras. 38-71.

⁶⁷⁸ 2223rd mtg., paras. 3-34.

⁶⁷⁹ *Ibid.*, paras. 36-54.

⁶⁸⁰ For the text of the draft resolution, see the text of resolution 469 (1980) which follows.

⁶⁷⁷ 2221st mtg., paras. 25-49.

⁶⁷⁸ S/13938, *OR*, 35th yr., Suppl. for April-June 1980, p. 48.

⁶⁷⁹ See 2221st mtg., paras. 25-49.

⁶⁸⁰ S/13941, *OR*, 35th yr., Suppl. for April-June 1980, p. 50.

⁶⁸¹ 2222nd mtg., preceding para. 1.

⁶⁸² The proposal to invite the representative of the PLO was adopted by 10 votes to one 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. 2222nd mtg., paras. 2-6, as well as chapter III.

⁶⁸³ 2222nd mtg., para. 7.

⁶⁸⁴ *Ibid.*, paras. 13-36.

article 1, which reads "The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances", and article 49, which reads "Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive".

1. *Strongly deplors* the failure of the Government of Israel to implement resolution 468 (1980);

2. *Calls again upon* the Government of Israel, as the occupying Power, to rescind the illegal measures taken by the Israeli military occupation authorities in expelling the Mayors of Hebron and Halhoul and the Sharia Judge of Hebron, and to facilitate the immediate return of the expelled Palestinian leaders so that they can resume the functions for which they were elected and appointed;

3. *Commends* the Secretary-General for his efforts and requests him to continue his efforts in order to ensure the immediate implementation of the present resolution and to report to the Security Council on the result of his efforts at the earliest possible date

On 24 May 1980 the Secretary-General submitted a report⁶⁸⁹ pursuant to Security Council resolution 469 (1980) in which he relayed the response of the Israeli Government to his appeal regarding the three Palestinian deportees. The report stated that the Government of Israel, while deploring the failure of the Security Council resolutions to mention the attack on Jewish worshippers in Hebron, would abide by the decision of the High Court of Israel to which a petition in behalf of the three individuals concerned had been submitted for consideration.

Decision of 5 June 1980 (2226th meeting): resolution 471 (1980)

By a letter dated 3 June 1980⁶⁹⁰ the representative of Bahrain, in his capacity as Chairman of the Arab Group for the month of June, requested the convening of an urgent meeting of the Security Council to consider the assassination attempts against the elected Mayors of Nablus, Ramallah and Al Bireh and the detention of several Palestinian students in occupied Palestinian territory.

By another letter of the same date,⁶⁹¹ the representative of Bahrain, in the same capacity, transmitted the text of a letter from the Chairman of the Executive Committee of the PLO, charging that certain actions of the Israeli authorities in the occupied Palestinian territories constituted an attempt to deprive those territories of their national leaders.

At the 2226th meeting on 5 June 1980 the Council included the letter (S/13977) from the representative of Bahrain in its agenda without objection,⁶⁹² and considered the matter in the course of that meeting.

At that meeting the Council decided to invite the representatives of Bahrain, Egypt, Israel and Jordan, at their request, to participate in the discussion without the right to vote. At the same meeting the Council decided to invite, by vote, in accordance with past practice, the representative of the PLO to participate in the discussion.⁶⁹³

Also at the same meeting the President drew attention to a document before the Council⁶⁹⁴ containing the text of a draft resolution prepared in the course of consultations.

The representative of Bahrain alleged that the criminal acts perpetrated against the elected Mayors in the West Bank by fanatical Israeli elements were intended to uproot and annihilate the Palestinian people so that the occupied Arab territories might forever be kept in Israeli hands. His delegation held the United States accountable for Israel's intransigence through its supply of conventional and sophisticated weapons to Israel, permitting continued occupation of the Palestinian homeland, and being a party to the Camp David negotiations, which his delegation regarded as intended to perpetuate and legalize that occupation.⁶⁹⁵

The representative of Israel described the explosions on 2 June 1980 in which the Mayors of Nablus, Ramallah and Al Bireh and an Israeli technician had been injured. The Government and people of Israel had been outraged by those criminal acts, and while the identity of the perpetrators of the crimes was still unknown an investigation was already under way.⁶⁹⁶

The Council proceeded to vote on the draft resolution before it, which received 14 votes in favour to none against with one abstention (the United States) and was adopted as resolution 471 (1980).⁶⁹⁷ The resolution reads as follows:

The Security Council.

Recalling once again the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and in particular article 27, which reads,

"Protected persons are entitled, in all circumstances, to respect for their persons . . . They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof . . ."

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War to the Arab territories occupied by Israel since 1967, including Jerusalem,

Recalling also its resolutions 468 (1980) and 469 (1980),

Reaffirming its resolution 465 (1980), by which the Security Council determined "that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Palestinian and other Arab territories occupied since 1967, including Jerusalem, or any part thereof have no legal validity and that Israel's policy and practices of settling parts of its population and new immigrants in those territories constitute a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and also constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East" and strongly deplored the "continuation and persistence of Israel in pursuing those policies and practices";

Shocked by the assassination attempts against the Mayors of Nablus, Ramallah and Al Bireh.

Deeply concerned that the Jewish settlers in the occupied Arab territories are allowed to carry arms, thus enabling them to perpetrate crimes against the civilian Arab population.

by the representative of the United States concerning the invitation and for details of the voting, see 2226th mtg., paras. 2-6, as well as chapter III

⁶⁸⁹ S/13984; for the text of the draft resolution see resolution 471 (1980).

⁶⁹⁰ 2226th mtg., paras. 10-27

⁶⁹¹ *Ibid.*, paras. 29-44.

⁶⁹² *Ibid.*, para. 56

⁶⁸⁹ S/13960, *OR*, 35th yr., *Suppl.* for April-June 1980, p. 67

⁶⁹⁰ S/13977, *Ibid.*, p. 83

⁶⁹¹ S/13983, *Ibid.*, p. 85

⁶⁹² 2226th mtg., preceding para. 1

⁶⁹³ The proposal to invite the representative of the PLO was adopted by 10 votes to one against with 4 abstentions. For the relevant statement

1. *Condemns* the assassination attempts against the Mayors of Nablus, Ramallah and Al Birch and calls for the immediate apprehension and prosecution of the perpetrators of these crimes;

2. *Expresses deep concern* that Israel, as the occupying Power, has failed to provide adequate protection to the civilian population in the occupied territories in conformity with the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;

3. *Calls upon* the Government of Israel to provide the victims with adequate compensation for the damages suffered as a result of these crimes;

4. *Calls again upon* the Government of Israel to respect and to comply with the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, as well as with the relevant resolutions of the Security Council;

5. *Calls once again upon* all States not to provide Israel with any assistance to be used specifically in connexion with settlements in the occupied territories;

6. *Reaffirms* the overriding necessity to end the prolonged occupation of Arab territories occupied by Israel since 1967, including Jerusalem;

7. *Requests* the Secretary-General to report on the implementation of the present resolution

Speaking after the vote the representative of the United States stressed his Government's condemnation of the brutal crime perpetrated in the West Bank on 2 June 1980 and any other kind of violence, but explained that his delegation could not support the draft resolution because it contained unacceptable or incomplete provisions. For its part the United States delegation regarded resolution 242 (1967), as the best basis for a just settlement of the conflict and upon which the Camp David accords had been based.⁶⁹⁸

A number of speakers after the vote denounced the assassination attempts against the three Mayors in particular and all violence in general which they regarded as a hindrance to the search for a lasting peace in the area.⁶⁹⁹

The representative of Israel criticized the resolution just adopted as the Council had over the years failed to show similar sentiments with regard to the numerous atrocities committed against the Jewish people by the PLO terrorists. His delegation regarded the adoption of the resolution as a cynical and hypocritical measure which did not enhance the image of the Council or of the United Nations organization.⁷⁰⁰

Decision of 19 December 1980 (2260th meeting): resolution 484 (1980)

At the 2259th meeting on 19 December 1980, the Council included in its agenda without objection⁷⁰¹ the item entitled: "The situation in the occupied Arab territories" and discussed the matter at two meetings held on that day.

At the 2259th meeting the Council decided to invite, at their request, the representative of Egypt, Israel and

Kuwait to participate in the discussion without the right to vote.⁷⁰²

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.⁷⁰³ Also at the same meeting the Council decided to extend invitations under rule 39, at the request of the representative of Tunisia, to Messrs. Clovis Maksoud, Fahd Qawasma and Mohamed Milhem.⁷⁰⁴

The President of the Council indicated that agreement had been reached among the members that the meeting would be devoted to the question of the expulsion of the Mayors of Al Khalil and Halhoul and the Sharia Judge of Al Khalil.

The Secretary-General made a statement in which he reviewed the developments regarding the three expelled officials since the submission of his report⁷⁰⁵ on 24 May, indicating that according to information received from the Permanent Mission of Israel to the United Nations, the appeals against the expulsion orders had been dismissed by both the Israeli military review board and the Supreme Court. Thereafter the Israeli Government had effected the expulsions despite his representations pursuant to the relevant Security Council resolutions on the matter.⁷⁰⁶

The representative of Kuwait said the measures taken against the two Mayors and Judge were illegal and immoral and should be condemned.⁷⁰⁶

The representative of Israel said that his Government's policies were dictated by the responsibility accruing to every Government to preserve law and order and to maintain human life. He asserted that the expulsion orders had been effected after exhaustion of the last legal recourse available to the appellants under Israel's principles of the rule of law and independence of the judiciary.⁷⁰⁷

Mr. Milhem said that a just decision would hardly be expected from an Advisory Military Tribunal composed of three members personally appointed by the Israeli commander of the West Bank. He expressed great disappointment that their hopes to return to their homes and duties had been dashed, and challenged Israel to show genuine intentions for peace by allowing them to return and stay. He appealed to the Council to ensure that Israel implemented its two resolutions.⁷⁰⁸

Mr. Qawasma dismissed the hearings conducted by the Advisory Military Tribunal to consider their case as farcical and blatantly lacking in justice, although the Deputy President of the High Court of Israel had dissented from upholding the expulsion order and declared that the fourth Geneva Convention of 1949 was

⁷⁰² For details regarding these invitations, see 2259th mtg., paras. 1, 9 and 10, as well as chapter III.

⁷⁰³ The proposal to invite the representative of the PLO was adopted by 10 votes to one with 4 abstentions. For the relevant statement by the representative of the United States concerning the invitation and for details of the voting, see 2259th mtg., paras. 2-8, as well as chapter III.

⁷⁰⁴ See document S/13960 referred to above.

⁷⁰⁵ 2259th mtg., paras. 14-22.

⁷⁰⁶ *Ibid.*, paras. 24-36.

⁷⁰⁷ *Ibid.*, paras. 38-60.

⁷⁰⁸ *Ibid.*, paras. 62-78.

⁶⁹⁸ 2226th mtg., paras. 57-64.

⁶⁹⁹ See statements by the representative of the United Kingdom (2226th mtg., paras. 65 and 66); France (*ibid.*, paras. 67-70); USSR (*ibid.*, paras. 71-80); Egypt (*ibid.*, paras. 82-91); Jordan (*ibid.*, paras. 93-99); and PLO (*ibid.*, paras. 101-129).

⁷⁰⁰ *Ibid.*, paras. 131-150.

⁷⁰¹ 2259th mtg., preceding para. 1.

applicable to the occupied territories. The High Court had also recommended a review of the expulsion order since it was a political rather than a legal decision. Nevertheless the Israeli Government had remained adamant in defying the decisions of the Security Council.⁷⁰⁹

At the 2260th meeting, many members of the Council⁷¹⁰ noted that the Council was meeting for the fourth time in a year to hear the same complaints against Israel and to learn again of Israel's defiance of the Council's decisions. Some of the speakers noted that Israel's attitude was in fact a direct violation of Article 25 of the Charter of the United Nations. They therefore advocated the institution of any effective measures that would divert Israel from its obduracy.

The President of the Council, in his capacity as the representative of the United States, announced his delegation's intention to support the draft resolution before the Council but pointed to the necessity of taking into account the problem of the occupied territories as a whole, which his delegation held could be resolved only through negotiations based on Security Council resolutions 242 (1967) and 338 (1973).⁷¹¹

The Council then proceeded to vote on the draft resolution before it, which received 15 in favour and was thereby adopted unanimously as resolution 484 (1980).⁷¹² The text of the resolution reads as follows:

The Security Council,

Recalling its resolutions 468 (1980) and 469 (1980),

Taking note of General Assembly resolution 35/122 F of 11 December 1980,

Expressing its grave concern at the expulsion by Israel of the Mayor of Hebron and the Mayor of Halhoul,

1. *Reaffirms the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to all the Arab territories occupied by Israel in 1967;*

2. *Calls upon Israel, the occupying Power, to adhere to the provisions of the Convention,*

3. *Declares it imperative that the Mayor of Hebron and the Mayor of Halhoul be enabled to return to their homes and resume their responsibilities;*

4. *Requests the Secretary-General to report on the implementation of the present resolution as soon as possible.*

E. THE QUESTION OF THE EXERCISE BY THE PALESTINIAN PEOPLE OF ITS INALIENABLE RIGHTS

Decision of 29 June 1976 (1938th meeting): rejection of four-Power draft resolution

At its 1924th meeting on 9 June 1976, the Security Council included the report of the Committee established under General Assembly resolution 3376 (XXX)⁷¹³ in its agenda under the title "The question of the exercise by the Palestinian people of its inalienable rights".

⁷⁰⁹ *Ibid.*, paras. 80-98.

⁷¹⁰ See statements by the representatives of Tunisia (2260th mtg., paras. 2-8), Bangladesh (*ibid.*, paras. 9-18), the USSR (*ibid.*, paras. 19-27), Zambia (*ibid.*, paras. 28-32), and the German Democratic Republic (*ibid.*, paras. 39-42).

⁷¹¹ *Ibid.*, paras. 87-89.

⁷¹² *Ibid.*, para. 91.

⁷¹³ S/12090, dated 29 May 1976. For the text of the report, see GAOR, 31st session, Suppl. No. 33.

Under General Assembly resolution 3376 (XXX) of 10 November 1975,⁷¹⁴ the Assembly had established a Committee on the Exercise of the Inalienable Rights of the Palestinian People and requested that the Committee consider and recommend to the Assembly a programme of implementation, designed to enable the Palestinian people to exercise the rights recognized in paragraphs 1 and 2 of the same resolution. The Assembly also requested that the Security Council consider as soon as possible after 1 June 1976 the question of the exercise by the Palestinian People of its inalienable rights, based on the report to be prepared by the new Committee no later than 1 June 1976 and to be submitted to the Council by the Secretary-General.⁷¹⁵

By letter dated 28 May 1976, the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People submitted to the Secretary-General the report requested by the General Assembly in resolution 3376 (XXX) and asked that the report be transmitted to the Security Council for its consideration.⁷¹⁶

In its report, the Committee stressed the inalienable right of Palestinians to return to their homes and proposed a two-phase programme to implement the exercise of that right. The first phase would involve the return of Palestinians displaced in the June 1967 war. The Committee recommended that the Security Council should request the immediate implementation of its resolution 237 (1967) *inter alia* calling upon the Government of Israel to facilitate the return of those inhabitants who had fled the areas of conflict since the outbreak of hostilities and that such implementation should not be related to any other conditions. It further recommended that the resources of the International Committee of the Red Cross and/or the United Nations Relief and Works Agency for Palestine Refugees in the Near East might be employed in the solution of those logistical problems involved in the resettlement of those Palestinians returning to their homes. For the second phase, dealing with Palestinians displaced between 1948 and 1967, the Committee recommended that the United Nations, in co-operation with the States directly involved and the PLO, should proceed to make the necessary arrangements to enable those Palestinians to exercise their right to return to their homes and property or to receive just compensation in accordance with General Assembly resolution 194 (III).

In order to implement the right of the Palestinian people to self-determination, national independence and sovereignty, the Committee recommended that a timetable should be established by the Security Council for the complete withdrawal, no later than 1 June 1977, of the Israeli forces from the areas occupied in 1967. If necessary, temporary peace-keeping forces should be provided by the Council to facilitate the process of withdrawal. It also recommended that the Council should request Israel to desist from the establishment of

⁷¹⁴ General Assembly resolution 3376 (XXX), paras. 3 and 4.

⁷¹⁵ *Ibid.*, paras. 7 and 8.

⁷¹⁶ For the letter, see GAOR, 31st session, Suppl. No. 33, p. 17.

new settlements and to withdraw during that period from settlements established since 1967 in the occupied territories. Israel was also to be requested to abide by the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to declare its recognition of the applicability of that Convention. The evacuated territories should be taken over by the United Nations, with the co-operation of the League of Arab States, and subsequently handed over to the PLO as the representative of the Palestinian people. The Committee also recommended that, as soon as the independent Palestinian entity had been established, the United Nations, in co-operation with the States directly involved and the Palestinian entity, should make further arrangements, taking into account General Assembly resolution 3375 (XXX), for the full implementation of the inalienable rights of the Palestinian people, the resolution of outstanding problems and the establishment of a just and lasting peace in the region, in accordance with all relevant United Nations resolutions.

At its 1924th meeting on 9 June 1976, the President of the Security Council read out the text of a letter dated 9 June 1976 from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People requesting to address the Security Council in his capacity as Chairman of the Committee, together with the Rapporteur of that Committee, and to participate in the deliberations of the Council.²¹⁷ With the consent of the Council, the President extended an invitation under rule 39 of the provisional rules of procedure to the Chairman, the Rapporteur and other members of the Committee.²¹⁸

The President also read out the text of a letter of the same date from the representatives of the Libyan Arab Republic and Pakistan requesting that the PLO be invited, in accordance with the past practice of the Council. Following a brief statement by the Representative of the United States opposing the request, the Council decided, by vote, to issue the invitation to the PLO.²¹⁹

During the consideration of the item at its 1924th, 1928th and 1933rd to 1938th meetings on 9 to 29 June 1976, the Council also decided to invite the representatives of Afghanistan, Algeria, Bahrain, Bulgaria, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Egypt, German Democratic Republic, Guinea, Hungary, India, Indonesia, Iraq, Jordan, Lao People's Democratic Republic, Mauritania, Morocco, Oman, Poland, Qatar, Saudi Arabia, Somalia, Syrian Arab Republic, Tunisia, Turkey, United Arab Emirates and Yugoslavia to participate, without vote, in the discussion of the question.²²⁰

²¹⁷ For the President's statement and the text of the letter, see 1924th mtg., para. 2.

²¹⁸ For the invitation, *ibid.*, para. 4.

²¹⁹ The vote was 11 votes in favour, 1 against, with 3 abstentions. For the statements of the President and of the representative of the United States and for the vote, see 1924th mtg., paras. 5-13. For details see chapter III.

²²⁰ For details, see chapter III.

At the 1933rd meeting on 24 June 1976, the Council decided to extend an invitation to Mr. Amin Hilmy II under rule 39 of the provisional rules of procedure.²²¹

At the 1924th meeting on 9 June 1976, the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People opened the Council's discussion and introduced the report prepared by his Committee. He pointed out that the Palestine question had come before the United Nations for the first time in 1947 and since then had been a constant subject of major concern to the international community as a whole. The adoption of resolution 181 (II) on 29 November 1947 led to a series of tragic events resulting in four wars as well as the displacement of an entire people deprived of its fundamental civic and national rights. He suggested that the erroneous approach of dealing with the Palestinian problem only from the humanitarian aspect of aid to the refugees was the basic cause of the aggravation of the Israel-Arab conflict. The determination of the Palestinians in recent years helped to correct this error and overcame the indifference of the world community leading to the adoption of a number of United Nations resolutions reaffirming and spelling out the inalienable rights of the people of Palestine.

The Chairman of the Committee then offered a detailed description of the relevant resolutions as they referred explicitly or implicitly to the principal rights of the Palestinian people, including the right to self-determination without external interference; the right to national independence and sovereignty and the right to return to their homes and property from which they had been displaced and uprooted. He stated that the work of the Committee had been carried out under the impact of the resurgence of the Palestinian movement and that all its recommendations had their basis in resolutions and decisions adopted by the General Assembly or the Security Council. The Committee had focused on the right of return of Palestinians and their right to self-determination, independence and national sovereignty. It felt that the return of the Palestinians should immediately and unconditionally be made possible in accordance with Council resolution 237 (1967) of 14 June 1967. Moreover, the Committee had decided to submit the following recommendations to the Council for consideration and adoption: (1) the Council should set a time-table for the complete withdrawal of Israeli occupation forces, with a deadline of 1 June 1977; (2) the Council should establish temporary peace-keeping forces; (3) a temporary United Nations administration should be set up and charged with handing over the evacuated territories to the Palestine Liberation Organization. Pending completion of the evacuation of those territories, Israel should refrain from any violation of human rights in the occupied territories and from its policy of establishing Jewish settlements. The Chairman concluded by pointing out that the Committee's proposals required in-depth involvement by the United Nations

²²¹ The request was made by the Libyan Arab Republic. For details, see chapter III.

and that the Council's reaction to these proposals was eagerly awaited.⁷²¹

At the 1934th meeting on 25 June 1976, the representative of the United Kingdom explained that his delegation had voted against General Assembly resolution 3376 (XXX) which was the basis for the report of the Committee and for the Council's current meeting, because, as had been explained by the representative of Italy speaking on behalf of the nine members of the European Community, that resolution had taken no account of the Council resolutions 242 (1967) and 338 (1973) which provided the principles for a peaceful settlement and the framework for negotiations. He added that the British delegation also had abstained in the vote on resolution 3236 (XXIX) concerning Palestinian rights because it did not take into account all the essential elements for a just and lasting peace in the Middle East, in particular, the need to recognize the right of all States in the region, including Israel, to live within secure and recognized boundaries.

The representative of the United Kingdom then summarized his Government's views regarding the situation in the Middle East and in particular the Palestine question. He emphasized that the problem had to be resolved through negotiations and not through war, that the solution involved Israeli withdrawal from territories occupied in June 1967, respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries, and the recognition of the right of the Palestinian people to the expression of their national identity. The last element, the recognition of the Palestinian right to a national identity, had to be added to the principles of resolution 242 (1967) without supplanting the Council's decision. His Government welcomed the fact that the Committee had based its recommendations on resolutions commanding a wide degree of support in the United Nations. The settlement of the problem of Palestinian refugees could only be brought about within the context of negotiations for a comprehensive settlement and remained a most urgent problem. He regretted that the right of all States to live in peace within secure and recognized boundaries had not been mentioned at all in the concluding section of the Committee's report. He suggested that the Council's aim should be to get the negotiations going again instead of setting arbitrary time-tables and he called upon the Council to try to check the dangerous polarization in the positions of the two sides.⁷²²

At the same meeting, the representative of Pakistan stated that the Israelis wished the world to forget that General Assembly resolution 181 (II) of 1947 which brought their State into existence, also recognized the continued existence of the Palestine State. He also addressed criticism by some against the Committee report and pointed out that if the views of those critics were not reflected in the report, it was due to their

systematic boycott of the Committee and their failure to extend to it the necessary co-operation.⁷²⁴

The representative of France put forward his Government's position which entailed the reaffirmation of the right of the Arab States to recover the territories lost in 1967, the right of the Palestinian people to an independent country, and the right of every State in the area to live in peace within secure and recognized boundaries, and expressed regret that the Committee had dealt with the first two elements, but disregarded the third. His Government acknowledged the right of the Palestinian people to a homeland and maintained its clear support for the rights of the State of Israel; it called upon the international community to take the same position. He added that in his Government's judgement, based on Council resolution 338 (1973), a settlement could only result from genuine negotiations between the parties and that the Palestinians must be given a voice in the negotiations. To advance this objective, the Council should lay down the principles and recommend to the parties the terms of an appropriate settlement. The Council should not issue deadlines and time-tables, but direct all its efforts towards the resumption of genuine negotiations.⁷²³

The representative of the USSR stated that his Government's position regarding the principles of settlement in the Middle East differed substantially from the viewpoint presented by the representative of the United Kingdom, although the latter had tried to claim an identity of the two. While the USSR called for the withdrawal of Israeli troops from all Arab territories, the United Kingdom did not include the word "all"; the USSR also endorsed the legitimate national demands of the Arab people of Palestine, including their inalienable right to establish their own State, whereas the United Kingdom in a nebulous formula supported the right of the Palestinian people to the expression of their national identity; lastly, the Government of the USSR called for international guarantees for the security and inviolability of the frontiers of all Middle Eastern States, whereas the United Kingdom did not refer to such international guarantees.⁷²⁶

The representative of the United Kingdom replied that the intention of his delegation had been to draw attention to the wide agreement on the three principles as an integrated whole without suggesting that the view held by the USSR of these three principles was identical to that of the United Kingdom.⁷²⁷

At the 1935th meeting on 28 June 1976, the representative of the USSR stressed the importance of the Council addressing as an independent political problem the question of the exercise by the Palestinian people of its inalienable rights. This was especially noteworthy since the representatives of the Palestinian people participated directly in this detailed discussion of the question. The Soviet delegation believed that the exercise of the inalienable rights by the Palestinians and the

⁷²¹ 1934th mtg., paras. 18-48.

⁷²² 1934th mtg., paras. 6-21.

⁷²³ *Ibid.* paras. 24-41.

⁷²⁴ *Ibid.* paras. 44-55.

⁷²⁵ *Ibid.* paras. 115-121.

⁷²⁶ *Ibid.* paras. 123-125.

solution of the Palestine problem were key elements for a just and lasting settlement in the Middle East. Only an all-embracing solution could lead to lasting peace in the area, and a majority of Council members opposed therefore separate steps which often created additional difficulties. He set out the Soviet view regarding the solution of the problem and made special mention of the call for the resumption of the Geneva Peace Conference. He expressed full support for the recommendations of the Committee, in particular the call for equal and full participation of the representatives of the Palestinian people in all peace efforts under the aegis of the United Nations.⁷²⁸

At the same meeting, the representative of Guinea spoke in favour of the Committee's recommendations and proposed that in Jerusalem, for which the people of Guinea felt particular concern, a 45-member legislative body representing the three religious communities and an executive organ under a United Nations commissioner appointed by the Secretary-General should replace the current Israeli control. He appealed to Israel to refrain from any act intended to alter the legal status of Jerusalem. He also called for the abandonment of the Jewish settlements in the occupied territories and for the unconditional withdrawal of Israeli citizens who had been settled in those territories since 1967. He urged the Council to consider all measures that might lead Israel to implement the recommendations proposed by the Committee, but suggested that the full responsibility be left to the General Assembly in the event of a total lack of co-operation on the part of Israel.⁷²⁹

The representative of Italy suggested that the only realistic way to deal with the Palestinian problem was within the established negotiating framework comprehending all the aspects of the broader issue of the Arab-Israeli conflict; this approach had not been taken sufficiently into consideration in the report of the Committee. Since the Committee had not offered in clear terms the framework for a territorial solution of the Palestinian problem, but had referred to a possibility of the Council members, assisted by the Secretary-General, either in closed session or through informal consultations, searching for those moves which would contribute to an overall settlement, he believed that what was needed most at this point would be an effort to bring up to date and supplement the provisions of resolution 242 (1967) in order to grasp the Palestinian issue in the larger context of the whole Middle East problem.⁷³⁰

At the 1936th meeting on 28 June 1976, the representative of China stated that the essence of the Palestine question and the whole Middle East issue lay in Israeli Zionist aggression and the contention between the two super-Powers for hegemony in that region. He called upon the Security Council unequivocally to recognize the complete restoration to the Palestinian people of their national rights free from external interference and to recognize that the Palestinian people were entitled to

resort to all means to regain the above rights. This would also require that the Council demanded the immediate, unconditional and complete Israeli withdrawal from all the occupied territories.⁷³¹

At the same meeting, the representative of Japan indicated that the problem of Palestine was a crucial issue requiring solution together with the other issues of the Middle East problem. His Government had studied the report of the Committee carefully, but felt that some of the recommendations contained in the report could hardly be implemented either legally or politically. Under these circumstances, his delegation would not be in a position to support those recommendations. He urged the adoption of some concrete steps including the resumption of the Geneva Conference with the participation of the Palestine Liberation Organization in an attempt to achieve an early agreement.⁷³²

At the 1937th meeting on 29 June 1976, the representative of the Syrian Arab Republic expressed strong support for the report and recommendations of the Committee, stressed the urgency of enabling the Palestinian people to exercise its inalienable rights to self-determination and restoration of its national independence and sovereignty and called upon the Security Council to implement all of the Committee's recommendations without further delay. He remarked with particular reference to the provisions of resolutions 242 (1967) and 338 (1973) that the principle of the inadmissibility of the acquisition of territory by war did not allow for any exceptions and that therefore the Israelis would have to withdraw from the occupied territories completely and unconditionally.⁷³³

At the beginning of the 1938th meeting also held on 29 June 1976, the President drew the attention of the Council members to a draft resolution⁷³⁴ which had been submitted the same morning and was sponsored by Guyana, Pakistan, Panama and the United Republic of Tanzania.⁷³⁵

At the same meeting, the representative of the United Republic of Tanzania stated that the report of the Committee contained four important elements: (a) the right to self-determination, national independence and sovereignty of the Palestinians; (b) the right of the Palestinians to return to their homes; (c) the withdrawal by Israel from all occupied Arab territories; and (d) the right of all States in the region to exist in peace within recognized boundaries. He then introduced the draft resolution which was sponsored by the delegations of Guyana, Pakistan, Panama and by his own delegation. Under this draft, in the preamble, the Council would have referred to its consideration of the report of the Committee, expressed deep concern that no just solution to the problem of Palestine had been achieved, and that this problem therefore continued to aggravate the Arab-Israeli conflict, of which it was the core, and to endanger international peace and security, and recog-

⁷²⁸ 1935th mtg., paras. 11-32

⁷²⁹ *Ibid.*, paras. 35-46

⁷³⁰ *Ibid.*, paras. 50-65

⁷³¹ 1936th mtg., paras. 48-55

⁷³² *Ibid.*, paras. 58-64

⁷³³ 1937th mtg., paras. 20-42

⁷³⁴ S/12119, *OR, II (1976), Suppl. for April-June 1976*, p. 73

⁷³⁵ 1938th mtg., para. 4

nized that a just and lasting peace in the Middle East could not be established without the achievement *inter alia* of a just solution of the problem of Palestine on the basis of the recognition of the inalienable rights of the Palestinian people; in the operative part of the draft resolution, the Council would have taken note of the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and would have affirmed the inalienable rights of the Palestinian People to self-determination, including the right of return and the right to national independence and sovereignty in Palestine, in accordance with the Charter of the United Nations.⁷³⁶

At the same meeting, the representative of the United States criticized the report of the Committee in its basic approach as misguided, since in the view of his Government the issues in the Middle East were of a complexity that defied resolution by committees but required serious negotiations by the parties. His delegation maintained its support for the framework contained in resolutions 242 (1967) and 338 (1973). With regard to the draft resolution, he indicated that his delegation judged the draft as totally devoid of balance, stressing the rights and interests of one party, and rejected in particular the affirmation of specific political rights for the Palestinians because his Government remained convinced that those rights and interests must be negotiated by the parties before they could be defined in resolutions of the Council. For those reasons, his delegation intended to vote against the draft resolution.⁷³⁷

The representative of the PLO stressed that it was high time that the Council address itself to the question of the Palestinian rights and expressed full support for the resolutions adopted by the General Assembly and the recommendations contained in the report of the Committee and explained the significance of the recommendations for the people of Palestine. He concluded by appealing to the Council and its members to confront the core of the Middle East problem, to promote the implementation of the General Assembly resolutions, not to fall victim to procedures and modalities which would not be appropriate to the questions of Palestine and to adopt measures that would contribute significantly to the restoration of justice and peace in Palestine.⁷³⁸

During the same meeting, the draft resolution was put to the vote: it received 10 votes in favour, 1 against, and 4 abstentions and was not adopted owing to the negative vote of a permanent member.⁷³⁹

In explanation of the vote, the representative of France suggested that in regard to operative paragraph 1 of the draft resolution, the Council's taking note of the report of the Committee did not justify having recourse to a draft resolution. Instead, the Council could have

left it to the President to draw conclusions from the debate at a stage when the report was still a provisional document to be reviewed by the Committee before being transmitted to the General Assembly.⁷⁴⁰

Decision of 27 October 1977 (2041st meeting): adjournment

In a letter⁷⁴¹ dated 13 September 1977 addressed to the President of the Security Council, the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People referred to his previous letter⁷⁴² dated 8 June 1977 calling attention to paragraph 4 of General Assembly resolution 31/20 of 24 November 1976, in which the Assembly had urged the Security Council to consider once again as soon as possible the recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, in order to take the necessary measures to implement them, and requested that the President hold consultations with a view to convening a meeting of the Security Council on the subject at a suitable date. He added that in the Committee's opinion the meeting should be held before the General Assembly considered item 30 of its provisional agenda, entitled "Question of Palestine", so that the Committee could submit its conclusions concerning the discussion in the Council to the Assembly. He attached to his letter a copy of the report⁷⁴³ of the Committee which the Council had reviewed in 1976 and which the General Assembly subsequently had taken note of and endorsed.

At its 2041st meeting on 27 October 1977, the Security Council included the letter in its agenda and considered the item at that meeting. At the beginning of the meeting, the President informed the Council members that in a letter dated 24 October 1977 the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People had requested to be invited to address the Council on the agenda item. The President recalled the previous decision in this respect and proposed to follow the same practice. In accordance with this proposal the Council decided to invite, under rule 39 of its provisional rules of procedure, the Chairman of the Committee.⁷⁴⁴

The President also informed the Council that on 25 October 1977 the representative of Senegal, by letter, had requested that the representative of the Palestine Liberation Organization be invited to participate in accordance with the previous decisions of the Council in that matter. Following a short intervention by the representative of the United States criticizing the proposed invitation as inappropriate and asking that it be put to the vote, the Council decided, by vote, to invite the representative of the PLO to take part in the debate in accordance with past practice.⁷⁴⁵

⁷⁴⁰ *Ibid.*, paras. 125-128

⁷⁴¹ S/12399, *OR*, 32nd yr., *Suppl. for July-Sept. 1977*, p. 81

⁷⁴² S/12345, *ibid.*, *Suppl. for April-June 1977*, pp. 55 and 56

⁷⁴³ See note 713 above

⁷⁴⁴ For the President's statement and the invitation, see 2041st mtg., paras. 1 and 2

⁷⁴⁵ For the decision to invite the PLO, see 2041st mtg., paras. 3-7. For further details, see chapter III

⁷³⁶ For the statement and the introduction of the draft resolution, *ibid.*, paras. 23-33

⁷³⁷ *Ibid.*, paras. 61-65

⁷³⁸ *Ibid.*, paras. 67-79

⁷³⁹ For the vote see *ibid.*, para. 119

The Security Council further decided to invite the representatives of Egypt and the Syrian Arab Republic to participate, without vote, in the discussion of the question.⁷⁴⁶

The Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People opened the discussion of the Council and recalled the decision of the General Assembly at its thirty-first session to take note of the report of the Committee and to endorse the recommendations contained therein; the Assembly had also urged the Council to consider once again those recommendations so as to achieve early progress towards a solution of the problem of Palestine. His Committee had been charged by the Assembly with the task of promoting the implementation of its recommendations and of reporting back to the Assembly at its thirty-second session.

The Chairman of the Committee reported that in the debate of the General Assembly on the question of Palestine a vast majority of delegations supported the Committee report and agreed in seeing the question as the central element in the Middle East conflict which could be brought to a lasting peace settlement only if the legitimate rights and aspirations of the Palestinian people were taken into account. Most of the speakers in the Assembly debate had stressed that a satisfactory solution to the Palestinian question could not be achieved outside the framework of an overall settlement of the Middle East problem.

He pointed out that the task of the Committee consisted, above all, in righting the basic imbalance which had characterized the various United Nations approaches to the Palestine question, and in giving the Palestinian issue its true dimension. He mentioned various suggestions which the Committee had made to the Council to help facilitate the Council's work towards a positive approach in the Palestine problem. The main concern now should be the implementation of decisions that had been adopted by the United Nations. He noted with satisfaction the joint Soviet-American statement of 1 October 1977 putting forward common views regarding the resolution of the Middle East conflict including the realization of the legitimate rights of the Palestinian people and the revival of the Geneva Conference with participation of all the parties.

He concluded his statement by posing the question whether Israel could calmly continue with its policy of territorial expansion, injustice and obstruction of the exercise of the Palestinian rights and emphasized once again that by adopting the recommendations of the Committee, the Council would considerably increase the chances of a peaceful settlement in the Middle East.⁷⁴⁷

The representative of the Libyan Arab Jamahiriya stated his strong support for the Palestinian cause and the work of the Committee and warned that the Council was confronted with an extremely serious and dangerous situation in the Middle East which threatened world

peace and security, the Palestine question being the essence of the whole problem. He commented on the Soviet-American statement of 1 October and mentioned that after the issuance of the joint statement the United States Government had insisted to delete the phrase "national rights" from the text because that expression would include the right to self-determination and the right to establish a State; the United States and Israel had also issued a joint statement, a week later, which made the first joint statement meaningless, as it reiterated the view that resolutions 242 (1967) and 338 (1973) remained the basis for the resumption of the Geneva Peace Conference and that the acceptance of the Joint US-USSR statement of 1 October 1977 by the parties was not a prerequisite for the reconvening and conduct of the Geneva Conference.⁷⁴⁸

The representative of the USSR renewed his Government's support for the Palestinian people and for its representative, the Palestine Liberation Organization, and expressed the conviction that opportunities for progress towards the establishment of a just and lasting peace in the Middle East were now taking shape. This would require the earliest reconvening of the Geneva Peace Conference. In this connection he noted the joint Soviet-American statement on the Middle East.⁷⁴⁹

At the end of the 2041st meeting, the President stated that, after prior consultations with members of the Council, it had been agreed to adjourn the debate on the question. The next meeting of the Council on that issue would be fixed after consultations among members.⁷⁵⁰

Decision of 29 June 1979 (2155th meeting): invitation to the PLO

By letter⁷⁵¹ dated 13 March 1979 the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People informed the President of the Security Council that the Committee had authorized him to bring to the attention of the Security Council General Assembly resolution 33/28 A of 7 December 1978, in which the Assembly once again urged the Council to consider and take a decision on the recommendations of the Committee endorsed in three earlier Assembly resolutions. The new Assembly resolution also requested the Committee, in the event that the Council failed to consider or to take a decision on those recommendations by 1 June 1979, to consider that situation and to make suggestions. In the light of the renewed mandate to the Committee to make further suggestions to the Assembly or the Council, as provided for in General Assembly resolution 33/28 B, the Chairman of the Committee emphasized that concrete action by the Council on the basis of the implementation of the Committee's recommendations would without any doubt lead to the achievement of tangible progress towards a solution to the question of Palestine.

⁷⁴⁶ *Ibid.*, paras. 48-77.

⁷⁴⁹ *Ibid.*, paras. 97-106.

⁷⁵⁰ *Ibid.*, para. 134.

⁷⁵¹ S/13164, *OR, 34th yr., Suppl. for Jan.-March 1979*, pp. 145-146.

⁷⁴⁶ For details, see chapter III.

⁷⁴⁷ See 2041st mtg., paras. 13-47.

In a further letter⁷⁵² dated 27 June 1979 addressed to the President of the Security Council the Chairman of the Committee referred to a letter⁷⁵³ dated 24 May 1979 from the President of the Council informing him that the Council had held consultations with the members of the Council concerning the meeting of the Council on the question of Palestine and conveyed to the President the conclusion of his Committee that the Council should resume the consideration of the Committee's recommendations as soon as possible, since considerable time had elapsed since the last discussion of these issues at the 2041st meeting of the Council on 27 October 1977.

At the 2155th meeting on 29 June 1979, the Council included the two letters from the Chairman of the Committee in its agenda and considered the question at its 2155th and 2160th to 2163rd meetings on 29 June, 27 July, 23 and 24 August 1979.

At the beginning of the 2155th meeting, the President informed the Council that the Chairman of the Committee had requested by letter to be invited to address the Council, in accordance with the provisions of rule 39 of the provisional rules of procedure. The Council decided, in accordance with past practice in this matter, to extend an invitation to the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.⁷⁵⁴

At the same meeting, the Council also decided, by vote, to invite the representative of the PLO to participate in the debate, in accordance with the Council's past practice.⁷⁵⁵

During the deliberations on the issue of Palestinian rights, the Council further invited the representatives of Afghanistan, Cuba, Egypt, the German Democratic Republic, Iraq, Israel, Jordan, the Lao People's Democratic Republic, Morocco, Senegal, Sri Lanka, the Syrian Arab Republic, Tunisia, Turkey and Yugoslavia, at their request, to participate in the debate without the right to vote.⁷⁵⁶

At the 2155th meeting on 29 June 1979, the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People reminded the members of the Council of the endorsement of the Committee's recommendations by the General Assembly and of the Assembly's recurrent request that the Council consider and adopt those recommendations with a view to facilitating the ongoing attempts to solve the Palestinian question. The Council had been seized of this question since October 1977, but certain members of the Council had succeeded in suspending the examination of the Committee's report, but the members of the Committee felt that they could not accept further delay. The Chairman pointed to the Assembly's recent

resolution 33/28 of 7 December 1978, in which a deadline of 1 June 1979 had been set for the Council's renewed consideration of the issue. He added that at various points in time members of the Security Council had expressed support for the national legitimate rights of the Palestinian people, deplored the deepening crisis in Lebanon requiring the dispatch of a United Nations Force and submitted evidence that Israel continued to deny the national rights of the Palestinians, especially through its provocative policy of establishing settlements in the occupied Arab territories. He restated the basic aims as set by his Committee, pointed to the congruence between these and the objectives set by the Ministers for Foreign Affairs of the European Community in their statement of 18 June 1979 and appealed once more to the Security Council to assist in achieving progress in the issues of the Middle East and in particular of the Palestinian question.⁷⁵⁷

At the same meeting, the representative of Israel stated that the only basis for peace in the Middle East was the framework spelled out in Council resolution 242 (1967) which had resulted in the first treaty between an Arab state and Israel. He warned against the adoption of the recommendations issued by the Committee as they were designed to subvert the principles of resolution 242 (1967).⁷⁵⁸

The representative of the PLO recalled the suffering of the Palestinian people since 1947 when they were driven out of their homeland and stressed their determination to continue the struggle in order to attain and freely exercise their inalienable rights. He pointed out in detail what he perceived as shortcomings of the Camp David accords of September 1978, in particular the exclusion of Palestinian representation in the agreement itself, as the parties usurped that right for themselves; he also noted that the accords envisaged a final resolution of the Palestine problem which would preclude the exercise of the inalienable national right of the Palestinian people to self-determination and statehood in Palestine, the right of return for the Palestinian refugees and the right of the Palestinians to choose their own representatives. The provisions of the Camp David accords and the relevant General Assembly resolutions were not compatible, and the divergence between them would further hamper the prospects for a solution of the Palestinian question.⁷⁵⁹

At the close of the same meeting, the representative of Kuwait mentioned that it had been agreed in informal consultations that the beginning of the debate on the report of the Committee on Palestine would be confined to a few speakers so as to make the atmosphere conducive to serious negotiations with a view to arriving at a constructive document. The hope was to resume the deliberations at the end of July or beginning of August. He confirmed that his delegation was clearly committed to the resumption of the debate at the end of July.⁷⁶⁰

⁷⁵² S/13418, *ibid.* Suppl. for April-June 1979, p. 213.

⁷⁵³ S/13449, *ibid.*, p. 150.

⁷⁵⁴ For details, see chapter III. At the 2160th meeting, the Rapporteur of the Committee was also invited.

⁷⁵⁵ The vote was 10 votes in favour, 1 against and 4 abstentions. For the vote and the statement of the representative of the United States, see 2155th mtg., paras. 28. For further details, see chapter III.

⁷⁵⁶ For details, see chapter III.

⁷⁵⁷ 2155th mtg., paras. 11-33.

⁷⁵⁸ *Ibid.*, paras. 72-81.

⁷⁵⁹ *Ibid.*, paras. 85-126.

⁷⁶⁰ *Ibid.*, paras. 134-137.

The President also referred to the understanding reached in the course of consultations and added that the members of the Council would be informed of the date of the next meeting in accordance with that understanding.⁷⁶¹

At the 2160th meeting on 27 July 1979, the Rapporteur of the Committee on the Exercise of the Inalienable Rights of the Palestinian People suggested that over the years, a quasi-unanimous international consensus had laboriously been devised on the essential parameters of an equitable solution in the Middle East. These parameters had not yet been incorporated in a unanimous Security Council pronouncement. He rejected charges that the Committee had specifically been set up to by-pass Council resolution 242 (1967); the Committee had never ignored the importance of that resolution, but had tried to put it in the proper perspective. If justice were to prevail in the Middle East issue, a matter in which the United Nations had a clear responsibility, the Committee felt that its recommendations should be taken into account in all negotiations.⁷⁶²

At the same meeting, the representative of the Palestine Liberation Organization set out in detail the historical and political significance of the basic Palestinian rights and concluded that the international community, including the United Nations, had never given its consent to the Zionist concept of Israel; that on the contrary, the United Nations, in its partition recommendation, like the League of Nations before it, prohibited the actions which led Israel to approximate its own Zionist conception of itself; under these circumstances, the United Nations was under no obligation to protect or safeguard the Zionist character of Israel, particularly in its demographic aspect, but, on the contrary, was under an obligation to the Palestinian Arabs to restore their rights and to undo the actions of Israel which led to the denial of those rights.⁷⁶³

In accordance with the understanding reached in consultations on 30 July 1979, the Council continued its consideration of the issue at its 2161st meeting on 23 August 1979.⁷⁶⁴

At that meeting, the representative of Egypt confirmed the basic quality of resolution 242 (1967) which enjoyed universal support and suggested to the Council that the recognition of the legitimate rights of the Palestine people by Israel in the Camp David accords constituted a break-through that should be utilized and expanded in further steps, on the way to a solution of the Middle East problem. In view of this development the Council should consider formally recognizing the legitimate rights of the Palestinians in the same way that it had recognized the right of all States in the area, including Israel, to exist.⁷⁶⁵

At the same meeting, the representative of Cuba criticized the continuing blockage by Israel and the

United States of measures that would promote the solution of the Palestine question and reported that the Committee had prepared a draft resolution to be presented to the Council, which was based on the Charter of the United Nations and on international principles recognized by all Member States and stated the minimum of elements essential to state the case for the inalienable rights of the Palestinian people. He added that his delegation would have preferred to issue an explicit condemnation of Israel and to invoke measures under Chapter VII of the Charter, but that the members of the Committee wanted to submit a draft that would be acceptable to all Council members. He deplored that the United States refused to accept even that minimal draft resolution, thus maintaining its policy of ignoring the rights of the people of Palestine.⁷⁶⁶

The representative of the Palestine Liberation Organization expressed his regret about the resignation of the President as representative of the United States due to his public acknowledgement of having met with the PLO representatives and deplored that the acceptance of the Palestinian question as a just cause and the recognition of the rights of the Palestinian people were reprimanded and punished by the Government of the United States. This inflexible position taken by the United States made it utterly difficult for the Palestinians to reach their legitimate goals of self-determination and statehood.⁷⁶⁷

At the beginning of the 2162nd meeting on 24 August 1979, the President drew the attention of the Council to the text of a draft resolution⁷⁶⁸ sponsored by Senegal.⁷⁶⁹

At the same meeting the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, speaking also in his capacity as representative of Senegal, introduced the draft resolution which his Committee had prepared. The draft was sober and prudent, reflecting the provisions of the Charter and recalling principles on which there already existed an international consensus. The Committee had to make major sacrifices regarding its basic positions in order to accommodate if possible, all the members of the Council, but this was done in the desire to work for peace. The Chairman added that certain members of the Council refused to co-operate with the Committee on the pretext that they had not voted in favour of the resolution setting up that body.

He then introduced in detail the draft resolution which, in its preambular part, would have the Council, convinced that the question of Palestine was the core of the conflict in the Middle East, reaffirm the urgent necessity of the establishment of a just and lasting peace through a comprehensive settlement based on full respect for the principles and purposes of the Charter of the United Nations, as well as for its resolutions concerning the problem of the Middle East and the

⁷⁶¹ 2155th mtg., para. 138.

⁷⁶² 2160th mtg., paras. 7-28.

⁷⁶³ *Ibid.*, paras. 30-87.

⁷⁶⁴ See the president's statement at the opening of the 2161st mtg., para. 5.

⁷⁶⁵ 2161st mtg., paras. 9-21.

⁷⁶⁶ *Ibid.*, paras. 86-97.

⁷⁶⁷ *Ibid.*, paras. 99-129.

⁷⁶⁸ S/13514, *OR*, 34th yr., *Suppl.* for July-Sept. 1979, p. 117.

⁷⁶⁹ 2162nd mtg., para. 3.

question of Palestine, express its concern over the continuing deterioration of the situation in the Middle East, and deeply deplore Israel's persistence in its occupation of the Arab territories, including Jerusalem, and its refusal to implement the relevant United Nations resolutions, reaffirm the principle of the inadmissibility of acquisition of territories by the threat or use of force, reaffirm also its resolutions on the Middle East and the question of Palestine, particularly resolutions 232 (1967), 242 (1967), 252 (1968), 338 (1973) and other relevant resolutions. In the operative part, the Council would have (1) affirmed (a) that the Palestinian people should be enabled to exercise their inalienable rights of self-determination, national independence and sovereignty in Palestine, in accordance with the Charter of the United Nations and relevant resolutions of the Security Council and the General Assembly; (b) the right of Palestinian refugees wishing to return to their homes and live at peace with their neighbours to do so and the right of those choosing not to return to receive compensation for their property, in accordance with the Universal Declaration of Human Rights, and General Assembly resolutions, in particular resolution 194 (III) of 11 December 1948; and (2) decided that the provisions contained in paragraph 1 above should be taken fully into account in all international efforts and conferences organized within the framework of the United Nations for the establishment of a just and lasting peace in the Middle East.

In conclusion, the Chairman of the Committee pointed out that the members of his Committee had agreed to omit any mention of a "Palestinian State", to mention one example of the flexibility shown, and urged the Council to decide quickly and in the interest of the Palestinian people.⁷⁷⁰

At the 2163rd meeting on 24 August 1979, the representative of Kuwait emphasized that the only aim of the draft resolution submitted to the Council was the recognition of the right of the people of Palestine to self-determination. He deplored that a memorandum issued by the United States Secretary of State in 1975 to the effect that there should be no recognition of or negotiation with the PLO disqualified the United States from any constructive role concerning the right of the Palestinians to the achievement of a comprehensive peace.⁷⁷¹

The representative of the United Kingdom reaffirmed his Government's adherence to the Council's resolutions 242 (1967) and 338 (1973) as the framework for a negotiated settlement of the Middle East issue and called upon the PLO to accept without qualification Israel's right to exist and the commitment to a negotiated settlement on that basis.⁷⁷²

The President, speaking in his capacity as representative of the United States, stated that it was his Government's policy to bring the Palestinian people into the peace process and summarized the basic approach to

securing a comprehensive peace in the Middle East: (1) the current stage of the peace process, centred on negotiations between Egypt, Israel and the United States, needed a chance to succeed; (2) the basis of making peace was Security Council resolutions 242 (1967) and 338 (1973) in their entirety; (3) the right of Israel and its neighbours to live in peace, within secure and recognized borders, was fundamental; and (4) the legitimate rights of the Palestinian people, including their right to participate in determining their future, must be realized. He added that his Government appreciated the significance of the Council debate and the statesmanship shown throughout.⁷⁷³

The representative of Kuwait remarked, in explaining why the Council had not voted on the draft resolution submitted by the representative of Senegal, that lengthy consultations had been held so that the image of the President would not be blemished with a veto on the issue of Palestinian rights.⁷⁷⁴

The President announced that the date and time of the next meeting of the Council for further consideration of the agenda item would be fixed following consultations among the members of the Council and adjourned the meeting.⁷⁷⁵

Decision of 30 April 1980 (2220th meeting): rejection of draft resolution

In a letter⁷⁷⁶ dated 6 March 1980, the Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People drew the attention of the President of the Security Council to paragraphs 7 and 8 of General Assembly resolution 34/65 A, entitled "Question of Palestine", in which the Assembly once again urged the Council to consider the recommendations of the Committee and to act on them and also reiterated its request that, if the Council failed to act by 31 March 1980, the Committee consider the situation and make appropriate suggestions. The Acting Chairman furthermore restated the basic principles as formulated by his Committee for the pursuit of a comprehensive settlement of the Middle East issue including the Palestinian question. Since the Council had not voted upon the draft resolution which had been presented during its deliberations in August 1979, it was still seized of the question. He asked that the Council take practical measures with a view to implementing the Committee's recommendations designed to restore to the Palestinian people their inalienable rights.

By letter⁷⁷⁷ dated 24 March 1980, the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People requested that the President convene the Council urgently since the developments in the occupied Palestinian and other occupied Arab territories, including Jerusalem, constituted continuing violation by Israel of the inalienable rights of the

⁷⁷⁰ *Ibid.*, paras. 5-15.

⁷⁷¹ 2163rd mtg., paras. 9-37.

⁷⁷² *Ibid.*, paras. 78-86.

⁷⁷³ *Ibid.*, paras. 152-161.

⁷⁷⁴ *Ibid.*, paras. 179-186.

⁷⁷⁵ *Ibid.*, para. 187.

⁷⁷⁶ S/13832, *OR*, 35th yr., *Suppl. for Jan.-Mar. 1980*, pp. 71-72.

⁷⁷⁷ S/13855, *ibid.*, p. 87.

Palestinian people, and since the date envisaged in paragraph 8 of resolution 34/65 A was imminent.

At the 2204th meeting on 31 March 1980, the Security Council included the two letters in its agenda and considered the issue at its 2204th to 2208th, 2219th and 2220th meetings on 31 March to 9 April and 29 to 30 April 1980. During its deliberations the Council decided to invite the representatives of Algeria, Bahrain, Bulgaria, Cuba, Democratic Yemen, Egypt, Guyana, Hungary, India, Iraq, Israel, Jordan, Lebanon, Madagascar, Morocco, Qatar, Saudi Arabia, Somalia, the Syrian Arab Republic, Ukrainian SSR, United Arab Emirates, Viet Nam, Yemen and Yugoslavia to participate, without vote, in the discussion of the item.⁷⁷⁸

At the 2204th meeting, the Council also decided to extend invitations, under rule 39 of the provisional rules of procedure, to the Chairman and the Rapporteur of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.⁷⁷⁹

At the same meeting, the Council further decided, by a vote, that an invitation should be accorded to the representative of the PLO to participate in the debate, in accordance with the Council's past practice.⁷⁸⁰

At the same meeting, the Council also decided, at the request of the representative of Tunisia, to extend an invitation to Mr. Clovis Maksoud under rule 39 of the provisional rules of procedure.⁷⁸¹

The Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, as the first speaker in the debate, reminded the Council members that the Palestinian issue had been on the Council's agenda since 1976 and that the Committee's recommendations were all based on previous Council and General Assembly resolutions. He also pointed out that the Committee had clearly refused a *sine die* postponement of the discussion of the question of Palestine in the Council, but noted with regret that certain Council members continually requested further delay and thus prevented the Council from acting. He warned that the Council's inaction allowed Israel to present the world with further *faits accomplis* that made progress towards peace ever more difficult and encouraged it to persist in its delinquency. He reaffirmed on behalf of the Committee Israel's right to exist, but added that, on the pretext of its desire for absolute security, Israel could not totally deny the existence of the Arab Palestine and of the legitimate and inalienable rights of the Palestinian people.⁷⁸²

The Rapporteur of the same Committee pointed out that the solution proposed by the United Nations was objective and comprehensive and contained a legal endorsement of the right of Israel to exist within secure borders; this opinion had been repeatedly confirmed by

the present United Nations membership and accepted by the PLO, through its support of the Committee's recommendations.⁷⁸³

At the same meeting, the representative of Israel reaffirmed his Government's position that Jordan was the national home of the Palestinian Arabs and that the long-term solution of the Middle East problem was feasible only in the framework of the Camp David accords.⁷⁸⁴

At the 2208th meeting on 9 April 1980, the representative of Algeria stated that the Camp David agreements lacked validity for several reasons: no State had a right to conclude an international treaty that would abrogate elementary principles of international law, but that was exactly what had been done in those agreements in that the contracting parties had eliminated the right of the Palestinian people to self-determination. Moreover, the Government of Egypt had actually usurped the right of the Palestinians to conclude a treaty for themselves by signing the Camp David agreements providing for the abrogation of the inalienable rights of the people of Palestine.

He proposed instead that the Geneva Conference should be reconvened, with the participation of the PLO, in order to start peace negotiations under the auspices of the United Nations. The world community should reject the Camp David agreements as a plan for the liquidation of Palestinian national rights and the disruption of the territorial integrity of neighbouring Arab States.⁷⁸⁵

At the beginning of the 2219th meeting on 29 April 1980, the President drew to the attention of the Council members the text of a draft resolution,⁷⁸⁶ sponsored by Tunisia.⁷⁸⁷

At the same meeting, the representative of Tunisia introduced the draft resolution which had been prepared by the Committee on the Exercise of the Inalienable Rights of the Palestinian People and reproduced, in their essence, its recommendations dating back to 1976. Under the preambular part of this draft resolution, the Council would have taken note of General Assembly resolution 34/65; stated its conviction that the question of Palestine was the core of the conflict in the Middle East; reaffirmed the urgent necessity of the establishment of a just and lasting peace through a comprehensive settlement based on full respect for the principles and purposes of the Charter of the United Nations, as well as for its resolutions concerning the problem of the Middle East and the question of Palestine; expressed its concern over the continuing deterioration of the situation in the Middle East, and deeply deplored the persistence of Israel in its occupation of the Palestinian and other Arab territories, including Jerusalem, and its refusal to implement the relevant United Nations resolutions; and reaffirmed the principle of the inadmissibility

⁷⁷⁸ For details, see chapter III.

⁷⁷⁹ For further details, see chapter III.

⁷⁸⁰ The vote was 10 votes in favour, 1 against and 4 abstentions. See 2204th mtg., paras. 5-7, for the statement of the representative of the United States and for the vote. For further details, see chapter III.

⁷⁸¹ For further details, see chapter III.

⁷⁸² 2204th mtg., paras. 12-37.

⁷⁸³ *Ibid.*, paras. 39-65.

⁷⁸⁴ *Ibid.*, paras. 67-121.

⁷⁸⁵ 2208th mtg., paras. 26-72.

⁷⁸⁶ S/13911, OR, 35th yr., Suppl. for April-June 1980, pp. 30-31.

⁷⁸⁷ 2219th mtg., para. 3.

ity of acquisition of territory by the threat or use of force. In the operative part of the draft resolution, the Council would have, first, affirmed (a) that the Palestinian people, in accordance with the Charter of the United Nations, should be enabled to exercise its inalienable national right of self-determination, including its right to establish an independent State in Palestine; (b) the right of Palestinian refugees wishing to return to their homes and live at peace with their neighbours to do so, and the right of those choosing not to return to receive equitable compensation for their property; secondly, reaffirmed that Israel should withdraw from all the Arab territories occupied since June 1967, including Jerusalem; thirdly, decided that appropriate arrangements should be established to guarantee, in accordance with the Charter, the sovereignty, territorial integrity and political independence of all States in the area, including the sovereign independent State of Palestine as envisaged in paragraph 1 (a) of the resolution and the right to live in peace within secure and recognized boundaries; fourthly, decided that the provisions contained in paragraphs 1, 2 and 3 of the present resolution should be taken fully into account in all international efforts and conferences organized within the framework of the United Nations for the establishment of a just, lasting and comprehensive peace in the Middle East; fifthly, requested the Secretary-General to take all the necessary steps as soon as possible for the implementation of the provisions of the present resolution and to report to the Security Council on the progress achieved; and sixthly, decided to convene within a period of six months to consider the report of the Secretary-General regarding the implementation of the resolution and in order to pursue its responsibilities regarding such implementation.⁷⁸⁸

Prior to the vote, at the same meeting, the representative of the United States indicated that his delegation would oppose the draft resolution as his Government was committed to the approach embedded in the Camp David accords as the only workable framework for a Middle East settlement and did not view the draft resolution as an acceptable alternative.⁷⁸⁹

The President then put the draft resolution to the vote; it received 10 votes in favour, 1 against, and 4 abstentions and was not adopted owing to the negative vote of a permanent member of the Council.⁷⁹⁰

After the vote, the representatives of France and the United Kingdom noted that their delegations had abstained on the draft resolution, because the review of the Palestinian question by the Council of Ministers of the European Community had not been completed.⁷⁹¹ The representative of the P.L.O called the vote of 10 in favour against a single negative vote a victory and recognition of the inalienable rights of the Palestinian people.⁷⁹²

⁷⁸⁸ 2220th mtg., paras. 80-84. The draft resolution failed of adoption since one permanent member cast a negative vote.

⁷⁸⁹ *Ibid.*, paras. 139-150.

⁷⁹⁰ *Ibid.*, para. 151.

⁷⁹¹ *Ibid.*, France, paras. 154-158; United Kingdom, paras. 153-158.

⁷⁹² *Ibid.*, paras. 174-192.

THE SITUATION IN NAMIBIA

Decision of 6 June 1975 (1829th meeting): rejection of draft resolution

By letter⁷⁹³ dated 24 April 1975 addressed to the President of the Security Council, the President of the United Nations Council for Namibia transmitted the text of a press statement of the Council for Namibia in which it expressed shock and dismay over an incident that had taken place on 23 April in the black township of Katutura (Windhoek) when the South African police had opened fire on unarmed workers, killing one Namibian and seriously wounding 10 others. The Council for Namibia demanded the immediate and unconditional release of another 295 Africans arrested in connection with the incident.

By letter⁷⁹⁴ dated 27 May 1975 addressed to the Secretary-General, the representative of South Africa transmitted the text of a letter from the Minister for Foreign Affairs of South Africa and excerpts from a speech made at Windhoek by Prime Minister Vorster on 20 May which stated that the basis of the South African Government's approach to the question of South West Africa was that it was for the peoples of South West Africa themselves to determine their own political and constitutional future in accordance with their own freely expressed wishes, without interference from South Africa, the United Nations or any other outside entity.

The meeting of the Security Council was called in accordance with resolution 366 (1974)⁷⁹⁵ by which the Council had decided to meet before 30 May 1975 for the purpose of reviewing South Africa's compliance with the terms of that resolution.

At the 1823rd meeting on 30 May 1975 the Council adopted its agenda⁷⁹⁶ and considered the item at the 1823rd to 1829th meetings from 30 May to 6 June 1975.

In the course of its deliberations the Council invited the representatives of Algeria, Bulgaria, Burundi, Cuba, Dahomey, the German Democratic Republic, Ghana, India, Liberia, Nigeria, Pakistan, Romania, Saudi Arabia, Senegal, Sierra Leone, Somalia, the United Arab Emirates, Yugoslavia and Zambia, at their request, to participate, without vote, in the discussion of the item.⁷⁹⁷

The Council also extended invitations as requested under rule 39 of the provisional rules of procedure to the President and other members of the United Nations Council for Namibia, to Mr. Sam Nujoma, President of the South West Africa People's Organization (SWAPO) and his delegation, to the Reverend Canon Burgess Carr of the All-Africa Conference of Churches and to Mr. Abdul Minty of the Anti-Apartheid Movement of London.⁷⁹⁷

⁷⁹³ S/11709, mimeographed. For the text of the statement, see A/AC 131/L 24.

⁷⁹⁴ S/11701, *OR*, 30th yr., *Suppl. for April-June 1975*, pp. 35-38.

⁷⁹⁵ Resolutions and decisions of the Security Council, 1974, *OR*, 29th yr., pp. 12, 13.

⁷⁹⁶ 1823rd mtg., preceding para. 1.

⁷⁹⁷ For details, see chapter III.

At the 1823rd meeting the President of the United Nations Council for Namibia said that, after an analysis of the statement from South Africa, including attempts to seek clarification from the South African Government, the Council for Namibia concluded that South Africa had in fact rejected operative paragraphs 3 and 4 of the Security Council resolution 366 (1974). Summarizing the position of the Council for Namibia on the matter, he said that South Africa should:

1. Declare its unequivocal acceptance of self-determination and independence for Namibia;
2. Accept the territorial integrity of Namibia and prescribe a solution that would retain the unity of the Territory as a whole;
3. Allow SWAPO total political freedom of movement so as to enable that organization to demonstrate that its support did not lie merely within the Ovambo tribe, as alleged, but in the whole country;
4. Immediately and totally abandon all aspects of the extension of *apartheid* in Namibia, including its police brutality;
5. Implement with integrity and honour the decision to give independence to Namibia;
6. Accept the United Nations role to ensure a fair national election in that Territory.⁷⁹⁸

The representative of Somalia stated that South Africa had unequivocally reaffirmed its position of non-compliance with United Nations resolutions on Namibia and with the findings of the International Court of Justice. The adoption of resolution 366 (1974) had been considered by the international community as the culmination of the long effort of the world body to find an equitable solution to the question of Namibia. Both the interests of the people of the Territory and the authority and credibility of the United Nations would be ill served if yet another ultimatum to South Africa proved to be futile as others had been in the past.⁷⁹⁹

At the same meeting the representative of Burundi called on the Security Council to (1) reject the letter to the Secretary-General from the Minister for Foreign Affairs of South Africa and regard it as null and void; (2) state that the continued occupation of Namibia by South Africa is an act of aggression and a threat to the peace in that part of Africa and take the appropriate measures in conformity with Article 39 of the Charter; and (3) take all the steps necessary to enable the United Nations Council for Namibia to discharge its responsibilities within the Territory of Namibia.⁸⁰⁰

At the 1824th meeting on 2 June 1975 the representative of Zambia expressed the hope that the Security Council would go further than resolution 366 (1974) so that South Africa could be left in no doubt as to where the international community stood on the matter. He called on the Security Council among other things to condemn South Africa's refusal to comply with resolution 366 (1974); call for an effective arms embargo

against South Africa; demand once more that South Africa unconditionally withdraw from Namibia; also demand an immediate end to the creation of Bantustans and so-called homelands; further demand that South Africa accept the holding of free elections in Namibia; and declare that should South Africa not comply with these demands by 30 September 1975 the Council would meet and take stern measures under Chapter VII of the Charter, which might include suspension or expulsion of South Africa from the United Nations.⁸⁰¹

At the same meeting the representative of Ghana stated that South Africa had blatantly refused to comply with the decision of the Security Council and was therefore in serious breach of Article 25 of the Charter. He invited the Security Council to take effective measures against South Africa and to give the Council for Namibia the support and the means to establish its presence and authority in Namibia and to guide the Territory to independence. If South Africa prevented the Council from doing this, then the Council had to suspend South Africa's privileges and rights deriving from membership of the United Nations and should not exclude the possibility of expelling it from the Organization.⁸⁰²

The representative of France said that the South African response was ambiguous with regard to the unity of the Territory of Namibia. It presented such a loose formula that it left room for the fear that several Namibias might be formed and that it did not take into account the resolution whereby the General Assembly and the Security Council requested South Africa to respect the unity of the country. Namibia had to accede to independence as a single State. France drew an essential difference between the concept of unity and that of territorial integrity and considered that the South African Government gave satisfactory assurances when it stated that it did not claim an inch of the Territory for itself. Some control other than that of Pretoria should be exercised in Namibia to ensure that nobody tried to counteract the necessary course of events. He deplored the reference in the letter of the Minister for Foreign Affairs of South Africa to the fact that his Government could not accept United Nations supervision and appealed to the South African leaders to review their position.

A concrete measure likely to promote new developments would be to try to benefit from the resolution on Namibia, recently adopted by the Organization of African Unity (OAU) in Dar es Salaam under which a special committee had been set up to deal with all problems concerning the Territory and also to benefit from one positive element of the South African letter: the offer of the Pretoria Government to receive the President of the Council for Namibia and the Special Committee of OAU. The Council could thus entrust a contact committee with the task of rapidly getting in touch with the South African Government and inviting it to negotiate on the means to permit the earliest

⁷⁹⁸ 1823rd mtg., paras. 13-29.

⁷⁹⁹ *Ibid.* paras. 33-51.

⁸⁰⁰ *Ibid.* paras. 54-61.

⁸⁰¹ 1824th mtg., paras. 32-44.

⁸⁰² *Ibid.* paras. 48-70.

possible attainment of independence by Namibia, with respect for its territorial integrity and unity. One of the most appropriate means to attain that objective lay in the organization, under international supervision, of general elections throughout the Territory based on universal suffrage. Those elections should be held with the participation of all interested parties and movements, including the party which was probably the most important of all, SWAPO. They should take place as soon as possible and, in any case, within a year. France did not agree with the opinion stated by some that the situation in Namibia came under Chapter VII of the Charter or under one of its Articles.⁸⁰¹

At the 1825th meeting on 3 June 1975 the representative of Dahomey called on the Council to impose an embargo on South Africa both at the economic level and with regard to arms. There could be no doubt but that, in order to justify their position, those who protected Pretoria would not fail to find certain positive notes in Vorster's reply to resolution 366 (1974) and would claim that in fact the reply constituted a favourable response to the appeals of the Council. Were the Council to fail to act, the African people, in defence of the just cause of SWAPO, could not fail to give that liberation movement the moral, material and logistic support it needed to attack the enemy everywhere at any time and to liberate the Territory of Namibia.⁸⁰⁴

The representative of the United States stated that in view of the facts of the Namibian situation, it was difficult to find that a threat to international peace and security existed within the meaning of the Charter. It would not be appropriate to invoke mandatory sanctions specifically reserved for threats to the peace.⁸⁰⁵

At the 1826th meeting on 4 June 1975 the representative of Nigeria urged the Council to appoint a committee of the Council to facilitate the implementation of the programme for the transfer of power to the people of Namibia.⁸⁰⁶

At the same meeting the representative of the United Republic of Tanzania noted that during the previous year the Council had given an ultimatum on Namibia to the South African régime by adopting resolution 366 (1974). The three Western permanent members of the Security Council supported that ultimatum. Yet, the United Kingdom conducted sea manoeuvres with South Africa. France did the same and continued to sell arms to South Africa. The United States received the Chief of the South African defence forces. It had been argued by some in the Council that the situation in Namibia did not constitute a threat to international peace and security. Yet there was a war going on in Namibia itself between the freedom fighters and the illegal occupation forces. South Africa had consolidated its military arsenals in Namibia and was waging a war of repression in that Territory and at the same time was posing a direct threat to the peace and security of the whole

region. The Council had a responsibility to ensure that its decisions were respected. At least, the Council had to impose a mandatory arms embargo against South Africa. Any measure contemplated by the Council in the form of a resolution should include: reaffirmation by the Council of the United Nations' authority over Namibia; a clause to the effect that the United Nations should organize and supervise elections to enable the people of Namibia freely to determine their own future; complete rejection of Bantustans and a call to South Africa to abandon that policy; reaffirmation of the territorial integrity of Namibia; a call for a halt to repression and for the release of all political prisoners; a call for the dismantling of all military bases set up by the South African régime in Namibia contrary to the Charter of the United Nations; a call for the suspension by all States Members of the United Nations of any investments in South Africa for the time being as a clear demonstration that this would continue only until South Africa gave a clearer positive response; and the rejection by the Council of sham elections organized by the South African régime in Namibia.⁸⁰⁷

At the 1827th meeting on 5 June 1975 the representative of the USSR said that South Africa was ignoring the decisions of the United Nations and was refusing to implement them. The South African leaders had in essence reaffirmed their policy aimed at breaking the unity of the country. It was not persuasion that was needed, but rather effective, concrete enforcement measures against South Africa that would be mandatory for all States Members of the United Nations. Those who were attempting to distract the attention of the United Nations and the Security Council from the real state of affairs had done so as far back as 1972 at the series of meetings of the Security Council in Addis Ababa, where they prodded the Council and the United Nations into a dialogue with the racists of Pretoria. At that time the delegation of the Soviet Union expressed serious doubts and spoke out against dialogue with the racists of South Africa, fully realizing that it was a futile and hopeless undertaking. Life and subsequent developments had fully vindicated the position taken by the Soviet Union in that regard. The idea of dialogue was merely a convenient pretext for the racist régime of South Africa and its protectors in the United Nations to postpone endlessly and to put off any solution of the problem of Namibia's independence. The racist régime of Vorster, with the support of only an insignificant group of his protectors, had found itself facing complete international isolation. As reaffirmations of this there were the just proposals of the African States, justified by the United Nations Charter, that South Africa be expelled from the United Nations. Voices were sometimes heard alleging that the United Nations Charter was at fault because thus far the decisions of the Council on Namibia and on a number of other important questions had not been implemented. The fault for this rested not with the Charter but with those States Members of the United Nations which failed to observe the provisions of the

⁸⁰¹ *Ibid.*, paras. 85-106, 1829th mtg., paras. 190-195.

⁸⁰² 1825th mtg., paras. 7-26.

⁸⁰³ *Ibid.*, paras. 74-89, 1829th mtg., paras. 173-177.

⁸⁰⁴ 1826th mtg., paras. 31-37.

⁸⁰⁷ *Ibid.*, paras. 68-99.

Charter and acted contrary to and in violation of the lofty and humanitarian principles and purposes proclaimed in it. In fact, they attempted to conceal and to justify South Africa's failure to observe the Charter and it was this that enabled South Africa to put itself against the Security Council and the United Nations at large and against the countries of Africa and world opinion.⁸⁰⁸

At the 1829th meeting on 6 June 1975 the representative of the United Kingdom said that South Africa had made an offer to have discussions on the future of Namibia with a representative of the Secretary-General, with the newly created Special Committee of OAU and with the President of the Council for Namibia. Any such discussions should be unconditional. They could not, for example, be confined merely to examination of the situation in Namibia—a sort of African visiting mission. The discussions, to be useful, would have to encompass the future constitutional and political development of Namibia. The United Kingdom did not regard the situation in Namibia as a threat to international peace and security; it would oppose any resolution of the Council to that effect. It would equally oppose any attempt to prejudge what action the Council should take if and when it reassembled to consider Namibia later this year. Some delegations had been considering a draft resolution which would have authorized renewed contacts with the South African Government, but would have pointed them in the correct direction right from the start. That draft resolution would have condemned South Africa's failure to comply satisfactorily with resolution 366 (1974); condemned its illegal occupation of Namibia; condemned its illegal application of racial discriminatory and repressive laws; demanded an end to the policy of Bantustans, and South Africa's urgent withdrawal from the Territory; and called upon South Africa to enter into early contact with a committee to be established by the Council for the purpose. But this proposal proved unacceptable to other members of this Council. Had such a resolution been adopted by consensus, the whole weight of the Security Council would once again have been invoked against South Africa's continued occupation of Namibia. More important, the Council would have been able to record its general agreement on the way in which it hoped the situation would develop, namely towards free elections under United Nations supervision.⁸⁰⁹

At the same meeting the representative of the United Republic of Cameroon introduced a draft resolution sponsored by Guyana, Iraq, Mauritania, the United Republic of Cameroon and the United Republic of Tanzania⁸¹⁰ by which the Council would (1) condemn South Africa's failure to comply with terms of Security Council resolution 366 (1974) of 17 December 1974; (2) condemn once again the continued illegal occupation of the Territory of Namibia by South Africa; (3) further condemn the illegal and arbitrary application by South Africa of racially discriminatory and repressive laws

and practices in Namibia; (4) demand that South Africa put an end forthwith to its policy of Bantustans and the so-called homelands aimed at violating the national unity and the territorial integrity of Namibia; (5) further demand that South Africa proceed urgently with the necessary steps to withdraw from Namibia and, to that end, to implement the measures stipulated in resolution 366 (1974); (6) reaffirm the legal responsibility of the United Nations over Namibia and demand that South Africa take appropriate measures to enable the United Nations Council for Namibia to establish its presence in the Territory with a view to facilitating the transfer of power to the people of Namibia; (7) declare that in order for the people of Namibia to determine freely their own future it is imperative that free elections be organized under the supervision and control of the United Nations as soon as possible and, in any case, not later than 1 July 1976; (8) affirm its support of the struggle of the people of Namibia for self-determination and independence; (9) acting under Chapter VII of the United Nations Charter: (a) determine that the illegal occupation of the Territory of Namibia by South Africa constituted a threat to international peace and security; (b) decide that all States should prevent: (i) any supply of arms and ammunition to South Africa; (ii) any supply of aircraft, vehicles and military equipment for use of the armed forces and paramilitary organizations of South Africa; (iii) any supply of spare parts for arms, vehicles and military equipment used by the armed forces and paramilitary organization of South Africa; (iv) any activities in their territories which promote or are calculated to promote the supply of arms, ammunition, military aircraft and military vehicles to South Africa and equipment and materials for the manufacture and maintenance of arms and ammunition in South Africa and Namibia; (10) decide that all States should give effect to the decision set out in paragraph 9 (b) above notwithstanding any contract entered into or licence granted before the date of the present resolution, and that they notify the Secretary-General of the measures they have taken to comply with the aforementioned provision; (11) decide that provisions of paragraph 9 (b) above should remain in effect until it had been established, to the satisfaction of the Security Council, that the illegal occupation of the Territory of Namibia by South Africa had been brought to an end; (12) request the Secretary-General, for the purpose of the effective implementation of the present resolution, to arrange for the collection and systematic study of all available data concerning international trade in the items which should not be supplied to South Africa under paragraph 9 (b) above; (13) request the Secretary-General to report to the Security Council concerning the implementation of paragraph 7 and other provisions of the present resolution; (14) decide to remain seized of the matter and to meet on or before 30 September 1975 for the purpose of reviewing South Africa's compliance with the terms of the relevant paragraphs of the present resolution and, in the event of non-compliance by South Africa, to take further appropriate measures under the Charter.

⁸⁰⁸ 1827th mtg., paras. 75-99.

⁸⁰⁹ 1829th mtg., paras. 8-37.

⁸¹⁰ S/11713, *OR*, 30th yr., *Suppl. for April-June 1975*, pp. 47-48.

Speaking in explanation of the vote before the vote, the representative of China said that in the opinion of his delegation the wording of operative paragraph 13 of the draft resolution did not authorize the Secretary-General to enter into any so-called "dialogue" with the South African authorities. Although his delegation had reservations on operative paragraph 7, it would vote for the draft.¹¹¹

The representative of Sweden said his delegation would vote for the draft, although it would have wished to have a text much more explicit with regard to United Nations contacts with South Africa in order to explore possibilities that might exist to promote a peaceful movement towards the goal of a free and independent nation of Namibia. Operative paragraph 13 requested the Secretary-General to report to the Council concerning the implementation of paragraph 7 regarding United Nations supervision of free elections in Namibia. That implied, in Sweden's view, that the Secretary-General had to make all the contacts necessary in that context to create a base for his reporting to the Council regarding implementation.¹¹²

The Council then proceeded to vote on the draft resolution, which received 10 votes in favour, 3 against and 2 abstentions and was not adopted, owing to the negative votes of three permanent members of the Council.¹¹³

Speaking in explanation of vote, the representative of Japan said that his delegation found it difficult to accept a finding that the situation in Namibia constituted a threat to international peace and security. There was still a possibility for a peaceful solution through talks between the parties directly concerned.¹¹⁴

The representative of Italy stated that his delegation was not able to support those provisions of the draft resolution which referred to action under Chapter VII of the Charter. As a matter of fact the problem of Namibia was still one of illegal occupation of a Territory by the administering Power and of violation of human rights for which the Charter made provision under other rules.¹¹⁵

The representative of the United Republic of Tanzania declared that paragraph 6 of resolution 366 (1974) specifically stipulated that if South Africa failed to comply with its provisions, the Council would consider "the appropriate measures to be taken under the Charter of the United Nations". South Africa had not complied with the provisions of resolution 366 (1974). Logic demanded that the Council should have proceeded to take the appropriate measures that it had undertaken to implement.¹¹⁶

Speaking in exercise of his right of reply the representative of the United Kingdom said the speech by the representative of the United Republic of Tanzania was

based upon three propositions. The first was that there had been total non-compliance by the South African Government with resolution 366 (1974). The United Kingdom did not accept the totality of that proposition. Secondly, there was the proposition that if there had been non-compliance by South Africa with a Council resolution, that automatically made the situation one in which there was a threat to international peace and security within the terms of Chapter VII of the Charter. That was not a proposition the United Kingdom could accept. The third proposition was that, leaving aside all legalities, to move into Chapter VII at the moment would be the best way of putting effective pressure on the South African Government and the best way of moving forward. That was inappropriate at a time when the South African Government had made certain offers and had proposed certain contacts. It was quite inappropriate to take a step so drastic and far-reaching without first trying to ensure whether those contacts would produce anything or indeed whether those statements meant anything.¹¹⁷

At the end of the meeting the President stated that the Council had concluded the present phase of its consideration of the situation in Namibia. It would remain seized of the matter.

Subsequent to the 1829th meeting, 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 transmitted by letter¹¹⁸ dated 27 June 1975 to the President of the Security Council a copy of the text of a consensus concerning the question of Namibia¹¹⁹ adopted by the Special Committee on 18 June, in which it urged the Security Council to consider taking all appropriate measures under the United Nations Charter, including those provided for in Chapter VII, with a view to securing the full and speedy compliance of South Africa with United Nations decisions concerning Namibia, in particular, Security Council resolution 366 (1974) of 17 December 1974.

Decision of 30 January 1976 (1885th meeting): resolution 385 (1976)

By letter¹²⁰ dated 16 December 1975 the Secretary-General transmitted to the President of the Security Council the text of General Assembly resolution 3399 (XXX), adopted on 26 November, and drew attention to paragraph 11 of the resolution, whereby the Assembly urged the Security Council to take up again the question of Namibia and to give effect to Security Council resolution 366 (1974).

¹¹¹ *Ibid.*, paras. 228-233.

¹¹² S/11745, mimeographed. For the text, see *G.A.O.R.*, 30th Session, *Suppl. No. 23*, chap. X, paras. 12-13.

¹¹³ The original text of the consensus was transmitted to the Permanent Representative of South Africa to the United Nations for the attention of his Government. Copies of the consensus were also transmitted to the President of the United Nations Council for Namibia, to all States and to the specialized agencies and other organizations within the United Nations.

¹¹⁴ S/11918, mimeographed. For the text, see *G.A.O.R.*, 30th Session, *Suppl. No. 34*.

¹¹⁵ 1829th mtg., para. 155.

¹¹⁶ *Ibid.*, paras. 156-158.

¹¹⁷ *Ibid.*, para. 160.

¹¹⁸ *Ibid.*, paras. 162-167.

¹¹⁹ *Ibid.*, paras. 168-172.

¹²⁰ *Ibid.*, paras. 196-226 and para. 235.

In a letter⁸²¹ dated 27 January 1976 addressed to the Secretary-General, the representative of South Africa set out his Government's position with regard to the question of South West Africa. He stated that South Africa did not recognize any right of the United Nations to supervise the affairs of the Territory and added that the advisory opinion of the International Court of Justice of 21 June 1971 was advisory only. The South African Government reiterated its offer to negotiate with a mutually acceptable personal representative of the Secretary-General in order that he might acquaint himself with the process of self-determination in the Territory and attend the Constitutional Conference as an observer. It also reiterated its offer to discuss the development with leaders of Africa, the Chairman of the United Nations Council for South West Africa and the Special Committee of the OAU. They would also be welcome to visit South West Africa. Additional information regarding the Territory was provided in an annex entitled "South West Africa Survey 1974".

At its 1880th meeting on 27 January 1976 the Security Council adopted the agenda and considered the item at the 1880th to 1885th meetings between 27 and 30 January 1976.

In the course of its deliberations the Council invited the representatives of Algeria, Bangladesh, Burundi, Cuba, Egypt, Guinea, India, Indonesia, Jamaica, Jordan, Kenya, Kuwait, Liberia, Mali, Mauritania, Mauritius, Nigeria, Poland, Saudi Arabia, South Africa, Tunisia and Yugoslavia, at their request, to participate without the right to vote in the discussion of the item.⁸²²

The Security 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, composed of the President of that body and the representatives of Finland, Indonesia, Poland and Mexico, to Mr. Moses M. Garoeb of SWAPO and to the Rapporteur of the Special Committee against *Apartheid*.⁸²³

At the 1880th meeting the representative of Zambia speaking as the President of the United Nations Council for Namibia stated that the people of Namibia had continued to suffer under the illegal South African occupation. The Pretoria régime had escalated its police-state measures against Namibians through killings, mass arrests, detention and other repressive actions. Its continued illegal occupation of Namibia had been reflected in the expanding application of *apartheid* and the continuing Bantustanization of the Territory. The most recent attempt to mislead the Namibian people and the international community was the so-called Constitutional Conference. The Declaration of Intent which it adopted was blatant in its violation of the rights of the Namibian people; it did not recognize Namibia as a unitary State and made no reference to majority rule or to the institutions of a central government. SWAPO had already decisively rejected that mystification. The

Council for Namibia had also condemned the so-called Constitutional Conference. Moreover, the Council for Namibia had reaffirmed the territorial integrity of Namibia as well as the inalienable right of the Namibian people to self-determination and independence. They had no alternative left but to struggle for their right to self-determination and independence by all means at their disposal. There was still a chance for peaceful change in Namibia. That chance lay only in the convening of a national election in Namibia under United Nations supervision. Such an election, in which all the political parties of Namibia, including SWAPO, must participate on an equal footing, would constitute a genuine act of self-determination by the people of Namibia. The Council must, at the very minimum, do the following: (1) strongly condemn the continued illegal occupation of Namibia by South Africa and demand that South Africa comply with the relevant General Assembly and Council resolutions calling upon it to withdraw from Namibia; (2) strongly condemn the attempts by South Africa to divide Namibia into so-called homelands and to apply its racially discriminatory and repressive laws and practices in the Territory; (3) strongly condemn the South African military build-up in Namibia and the recent convening of a so-called Constitutional Conference in the Territory; (4) declare and direct that, in order that the people of Namibia might be enabled freely to determine their own future, free elections under United Nations supervision and control be held for the whole of Namibia as one political entity; and (5) demand that South Africa urgently make a solemn declaration accepting the requirement for the holding of free elections in Namibia under United Nations supervision and control.⁸²⁴

The representative of Guinea said that in June 1975 France, the United Kingdom and the United States of America used their right of veto to block an arms embargo against South Africa under Chapter VII of the Charter. The need for such action was even more evident now that South Africa, encouraged by the West, was using Namibian territory as a base for aggression against the new State of Angola.⁸²⁵

At the same meeting the representative of Algeria noted that South Africa, by refusing to comply with resolution 366 (1974), had failed to fulfil its obligations as a Member, in particular those arising out of Article 25 of the Charter.⁸²⁶

At the 1881st meeting on 27 January 1976 the representative of the United Kingdom, speaking about the Constitutional Conference convened by South Africa, regarded it as a step forward. However, the composition of the Conference was inadequate. Those who believed that Namibia should become a unitary State had been excluded from the Conference since they were reluctant to take part in the ethnic elections from which the Conference had drawn its representation. The current talks did not constitute a process of self-deter-

⁸²¹ S/11948 and Add 1, *OR, 31st yr. Suppl. for Jan.-March 1976*, pp. 39-78.

⁸²² For details, see chapter III.

⁸²³ *Ibid.*

⁸²⁴ 1880th mtg., paras. 11-31.

⁸²⁵ *Ibid.*, paras. 56-65.

⁸²⁶ *Ibid.*, paras. 67-82.

mination. Some useful proposals might be made at the Conference, but those would need the approval of the Namibian people as a whole through a single electoral process conducted throughout Namibia and supervised by the United Nations. The United Nations team should closely monitor the election and report back to the Security Council. It was by no means certain that South Africa would accept the principle of United Nations supervision. South Africa believed that the United Nations was determined to impose a preconceived pattern of political development upon the Territory. Neither the Administering Authority nor the United Nations could choose on behalf of the Namibian people. Strict election supervision was necessary, but it would be unrealistic to demand that the South Africans should leave the Territory before any act of self-determination took place. That was why the United Kingdom advocated contacts between South Africa and the United Nations as the only way to bring about the acceptance by South Africa of United Nations supervision.¹²⁷

The representative of the Philippines, as Rapporteur of the Special Committee against *Apartheid*, stressed that the régime of South Africa constituted a threat to international peace and security, and issued open threats to neighbouring independent African States. The international community could not idly stand by while South Africa undertook to destroy the national unity and territorial integrity of Namibia, and built up its military forces using Namibia as a base for intervention against independent neighbouring countries. The Council must take urgent and effective measures against the South African racist régime, particularly by enforcing an arms embargo against that criminal and aggressive régime.¹²⁸

The representative of South Africa stated that his country did not recognize and had never recognized any right of the United Nations to supervise the affairs of the Territory of South West Africa, nor could it be expected to agree to United Nations supervision of any electoral process as long as the majority of United Nations Members continued their campaign in regard of the Territory.¹²⁹

At the 1882nd meeting on 28 January 1976 the representative of China said that the Namibian question should be solved as follows: the relevant General Assembly and Security Council resolutions adopted on Namibia should be adhered to, and the South African authorities must immediately end their illegal occupation of Namibia, withdraw all their troops and administration therefrom and let the Namibian people achieve their independence free from outside interference.¹³⁰

At the 1883rd meeting on 29 January 1976 the representative of the USSR observed that it was obvious that the major goal of the South African régime was to postpone its withdrawal indefinitely, and to preserve in that area a citadel of neo-colonialism and racism against

the peoples of Africa. Many sophisticated arms were being delivered to South Africa through transnational corporations, in violation of the decisions of the United Nations and the Organization of African Unity. These deliveries had increased, especially in recent times, in connection with an unprecedented increase in military expenditures in South Africa. The arms and military supplies entering South Africa were being used widely by the racist régime to suppress the national liberation movement in Namibia and to turn the Territory itself into a base to threaten and directly attack neighbouring African countries. This was a flagrant violation of international law and fully confirmed that the racist régime of South Africa was a serious threat to peace and security on the African continent. The delegation of the Soviet Union was convinced that the continued struggle of the United Nations and of the entire international community against the last bastion of colonialism and recession was fully in keeping with the goals of international détente and with the task of extending it to all countries of the world, including the continent of Africa.¹³¹

At the same meeting the representative of France said that since South Africa had taken certain initiatives, even though they did not appear to be satisfactory, it behoved the international community to maintain its pressure in an effort to guide the actions of the Government of Pretoria. But pressure should be exercised realistically, taking into account what was possible without sacrificing the fundamental options of the United Nations. He welcomed the draft resolution prepared by seven non-aligned countries and others. The requirements for free elections in Namibia with the participation of all parties, including SWAPO, met with the approval of his delegation. Those elections should be held under United Nations supervision and with the necessary control by the United Nations. When the time came, it would be up to the Council, taking into account the attitude of the Pretoria authorities, to determine how the United Nations intervention should be translated in practice.¹³²

The representative of the United States expressed the belief that a single electoral process should be held throughout Namibia carefully supervised by the United Nations to allow the Namibian people to decide on the future constitutional structure of their country. The supervision could be worked out as soon as possible between the United Nations and the Government of South Africa and both parties should be encouraged to meet and make the necessary arrangements.¹³³

At the 1884th meeting on 29 January 1976 the representative of Guyana introduced the draft resolution¹³⁴ sponsored by Benin, Guyana, the Libyan Arab Republic, Pakistan, Panama, Romania, Sweden and the United Republic of Tanzania. He noted that the draft resolution was fashioned on the basis of a set of

¹²⁷ 1881st mtg., paras. 38-48.

¹²⁸ *Ibid.*, paras. 53-82.

¹²⁹ *Ibid.*, paras. 85-131.

¹³⁰ 1882nd mtg., paras. 27, 28, 32 and 33.

¹³¹ 1823rd mtg., paras. 8-25.

¹³² *Ibid.*, paras. 26-39.

¹³³ *Ibid.*, paras. 82-92.

¹³⁴ 1884th mtg., paras. 60-72. S/1976/1 was adopted without change as resolution 385 (1976).

principles which members of the Council should regard as the fundamentals for the maintenance of peace and security in the world at large. The foremost principle was the inalienable right of the people of Namibia to self-determination and independence. The second was that South Africa had no legal jurisdiction whatsoever over the Territory of Namibia. The third was that the United Nations, through the Council for Namibia, had a direct responsibility for the administration of the Territory of Namibia. Fourthly, the Security Council itself had acknowledged its own responsibility to take such initiatives as might be of assistance in finding a solution to the issue of South Africa's illegal occupation of Namibia.

At the same meeting the representative of Kenya appealed to the three permanent members of the Security Council which exercised their veto right in October 1974 and in June 1975, to reconsider their position and to facilitate the adoption by the Security Council of effective measures to ensure the withdrawal of South Africa from Namibia.⁸¹⁵

At the 1885th meeting on 30 January 1976 the representative of Mali observed that the South African aggression against Angola launched from Namibia gave a new dimension to the problem before the Council. The Council's decision must take into account the possible dire consequences of the continued illegal occupation of that Territory. The Council had a great responsibility because the expansionism of South Africa, if not contained in time, would engulf southern Africa in a virulent racial war with unpredictable implications.⁸¹⁶

The representative of the United Republic of Tanzania called for the disruption of diplomatic, other political and all economic relations with South Africa in so far as it related to Namibia. It was important that all exiled political leaders of the people of Namibia should be allowed to return without any restriction, and that they should be allowed to exercise their right to political expression freely as well as to propagate their opinions without let or hindrance. It was a necessary condition that the South African régime adhere strictly to the Declaration of Human Rights and the repeal of all restrictive laws.⁸¹⁷

At the same meeting the draft resolution S/11950 was adopted unanimously as resolution 385 (1976).⁸¹⁸

The resolution reads as follows:

The Security Council,

Having heard the statement of the President of the United Nations Council for Namibia,

Having considered the statement by Mr. Moses M. Garoeb, Administrative Secretary of the South West Africa People's Organization,

Recalling General Assembly resolution 2145 (XXI) of 27 October 1966, by which the Assembly terminated South Africa's Mandate over the Territory of Namibia, and resolution 2248 (S.VI) of 19 May 1967, by which it established a United Nations Council for Namibia, as well as all other subsequent resolutions on Namibia, in particular resolution 3295 (XXIX) of 13 December 1974 and resolution 3399 (XXX) of 26 November 1975,

Recalling its resolutions 245 (1968) of 25 January and 246 (1968) of 14 March 1968, 264 (1969) of 20 March and 269 (1969) of 12 August 1969, 276 (1970) of 30 January, 282 (1970) of 23 July, 283 (1970) and 284 (1970) of 29 July 1970, 300 (1971) of 12 October and 301 (1971) of 20 October 1971, 310 (1972) of 4 February 1972 and 366 (1974) of 17 December 1974,

Recalling the advisory opinion of the International Court of Justice of 21 June 1971 that South Africa is under obligation to withdraw its presence from the Territory,

Reaffirming the legal responsibility of the United Nations over Namibia,

Concerned at South Africa's continued illegal occupation of Namibia and its persistent refusal to comply with the resolutions and decisions of the General Assembly and the Security Council, as well as with the advisory opinion of the International Court of Justice,

Gravely concerned at South Africa's brutal repression of the Namibian people and its persistent violation of their human rights, as well as its efforts to destroy the national unity and territorial integrity of Namibia, and its aggressive military build-up in the area,

Strongly deploring the militarization of Namibia by the illegal occupation régime of South Africa,

1. *Condemns* the continued illegal occupation of the Territory of Namibia by South Africa;
2. *Condemns* the illegal and arbitrary application by South Africa of racially discriminatory and repressive laws and practices in Namibia;
3. *Condemns* the South African military build-up in Namibia and any utilization of the Territory as a base for attacks on neighbouring countries;
4. *Demands* that South Africa put an end forthwith to its policy of bantustans and the so-called homelands aimed at violating the national unity and the territorial integrity of Namibia;
5. *Further condemns* South Africa's failure to comply with the terms of Security Council resolution 366 (1974);
6. *Further condemns* all attempts by South Africa calculated to evade the clear demand of the United Nations for the holding of free elections under United Nations supervision and control in Namibia;
7. *Declares* that, in order that the people of Namibia may be enabled freely to determine their own future, it is imperative that free elections under the supervision and control of the United Nations be held for the whole of Namibia as one political entity;
8. *Further declares* that, in determining the date, time-table and modalities for the elections in accordance with paragraph 7 above, there shall be adequate time, to be decided upon by the Security Council, for the purpose of enabling the United Nations to establish the necessary machinery within Namibia to supervise and control such elections, as well as to enable the people of Namibia to organize politically for the purpose of such elections;
9. *Demands* that South Africa urgently make a solemn declaration accepting the foregoing provisions for the holding of free elections in Namibia under United Nations supervision and control, undertaking to comply with the resolutions and decisions of the United Nations and with the advisory opinion of the International Court of Justice of 21 June 1971 in regard to Namibia, and recognizing the territorial integrity and unity of Namibia as a nation;

10. *Reiterates its demand* that South Africa take the necessary steps to effect the withdrawal, in accordance with Security Council resolutions 264 (1969), 269 (1969) and 366 (1974), of its illegal administration maintained in Namibia and to transfer power to the people of Namibia with the assistance of the United Nations,

11. *Demands again* that South Africa, pending the transfer of power provided for in paragraph 10 above

(a) Comply fully in spirit and in practice with the provisions of the Universal Declaration of Human Rights,

⁸¹⁵ 1884th mtg., paras. 128-148.

⁸¹⁶ 1885th mtg., paras. 40-60.

⁸¹⁷ *Ibid.*, paras. 62-81.

⁸¹⁸ *Resolutions and Decisions of the Security Council 1976*, pp. 8, 9.

(b) Release all Namibian political prisoners, including all those imprisoned or detained in connection with offences under so-called internal security laws, whether such Namibians have been charged or tried or are held without charge and whether held in Namibia or South Africa.

(c) Abolish the application in Namibia of all racially discriminatory and politically repressive laws and practices, particularly bantustans and homelands.

(d) Accord unconditionally to all Namibians currently in exile for political reasons full facilities for return to their country without risk of arrest, detention, intimidation or imprisonment.

12. *Decides* to remain seized of the matter and to meet on or before 31 August 1976 for the purpose of reviewing South Africa's compliance with the terms of the present resolution and, in the event of non-compliance by South Africa, for the purpose of considering the appropriate measures to be taken under the Charter of the United Nations.

Speaking in explanation of vote after the vote the representatives of France and the United Kingdom expressed their reservations in regard to the decision of the Council since it referred to certain previous resolutions on which they abstained and also in regard to its operative paragraph 3.³³⁹

The representative of the United States said it was clear that the Council was leaving open the exact form of United Nations supervision of the elections, leaving it to be worked out subsequently by the United Nations. In that way the Council avoided prejudging the exact nature of the United Nations role until the matter could be specifically considered.³⁴⁰

Decision of 19 October 1976 (1963rd meeting): rejection of draft resolution

By letter³⁴¹ dated 18 August 1976 addressed to the Secretary-General, the representative of South Africa transmitted the text of a statement by the Constitutional Committee of the South West African Constitutional Conference. The Committee was in agreement that 31 December 1978 could, with reasonable certainty, be fixed as the date for independence for South West Africa. The Committee reaffirmed, with regard to the question of territorial integrity, the interdependence of the Territory's various population groups and the firm desire to maintain South West Africa as a unity. The Committee rejected any attempt to solve the country's problems by violence.

By letter³⁴² dated 20 August 1976 addressed to the Secretary-General, the Acting President of the United Nations Council for Namibia transmitted the text of the statement of the United Nations Council for Namibia of 18 August 1976. According to the statement, the proposals of the so-called Constitutional Conference of representatives hand-picked by the illegal South African administration in Windhoek did not even approach any of the requirements laid down by the United Nations for genuine self-determination and independence, but merely sought to perpetuate the homelands (bantustans) policies and prolong South Africa's illegal occupation of Namibia.

At the 1954th meeting on 31 August 1976 the Council adopted its agenda³⁴³ and considered the item at the 1954th meeting on 31 August 1976 and at the 1956th to 1963rd meetings between 28 September and 19 October 1976.

In the course of its deliberations the Council invited the representatives of Algeria, Bangladesh, Botswana, Burundi, Cuba, Democratic Kampuchea, Egypt, Ethiopia, the German Democratic Republic, Ghana, Guinea, Kenya, Liberia, Madagascar, Malawi, Mauritius, Morocco, Mozambique, the Niger, Nigeria, Poland, Saudi Arabia, Sierra Leone, Somalia, Sri Lanka, the Yemen Arab Republic, Yugoslavia and Zambia to participate without the right to vote in the discussion of the item.³⁴⁴

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 headed by its Acting President, to Mr. Sam Nujoma, President of SWAPO and to Mr. Theo-Ben Gurirab of SWAPO.³⁴⁵

At the 1954th meeting the President stated that the Council had been convened to consider the question contained in the agenda in accordance with its resolution 385 (1976)³⁴⁶ and after consultations with its members.

At the same meeting the representative of Madagascar speaking on behalf of the African Group said that the Group favoured a policy of sanctions against South Africa in the context of the Namibian question as well as in the context of the questions of Southern Rhodesia and *apartheid*. As soon as a member violated the basic rules of the Organization in a flagrant and repeated manner, there was no alternative other than to take appropriate sanctions against it, which might go as far as expulsion. Such sanctions could bear witness to the Organization's solidarity with those who for 10 years had been struggling to be rid of the domination of the white minority in Namibia and to banish from their country the *apartheid* system. The African Group, like the United Nations Council for Namibia, held that the proposals of the so-called constitutional conference did not even approach any of the requirements for genuine self-determination and independence laid down by the United Nations. South Africa had not complied with the provisions of Security Council resolution 385 (1976), and the Council found itself under obligation to take appropriate measures as stated in that resolution. South Africa was waging a real war in Namibia in contravention of the preamble of resolution 3314 (XXIX) containing the definition of aggression. In the case of Namibia, South African troops were acting in a Territory over which South Africa held no title and had repeatedly used it as a base for aggression against neighbouring independent countries. Resolution 3314

³³⁹ 1985th mtg. France, paras. 89-94 and United Kingdom, paras. 101-106.

³⁴⁰ *Ibid.*, paras. 107-112.

³⁴¹ S. 1780 *OR* (1976) *Suppl. for July, Sept. 1976*, pp. 48, 49.

³⁴² S. 1785 *ibid.*, pp. 52, 53.

³⁴³ 1954th mtg., preceding para. 1.

³⁴⁴ For details, see chapter III.

³⁴⁵ *Ibid.*

³⁴⁶ *Resolutions and Decisions of the Security Council, 1976 OR*, III (17), pp. 8, 9.

(XXIX) and Chapter VII of the Charter should be applied in this situation.⁸⁴⁷

At the 1956th meeting on 28 September 1976 the representative of Benin noted that South Africa's illegal occupation of the Namibian territory, in violation of the relevant provisions of the United Nations Charter, in violation of General Assembly resolution 1514 (XV), and above all in violation of resolution 2145 (XXI), by which the General Assembly terminated South Africa's Mandate over Namibia, was an open act of aggression against the Namibian people. The utilization by the South African régime of the Namibian territory as a base for aggression against the neighbouring African States was also a grave threat to peace and security in that region of the world.⁸⁴⁸

At the same meeting Mr. Nujoma said that, as the sole and authentic representative of the Namibian people, SWAPO had always been ready to talk directly to the South African Government on modalities of transferring power. Such talks had to be under United Nations auspices, and before they could take place, all political prisoners had to be released. He also said that SWAPO demanded that South Africa give a commitment to withdraw its armed forces from Namibia.⁸⁴⁹

At the 1957th meeting on 30 September 1976 the representative of Kenya said that the defiance by South Africa of the opinion of the international community was eroding the authority of the United Nations and, if allowed to continue, would constitute a dangerous precedent. Article 25 of the Charter obliged all Member States to comply with the decisions of the Council. He urged that all countries should refrain from placing short-term economic interests above human dignity and the ideas of the Organization. The Council should discharge its obligations and demand that South Africa fully comply with its decisions. Intransigent Members like South Africa ought to be expelled from the United Nations.⁸⁵⁰

At the 1958th meeting on 1 October 1976 the representative of Mozambique stated that the Security Council must recognize that South Africa posed a serious challenge to the fundamental principles of the Charter. The Council should apply Chapter VII against South Africa, in particular with regard to the mandatory arms embargo. The Council should give substantial material aid to SWAPO to enable it to cope with its enemy. The Council should decide to give a full mandate to the Secretary-General to convene a real constitutional conference in which the main participants would be the United Nations, South Africa and SWAPO. SWAPO must be the determining party in regard to any solution to be found.⁸⁵¹

At the 1959th meeting on 5 October 1976 the representative of Yugoslavia emphasized that though the Security Council had condemned in clear terms the militarization of Namibia and the utilization of that

Territory by South Africa for attacks against neighbouring African States it had twice been faced in the course of that year with deliberate aggression of the armed forces of South Africa against Angola and Zambia. Namibia's territory had been utilized in both cases. It was imperative that the Council act resolutely and take such measures against South Africa, including mandatory sanctions under the Charter, as would make it possible to fulfil the mandate and to achieve the independence of Namibia.⁸⁵²

The representative of Morocco wondered whether it was still conceivable for the Security Council to postpone implementation of the essential measures that should be taken with regard to Namibia. If those measures were not implemented the Pretoria Government would resort to new manoeuvres to delay again the day of independence of Namibia.⁸⁵³

At the 1960th meeting on 7 October 1976 the representative of Burundi noted that certain members of the Organization believed that some elements of the problem in southern Africa could be dealt with whereas others might be left aside for the moment. Any attempt to seek a partial solution was doomed to failure if the entire problem of southern Africa was not taken into account.⁸⁵⁴

The representative of China stated that the recent South African plan of establishing a so-called multiracial government in Namibia was merely a clumsy scheme designed to shirk its responsibility for the non-implementation of Security Council resolution 385 (1976), to deceive world opinion and to prolong its illegal rule in Namibia. The Security Council should among other things condemn South Africa for refusing to implement that resolution and should consider the adoption of all necessary measures, including sanctions, against the South African authorities in accordance with the relevant provisions of the Charter.⁸⁵⁵

At the 1961st meeting on 13 October 1976 the representative of the USSR said that the South African activities in Namibia had shown that the racists were unwilling to leave that Territory, where they had strengthened their military and police presence. South Africa had considerably increased its military expenditures and its armed forces. The escalation of military preparations was clearly calculated to help retain Namibia as a base for the struggle against the national liberation movements in the neighbouring countries, and against the young independent States of Africa. Realizing that the situation in Namibia was a threat to international peace and security and taking into account that South Africa had not complied with the minimal demands of the Security Council concerning the liberation of Namibia and the withdrawal of its troops from that Territory, the Soviet Union considered that the Security Council this time had to adopt the sternest and most effective measures against the racist régime of

⁸⁴⁷ 1954th mtg., paras. 6-40.

⁸⁴⁸ 1956th mtg., paras. 37-50.

⁸⁴⁹ *Ibid.*, paras. 71-89.

⁸⁵⁰ 1957th mtg., paras. 83-97.

⁸⁵¹ 1958th mtg., paras. 36-51.

⁸⁵² 1959th mtg., paras. 6-23.

⁸⁵³ *Ibid.*, paras. 102-115.

⁸⁵⁴ 1960th mtg., paras. 7-21.

⁸⁵⁵ *Ibid.*, paras. 46-54.

South Africa, as provided for in Chapter VII of the Charter.¹²⁶

At the 1962nd meeting on 18 October 1976 the representative of Guyana recalled that last year, when the question of Namibia was debated in the Council, some endeavoured to persuade it to take action under Chapter VII. Those efforts, however, attracted a triple veto. Today a crisis existed in southern Africa. This crisis was universally recognized and it threatened international peace and security.

Then he introduced a draft resolution¹²⁷ on behalf of Benin, Guyana, the Libyan Arab Republic, Pakistan, Panama, Romania and the United Republic of Tanzania. By the operative part of this draft resolution the Council would (1) condemn South Africa's failure to comply with resolution 385 (1976); (2) condemn South Africa's attempts to evade the demand of the United Nations for holding free elections under United Nations supervision and control in Namibia; (3) denounce the so-called Turnhalle constitutional conference as a device for evading the responsibility to comply with Security Council resolutions, particularly resolution 385 (1976); (4) reaffirm the legal responsibility of the United Nations over Namibia; (5) reaffirm its support for the Namibian people's struggle for self-determination and independence; (6) reiterate its demand that South Africa take immediately the necessary steps to withdraw from Namibia and to transfer power to the Namibian people, with United Nations assistance; (7) demand that South Africa end forthwith its policy of bantustans and so-called homelands; (8) reaffirm its declaration that, in order for the people of Namibia to determine freely their own future, it was imperative that free elections under United Nations supervision and control be held for the whole of Namibia as one political entity; (9) demand that South Africa urgently comply with the foregoing provisions for the holding of free elections in Namibia; (10) demand again that South Africa, pending such transfer of power: (a) comply fully with the Universal Declaration of Human Rights, (b) release all Namibian political prisoners, whether held in Namibia or South Africa, (c) abolish the application in Namibia of all racially discriminatory and politically repressive laws and practices, particularly bantustans and homelands, and (d) accord unconditionally to all Namibians currently in exile for political reasons full facilities for return without risk of arrest, detention, intimidation or imprisonment; (11) acting under Chapter VII of the Charter: (a) determine that South Africa's illegal occupation of Namibia and the war it was waging there constituted a threat to international peace and security, (b) decide that all States were to cease and desist from, and prohibit any form of, direct or indirect military consultation, co-operation or collaboration with South Africa, (c) decide that all States were to take effective measures to prevent the recruitment of mercenaries, however disguised, for service in Namibia or South Africa, (d) decide that all States were to take steps to

ensure the termination of all arms licensing agreements between themselves or their nationals and South Africa, and prohibit the transfer to South Africa of all information relating to arms and armaments, and decide that all States were to prevent any supply to South Africa of arms and ammunition, aircraft, vehicles and military equipment, as well as any activities in their territories which promoted the supply of arms, ammunition, military aircraft and military vehicles to South Africa and equipment and materials for the manufacture and maintenance of arms and ammunition in South Africa and Namibia, (12) decide that all States were to give effect to the decisions set out in the preceding paragraph, notwithstanding any contract entered into or licence granted before the date of this resolution, and that they notify the Secretary-General of the measures taken to comply with the above provision; (13) request the Secretary-General, for effective implementation of the resolution, to arrange for the collection and systematic study of all available data concerning international trade in the items which should not be supplied to South Africa under the above decision; (14) request the Secretary-General to follow the implementation of the resolution and to report to the Security Council on (a date to be decided); and (15) decide to remain seized of the matter.¹²⁸

At the 1963rd meeting on 19 October 1976 the representative of France emphasized that the Security Council in accordance with its role, should let the negotiations take their course; it should promote peaceful solutions as far as possible. In the current circumstances the conditions justifying the application of the measures provided under Chapter VII of the Charter were not present and there was no situation which threatened international peace and security.¹²⁹

The representative of Sweden said that it could hardly be questioned that the situation in southern Africa, including Namibia, constituted a threat to international peace and security. The history of southern Africa and the attitude adopted by the South African Government were strong arguments for a policy of strong diplomatic and political pressure. So far, a lenient attitude towards the *apartheid* régime had not resulted in significant progress. Support from all Council members for mandatory sanctions against South Africa would amply demonstrate the isolation of the Pretoria Government and assist in pressing South Africa towards making the concessions necessary to get proper negotiations under way. He appealed to all Council members to support the draft resolution.¹³⁰

The representatives of Japan¹³¹ and Italy¹³² questioned whether it was politically wise to take so drastic a decision, however well founded in principle, such as that foreseen in the draft resolution, because it would not be instrumental in an effective solution of the problem and might introduce a disturbing factor in a complex and

¹²⁶ 1961st mtg., paras. 35-36.

¹²⁷ S/12211, *OR, 31st sess., Suppl. for Oct. Dec. 1976*, pp. 6-7.

¹²⁸ 1962nd mtg., paras. 3-28.

¹²⁹ 1963rd mtg., paras. 3-15.

¹³⁰ *Ibid.*, paras. 16-28.

¹³¹ *Ibid.*, paras. 29-38.

¹³² *Ibid.*, paras. 39-55.

intricate process of negotiations covering the whole region.

The representative of the United States noted that the measures called for in the draft resolution would not improve the chances to gain a free and independent Namibia. They could do just the opposite; the United States would vote against the draft resolution.⁶⁵⁹

The representative of the United Kingdom added that the draft resolution was inappropriate both in timing and in substance. The Council should not be asked to vote for a determination that the situation in Namibia constituted a threat to international peace and security under Chapter VII of the Charter.⁶⁶⁰

The representative of France agreed that under the current circumstances the conditions justifying the application of the measures provided under Chapter VII of the Charter were not present.⁶⁶¹

During the discussions a number of speakers observed that the Security Council had the responsibility to adopt appropriate measures against South Africa under Chapter VII of the Charter.⁶⁶²

The Council proceeded then to vote on the draft resolution S/12211. The draft resolution received 10 votes in favour, 3 against and 2 abstentions and failed of adoption due to the negative votes of three permanent members.⁶⁶³

At the same meeting the representative of the United Republic of Tanzania speaking in explanation of the vote, regretted the triple veto cast against the draft resolution by the three permanent members of the Council who agreed that the situation in Namibia did not constitute a threat to international peace and security. South Africa had mounted naked aggression against Angola. For the first time in history, a Member of the Organization had been specifically condemned as an aggressor. The Council also specifically condemned South Africa's aggression against Zambia. There was one common factor in both resolutions and in both situations—in the perpetration of the aggression South Africa had used towards the Territory of Namibia. South Africa had also proceeded with major military build-up in Namibia itself, thus not only continuing its role of repression against the people of Namibia, but posing a constant threat to the sovereignty, territorial integrity and independence of African States. Yet the Council had been told that the situation in Namibia did not constitute a threat to international peace and security. He asked what would constitute such threat—a

full-scale, bloody racial war in the region, an all-out confrontation?⁶⁶⁴

The representative of the USSR said that the Security Council's decision had been blocked by those States which, in accordance with the Charter, bore, along with other States, the major responsibility for the maintenance of international peace and security and for promoting the principles of equality and self-determination for all peoples. By preventing the Council from taking a useful decision the representatives of those states had attempted to undermine Charter principles with regard to the people of Namibia. The draft resolution had been the very minimum that could have been proposed in an attempt to achieve some useful results from the activities of the Council. Even that minimum had been blocked.⁶⁶⁵

The representative of Zambia, in the name of the Council for Namibia, declared that by reason of their negative votes, France, the United States and the United Kingdom had to assume full responsibility for the inevitable escalation of the war of liberation by the Namibian patriots in their struggle for self-determination, freedom and national independence in a united Namibia.⁶⁶⁶

Condemning the veto, Mr. Theo-Ben Gurirab declared that veto or no veto, Namibia remained a direct responsibility of the United Nations.⁶⁶⁷

Decision of 27 July 1978 (2082nd meeting): resolution 431 (1978)

Decision of 27 July 1978 (2082nd mtg.): resolution 432 (1978)

By letter⁶⁶⁸ dated 14 July 1978 addressed to the Secretary-General the representatives of Canada, France, the Federal Republic of Germany, the United Kingdom and the United States transmitted the text of a joint communiqué issued in Luanda on 12 July by the representatives of their five Governments and of SWAPO, headed by Mr. Sam Nujoma, on the results of discussions held between the two sides on 11 and 12 July, during which certain points in the proposal of the five Powers had been clarified and the two sides accordingly agreed to proceed to the Security Council.

At the 2082nd meeting on 27 July 1978 the Council resumed the consideration of the situation in Namibia. Following the adoption of the agenda,⁶⁶⁹ the representatives of Angola, Benin, Mali, Senegal, South Africa, Sri Lanka and the Sudan were invited at their request, to participate, without vote, in the discussion of the item.⁶⁷⁰

The Council also extended invitations as requested under rule 39 of the provisional rules of procedure to the President and other members of the United Nations Council for Namibia and to Mr. Sam Nujoma, President of SWAPO.⁶⁷¹

⁶⁵⁹ 1963rd mtg., paras 98-101

⁶⁶⁰ *Ibid.*, paras 103-109

⁶⁶¹ *Ibid.*, paras 110-113

⁶⁶² 1956th mtg., para 21 (Zambia); *ibid.*, para 86 (Mr. Sam Nujoma); 1957th mtg., para 27 (Nigeria); *ibid.*, para 63 (Egypt); *ibid.*, para 79 (Algeria); 1958th mtg., paras 9 and 18 (Ghana); *ibid.*, paras 32 and 34 (Zambia); *ibid.*, para 70 (Sierra Leone); *ibid.*, para 81 (Democratic Kampuchea); 1959th mtg., para 30 (Niger); *ibid.*, para 31 (United Republic of Tanzania); *ibid.*, para 99 (Lithuania); *ibid.*, para 165 (Cuba); 1960th mtg., para 21 (Burundi); *ibid.*, para 70 (Panama); 1961st mtg., para 78 (Bangladesh); *ibid.*, para 105 (Liberia); 1962nd mtg., para 7 (Guyana); 1963rd mtg., para 79 (Panama); *ibid.*, para 88 (Pakistan)

⁶⁶³ 1963rd mtg., para 121

⁶⁶⁴ *Ibid.*, paras 126-143

⁶⁶⁵ *Ibid.*, paras 144-156

⁶⁶⁶ *Ibid.*, paras 158-162

⁶⁶⁷ *Ibid.*, paras 194-205

⁶⁶⁸ S-12775, *DR 33rd yr., Suppl. for July-Sept. 1978*, pp 6, 7

⁶⁶⁹ 2082nd mtg., paras 1-5

⁶⁷⁰ For details, see chapter III

⁶⁷¹ *Ibid.*

At the outset of the meeting the President emphasized the importance of the meeting of the Council which would take the first of two steps envisaged to put into effect the proposed settlement agreed upon by the principal interested parties. He drew attention to two draft resolutions in documents S/12792 and S/12793¹⁷² and put them to the vote.

The first draft resolution was adopted as resolution 431 (1978) by 13 votes in favour, none against, with 2 abstentions.¹⁷³ The resolution reads as follows:

The Security Council,

Recalling its resolution 385 (1976) of 30 January 1976,

Taking note of the proposal for a settlement of the Namibian situation contained in document S/12636 of 10 April 1978,

1 *Requests the Secretary-General to appoint a Special Representative for Namibia in order to ensure the early independence of Namibia through free elections under the supervision and control of the United Nations;*

2 *Further requests the Secretary-General to submit at the earliest possible date a report containing his recommendations for the implementation of the proposal for a settlement of the Namibian situation in accordance with Security Council resolution 385 (1976);*

3 *Urges all concerned to exert their best efforts towards the achievement of independence by Namibia at the earliest possible date.*

The second draft resolution received 15 votes and was adopted unanimously¹⁷⁴ as resolution 432 (1978).

The Security Council,

Recalling its resolutions 385 (1976) of 30 January 1976 and 431 (1978) of 27 July 1978,

Reaffirming in particular the provisions of resolution 385 (1976) relating to the territorial integrity and unity of Namibia,

Taking note of paragraph 7 of General Assembly resolution 32/9 D of 4 November 1977, in which the Assembly declares that Walvis Bay is an integral part of Namibia,

1 *Declares that the territorial integrity and unity of Namibia must be assured through the reintegration of Walvis Bay within its territory;*

2 *Decides to lend its full support to the initiation of steps necessary to ensure early reintegration of Walvis Bay into Namibia,*

3 *Declares that, pending the attainment of this objective, South Africa must not use Walvis Bay in any manner prejudicial to the independence of Namibia or the viability of its economy;*

4 *Decides to remain seized of the matter until Walvis Bay is fully reintegrated into Namibia*

Following the voting the Secretary-General stated that the agreement reached by the Council to implement the terms of a peaceful solution would enable the people of Namibia to exercise their inalienable right to self-determination and independence in accordance with the purposes and principles of the Charter. He intended to appoint a Special Representative for Namibia who would head a mission to the Territory to conduct a survey of the arrangements necessary for the implementation of the Council resolution. On the basis of the mission's findings, he would submit to the Council detailed plans for attaining the objectives set forth in the settlement proposal.¹⁷⁵

The representative of the United States said that the successful solution to the Namibian question could encourage solutions for other pressing problems of Africa. Speaking on behalf of the five Western States, he said that since the opposing views on Walvis Bay had appeared irreconcilable, the proposal of five Governments contained no provisions on it as they believed that a discussion on the legal status of Walvis Bay could only hamper a solution at the current stage. Nevertheless, they recognized that there were arguments of geographical, political, social, cultural and administrative nature which supported the union of Walvis Bay with Namibia. It was thus appropriate that the Security Council should adopt a resolution calling for initiation of steps necessary to ensure the early reintegration of Walvis Bay into Namibia. The resolution neither prejudiced the legal position of, nor sought to coerce, any party. The five Governments had voted in favour of the resolution and were ready to offer diplomatic support to achieve the objective of a successful negotiation. They viewed their undertaking as consistent with the fundamental principle of the Charter that disputed questions were to be settled peacefully. They considered that the "steps necessary" referred to in paragraph 2 of the resolution were negotiations between the two parties directly concerned. Accordingly they would encourage negotiations on the subject between the Government of South Africa and the Government of Namibia that would be elected as a result of the implementation of the settlement proposal.¹⁷⁶

The representative of France said that the efforts undertaken by the five members of the Council had been within the framework of resolution 385 (1976) and that they had been in conformity with the spirit and the objectives of many resolutions adopted by the General Assembly on the question of Namibia. He stressed that the Western proposal was the result of lengthy negotiations with South Africa and SWAPO and close consultations with the Secretary-General, the front-line countries and Nigeria, Gabon and Mauritius—it was a collective undertaking. He added that France subscribed entirely to the interpretation given on behalf of the five members of the Council by the Secretary of State of the United States in respect of resolution 432 (1978). The plan which the Council had adopted constituted a practical means to implement resolution 385 (1976), but prompt action was required.¹⁷⁷

The representative of the United Kingdom associated his Government with everything that had been said on behalf of the Governments of the Five in the Security Council. The people of Namibia could look forward to early independence achieved peacefully under leaders of their choice. It was hoped that a settlement of the problem would further the cause of peace, stability and economic development not only inside Namibia, but in the whole region of southern Africa. The first resolution adopted was only the starting point of a process which would lead Namibia to independence. It was hoped that the Secretary-General would be able to act speedily in

¹⁷² 20X2nd intg., paras. 10 and 11

¹⁷³ *Ibid.* para. 12

¹⁷⁴ *Ibid.* para. 11

¹⁷⁵ *Ibid.* paras. 15-20

¹⁷⁶ *Ibid.* paras. 22-32

¹⁷⁷ *Ibid.* paras. 35-42

order to install the United Nations Transition Assistance Group (UNTAG) in Namibia at the earliest possible day. At the end of the transition period, the newly independent Namibia would enjoy the full support of the United Nations. The question of Walvis Bay would have to be resolved as envisaged in the second resolution. The international community would have an important role to play in supporting the Namibian Government, and the United Kingdom would play its full part.¹⁷⁸

Associating himself with what had been said by the previous speakers, the representative of the Federal Republic of Germany noted that his country would actively support the United Nations in the implementation of the Namibia Plan in all its parts.¹⁷⁹

Mr. Nujoma said that the Western proposal was a compromise plan, heavily weighted in favour of South Africa's colonial interests in Namibia. Its language was deliberately so vague and ambiguous that it was subject to different and unavoidably conflicting interpretations. It was particularly so with regard to the position, powers, authority and working relations between the United Nations Special Representative and the local colonial representative of South Africa. In this regard, he stated the interpretation of SWAPO's understanding of the role and functions of the Special Representative which had been expressed to the representatives of the five Western Governments in Luanda; and it had been on the basis of their concurrence, among other things, that SWAPO had agreed to proceed to the Security Council. The Special Representative must (1) exercise effective supervision and control of the transitional administration, all the security arrangements and the conduct of elections in accordance with Security Council resolution 385 (1976), (2) have the preponderant power and authority to approve or disapprove any action by the colonial Administrator-General, (3) have the power and authority to initiate measures towards the implementation of all the necessary steps for transferring power to the Namibian people in all aspects of the electoral procedures, (4) have the final say regarding the good conduct of the police forces and ensure that necessary steps were taken to guarantee against the possibility of their interfering in the political process. SWAPO expected to be consulted about the composition of the peace-keeping force and insisted that the remaining enemy troops be confined to one base under strict and elaborate surveillance to prevent them from being used for purposes of intimidation and repression of the Namibian people and for aggression against neighbouring States. He regarded the South African decision to annex Walvis Bay as illegal, null and void and an act of aggression against the Namibian people and a flagrant violation of the territorial integrity of Namibia.¹⁸⁰

The representative of Nigeria expressed his delegation's understanding that Walvis Bay would be reinte-

grated into Namibia as speedily as circumstances permitted after Namibia's transition to independence. It was only after this objective had been secured that the task could be considered as completed.¹⁸¹

The representative of Mauritius expressed his concern about the omission of the question of Walvis Bay from the communiqué issued in Luanda. This question had to be settled in accordance with previous decisions of the General Assembly and the Security Council. There could not be a real settlement which did not recognize Walvis Bay as an integral part of Namibia. Even after long months of negotiation, there remained a difficulty as far as the Namibian situation was concerned. South Africa was still in a position to prevent truly free elections in Namibia, and there was ample evidence that it was seeking to use the power it had to frustrate the aims of the Council. The Special Representative should have the authority to use United Nations military force to prevent interference with free and fair elections, intimidation and fraud.¹⁸²

The representative of China stated that its affirmative vote for resolution 431 (1978) in no way signified approval of the provisions of the Western proposal, which in his view contained serious defects. China had always held a different position in principle with respect to the dispatch of UN forces and had serious reservations concerning the dispatch of UNTAG. The Security Council should enjoin South Africa to withdraw immediately all its military and police forces from Namibia, end its occupation of the territory and transfer political power to the Namibian people. China also expressed serious reservations with regard to the wording of the resolutions on Walvis Bay, which it considered an integral part of Namibia.¹⁸³

The representative of the USSR said that major responsibility for the continued occupation of Namibia by South Africa lay with those countries which, in spite of many United Nations decisions, continued to lend South Africa political, economic and military support. The basis for a solution to the Namibian problem was set forth in the well-known resolutions of the Security Council and of other United Nations bodies, which provided for the immediate cessation of the occupation of Namibia by the Pretoria régime and the immediate withdrawal of all troops and police forces as well as of the Pretoria administration from all parts of Namibia, including Walvis Bay. A reliable way of ensuring compliance with those solutions was strict observance of the sanctions against South Africa adopted by the Council, and also the adoption by the Council of further effective measures for the complete international isolation of the régime on the basis of sanctions against it in the economic, commercial, financial and all other spheres, in full application of Article 41 of the Charter. That explained the negative view which the USSR had expressed concerning the Namibian settlement plan as proposed by the five Western countries; especially with

¹⁷⁸ 2082nd mtg., paras. 44-51

¹⁷⁹ *Ibid.*, paras. 54-64

¹⁸⁰ *Ibid.*, paras. 66-108

¹⁸¹ *Ibid.*, paras. 119-120

¹⁸² *Ibid.*, paras. 126-135

¹⁸³ *Ibid.*, paras. 152-161

respect to its provisions regarding the presence in Namibia of South African troops and of an Administrator-General. However, bearing in mind the position by SWAPO and a number of African States, the USSR had not objected to the adoption of resolution 431 (1978). He expressed reservations on the purpose and role of the United Nations military and civilian contingents proposed by the five Powers, and stressed that matters regarding their establishment, composition, leadership, functions and length of stay in Namibia should be settled directly by the Security Council and remain under its constant strict supervision. Expenditures for such operations should be borne by countries that were imposing a plan for settlement that provided for the maintenance in Namibia of South African troops and the dispatch to Namibia of United Nations military contingents.³⁸⁴

The representative of Zambia, speaking as the President of the Council for Namibia, noted that since August 1977 the South African Government had adopted measures which were contrary to the spirit of a negotiated settlement and had put into effect numerous repressive emergency regulations. It was, therefore, difficult to conceive that South African claims to accept the eventual independence of Namibia were to be taken at face value. The United Nations had to act decisively to ensure that any agreement on the question of Namibia was implemented fully in accordance with the general objective of ensuring self-determination, freedom and independence in a United Namibia.³⁸⁵

The representative of South Africa called special attention to the following aspects of his Government's acceptance of the five-Power settlement proposal: the Administrator-General would continue to govern during the transition period; primary responsibility for maintaining law and order during that period would rest with the existing police forces; the Administrator-General and the Special Representative would be required to work together and to consult with each other to ensure an orderly and peaceful transition to independence. Unless the relationship between the two was characterized by mutual trust, co-operation and consultations, it would be difficult if not impossible for them to implement successfully their respective tasks and therefore the size, composition, functions and deployment of UNTAG were precisely the type of matters on which close consultation was required. The reduction of South African troops in the Territory would commence only after the comprehensive cessation of all hostile acts and the establishment of a visible peace. In satisfying himself as to the fairness and appropriateness of each stage of the election process, the Special Representative would be guided by United Nations procedures and precedents. He said that Walvis Bay was South African territory; its status had never formed part of the negotiations leading to South Africa's acceptance of the settlement proposal. South Africa categorically rejected

resolution 432 (1978) on Walvis Bay as an attempt to prejudge the whole issue, and was not prepared to negotiate with anyone, not even with the duly elected Government of South West Africa, on the basis of that resolution.³⁸⁶

The representative of Angola, speaking as Chairman of the African Group, said that the control of Walvis Bay by a Government other than that of an independent Namibia not only would constitute a flagrant violation of the territorial integrity of Namibia, but would pose a constant threat to the peace and security of all southern Africa.³⁸⁷

Decision of 29 September 1978 (2087th meeting): resolution 435 (1978)

In accordance with paragraph 2 of Security Council resolution 431 (1978) the Secretary-General submitted a report³⁸⁸ in which he stated that immediately following the adoption of that resolution he had appointed Mr. Mariti Ahtisaari, the United Nations Commissioner for Namibia, his Special Representative for Namibia. Based on the findings of the Special Representative from a survey mission to Namibia, the Secretary-General set out his recommendations for the implementation of the proposal for a settlement in accordance with resolution 385 (1976), consisting of general guidelines for the establishment and functioning of a United Nations Transition Assistance Group (UNTAG) in the Territory, proposals for its military and civilian components, a plan of action and its potential financial implications.

At the 2087th meeting on 29 September 1978 the Council included the report of the Secretary-General in its agenda³⁸⁹ and considered that item during its 2087th and 2088th meetings on 29 and 30 September 1978.

In the course of its deliberations the Council invited the representatives of Burundi, Egypt, Ghana and Guinea, at their request, to participate, without vote, in the discussion of the item.³⁹⁰

The Council also extended invitations as requested under rule 39 of the provisional rules of procedure to the President and three members of the 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 Mr. Sam Nujoma, President of SWAPO, and to Mr. Edem Kodjo, Administrative Secretary-General of OAU.³⁹¹

At the outset of the meeting the President drew the attention of members of the Council to the draft resolution³⁹² sponsored by Canada, France, Gabon, the Federal Republic of Germany, Mauritius, Nigeria, the United Kingdom and the United States of America, to

³⁸⁴ *Ibid.*, paras 252-281.

³⁸⁵ *Ibid.*, paras 284-293.

³⁸⁶ S. 12827, *OR, 3rd yr., Suppl. for July-Sept. 1978*, pp. 33-36.

³⁸⁷ 2087th mtg., para. 1.

³⁸⁸ For details, see chapter III.

³⁸⁹ *Ibid.*

³⁹⁰ S. 12865, adopted without change as resolution 435 (1978).

³⁸⁴ *Ibid.*, paras 173-191.

³⁸⁵ *Ibid.*, paras 233-249.

the Secretary-General's report and several other documents before the Council.⁸⁹³

The Secretary-General in his explanatory statement regarding his report of 29 August 1978 dealt with some of the concerns expressed by the parties and the manner in which his Special Representative would carry out his mandate. He stated that in the absence of a credible United Nations presence, incidents might take place, intentionally or otherwise, which might lead to a resumption of hostilities, thereby vitiating the whole purpose of UNTAG. The military component of UNTAG would be built up gradually and by stages with the accepted principle of equitable geographical representation. Although primary responsibility for maintaining law and order in Namibia during the transition period would rest with the existing police, the Special Representative had also been given the monitoring responsibility. On the question of the timing of elections and the date for Namibia's independence, it was essential to maintain the orderly phases of the preparatory stages and to allow sufficient time for electoral campaigning; the objective was not simply to hold elections by a certain date but to hold elections which were manifestly free and fair. The Special Representative would also take steps to guarantee against the possibility of intimidation or interference with the electoral process from whatever quarter.⁸⁹⁴

The Council then proceeded to vote on the draft resolution, which was adopted by 12 votes to none, with 2 abstentions, as resolution 435 (1978). One member did not participate in the vote.⁸⁹⁵

The resolution reads as follows:

The Security Council,

Recalling its resolutions 385 (1976) of 30 January 1976 and 431 (1978) and 432 (1978) of 27 July 1978,

⁸⁹³ S/12836, OR, 33rd yr., Suppl. for July-Sept. 1978, pp. 38-42. By this letter dated 6 September 1978 addressed to the Secretary-General, the representative of South Africa transmitted the text of a letter from the South African Minister for Foreign Affairs, in which he questioned the attitude of SWAPO towards the proposal and charged that SWAPO had intensified its campaign of terror and violence and refused to cease hostile acts until a cease-fire agreement had been signed. S/12839, *ibid.*, p. 44. By this letter dated 8 September 1978 addressed to the President of the Security Council, the representative of Botswana, as Chairman of the African Group, transmitted the text of a statement by the Administrative Secretary-General of OAU concerning the United Nations role in Namibia. S/12841, *ibid.*, pp. 45-47. By this letter dated 8 September 1978 addressed to the Secretary-General, the representatives of the United Republic of Tanzania and Zambia transmitted the text of a letter of the same date from the President of SWAPO, which dealt with various aspects of the Secretary-General's report. S/12853, *ibid.*, pp. 59-60. By this letter dated 20 September 1978 addressed to the Secretary-General, the representative of South Africa transmitted the text of a press statement issued that day by his Prime Minister, commenting on the Secretary-General's report and the Special Representative's recommendation with regard to the proposal of the five Western Powers. S/12854, *ibid.*, p. 61. By this further letter dated 20 September 1978 addressed to the Secretary-General, the representative of South Africa transmitted an excerpt from a communication of 12 September from his Government to the five Western Powers regarding the plan for the implementation of their proposal for a settlement. S/12868, *ibid.*, p. 70. By this letter dated 27 September 1978 addressed to the Secretary-General, the representative of South Africa transmitted the text of a letter of the same date from the South African Minister for Foreign Affairs, commenting on four major points in the Secretary-General's report.

⁸⁹⁴ 2087th mtg., paras. 11-22.

⁸⁹⁵ *Ibid.*, para. 24.

Having considered the report of the Secretary-General submitted pursuant to paragraph 2 of resolution 431 (1978) and his explanatory statement made in the Security Council on 29 September 1978 (S/12869),

Taking note of the relevant communications from the Government of South Africa to the Secretary-General,

Taking note also of the letter dated 8 September 1978 from the President of the South West Africa People's Organization to the Secretary-General,

Reaffirming the legal responsibility of the United Nations over Namibia,

1. *Approves the report of the Secretary-General on the implementation of the proposal for a settlement of the Namibian situation and his explanatory statement;*

2. *Reiterates that its objective is the withdrawal of South Africa's illegal administration from Namibia and the transfer of power to the people of Namibia with the assistance of the United Nations in accordance with Security Council resolution 385 (1976);*

3. *Decides to establish under its authority a United Nations Transition Assistance Group in accordance with the above-mentioned report of the Secretary-General for a period of up to 12 months in order to assist his Special Representative to carry out the mandate conferred upon him by the Security Council in paragraph 1 of its resolution 431 (1978), namely, to ensure the early independence of Namibia through free elections under the supervision and control of the United Nations;*

4. *Welcomes the preparedness of the South West Africa People's Organization to co-operate in the implementation of the Secretary-General's report, including its expressed readiness to sign and observe the cease-fire provisions as manifested in the letter from its President of 8 September 1978;*

5. *Calls upon South Africa forthwith to co-operate with the Secretary-General in the implementation of the present resolution;*

6. *Declares that all unilateral measures taken by the illegal administration in Namibia in relation to the electoral process, including unilateral registration of voters, or transfer of power, in contravention of resolutions 385 (1976), 431 (1978) and the present resolution, are null and void;*

7. *Requests the Secretary-General to report to the Security Council not later than 23 October 1978 on the implementation of the present resolution*

At the same meeting the Vice-Chancellor and Minister for Foreign Affairs of the Federal Republic of Germany,⁸⁹⁶ Minister for Foreign Affairs of France,⁸⁹⁷ Secretary of State of the United States of America,⁸⁹⁸ Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom⁸⁹⁹ and Secretary of State for External Affairs of Canada⁹⁰⁰ supported the Secretary-General's report and his explanatory statement to the Council as constituting a practical plan consistent with the settlement proposal. They declared that if the decisions adopted in Pretoria on 20 September 1978 to organize unilateral elections in Namibia in December were put into effect, the result would be to block the implementation of the settlement proposal. The result of such elections could not gain international recognition and would be challenged from all sides. The only way in which Namibia could achieve independence in a manner fully acceptable to the international community was on the basis of full and strict observance of the settlement proposal endorsed by the Security Council by resolution 431 (1978). The Secretary-General should be allowed

⁸⁹⁶ *Ibid.*, paras. 26-45.

⁸⁹⁷ *Ibid.*, paras. 48-57.

⁸⁹⁸ *Ibid.*, paras. 59-71.

⁸⁹⁹ *Ibid.*, paras. 74-81.

⁹⁰⁰ *Ibid.*, paras. 84-88.

the necessary flexibility in the implementation of his report to ensure that UNTAG, when deployed, would be able to meet the inevitable problems and challenges.

The representative of Nigeria said that his country had accepted the Western plan for Namibian independence, in spite of obvious flaws. He expressed grave concern over the insistence by the Pretoria régime that it would unilaterally continue with the registration of voters in Namibia. That was completely unacceptable as it was in flagrant contradiction of the Western plan, as well as resolution 431 (1978).⁹⁰¹

Mr. Sam Nujoma stated that in accepting the Secretary-General's report, SWAPO had pledged its full co-operation with him and his Special Representative in the decolonization process of Namibia. South Africa, on the contrary, had stepped up its repressive measures and acts of aggression against the people of Namibia and the neighbouring States of Angola and Zambia. Its refusal to co-operate with United Nations resolutions and decisions meant to bring about the early independence of Namibia through elections under United Nations supervision and control clearly constituted a serious threat to international peace and security in terms of Chapter VII of the Charter.⁹⁰²

The representative of China recalled that while voting in favour of resolution 431 (1978), he had made it clear that such support did not signify China's approval of the Western proposal, particularly with respect to the dispatch of UNTAG. In view of the fact that the resolution just adopted mainly concerned the approval of the Secretary-General's report and a decision to dispatch UNTAG to Namibia, his delegation had not participated in the vote and would not accept responsibility for the expenses involved.⁹⁰³

The representative of the USSR stated that the recommendations in the Secretary-General's report were far from being the best way of ensuring Namibia's transition to independence. Keeping the administrative machinery and some South African troops in Namibia for the transitional period ran counter to former decisions of the United Nations and was completely unjustified. However, taking into account SWAPO's position and that of other African States, the USSR had not opposed the adoption of resolution 435 (1978). He stressed that this United Nations operation involving the use of armed forces should be carried out in strict conformity with the Charter and under the Security Council's strict control. There should be no personnel in the United Nations contingents from States having close contacts with South Africa. The defiant position taken by the Pretoria régime on the Namibian settlement and the whole course of the consideration of the Namibian question in the Security Council had served only to increase doubts and fears regarding future developments

in Namibia and the possible role of the United Nations in that connection.⁹⁰⁴

At the 2088th meeting the President of the United Nations Council for Namibia said that South African intransigence might well lead to the failure of the efforts of the Security Council and of the Secretary-General to resolve the question of Namibia and thereby strengthen international peace and security in southern Africa. Such a development would constitute a grave and ominous turn of events. South Africa had to renounce its schemes of unilateral actions by recognizing the just proposals contained in the report of the Secretary-General.⁹⁰⁵

During the discussion some representatives urged that if South Africa failed to accept the settlement proposal, the Security Council should take such measures as might be necessary under Chapter VII of the Charter, in particular mandatory economic sanctions.⁹⁰⁶

Decision of 13 November 1978 (2098th meeting): resolution 439 (1978)

By letter⁹⁰⁷ dated 24 October 1978 addressed to the President of the Security Council, the representative of Burundi on behalf of the Group of African States requested an urgent meeting of the Security Council in order to consider South Africa's defiance of Security Council resolution 435 (1978).

Prior to this, on 21 October 1978, the Secretary-General, pursuant to paragraph 7 of Security Council resolution 435 (1978) submitted a report⁹⁰⁸ on measures that had been taken in respect of administrative and other arrangements regarding UNTAG and further consultations he had initiated concerning the implementation of that resolution.

At the 2092nd meeting on 31 October 1978 the Council included the Secretary-General's report in its agenda⁹⁰⁹ and considered the item at the 2092nd and 2094th to 2098th meetings between 31 October and 13 November 1978.

In the course of its deliberations the Council invited the representatives of Algeria, Bangladesh, Benin, Burundi, Cuba, Egypt, Ghana, Guyana, Mozambique, Saudi Arabia, Somalia, Yugoslavia and Zambia, at their request, to participate, without vote, in the discussion of the item.⁹¹⁰

The Council also extended invitations as requested under rule 39 of the provisional rules of procedure to the President and three Vice-Presidents of the United Nations Council for Namibia and to Mr. Theo-Ben Gurirab, Permanent Observer of SWAPO at the United Nations.⁹¹⁰

⁹⁰¹ *Ibid.*, paras. 194-210.

⁹⁰² 2088th mtg., paras. 6-22.

⁹⁰³ 2087th mtg., paras. 89-95 (India), *ibid.*, paras. 119-124 (Kuwait), 2088th mtg., paras. 99-108 (Benin), *ibid.*, paras. 112-121 (Guinea).

⁹⁰⁴ S/12906, *OR, 33rd yr., Suppl. for Oct.-Dec. 1978*, p. 44.

⁹⁰⁵ S/12903, *Ibid.*, pp. 40, 41.

⁹⁰⁶ 2092nd mtg., preceding para. 1.

⁹⁰⁷ For details, see chapter III.

⁹⁰⁸ *Ibid.*, paras. 97-116.

⁹⁰⁹ *Ibid.*, paras. 127-151.

⁹¹⁰ *Ibid.*, paras. 177-179.

At the 2092nd meeting the President drew the attention of the members of the Council to the Secretary-General's report and to two other documents before the Council.⁹¹¹

At the same meeting the representative of Mauritius stated that by organizing internal elections in Namibia South Africa was carrying out an internal settlement there; it was declaring its intention to continue to occupy Namibia illegally. The immediate problem before the Council was that South Africa stood in defiance of Security Council resolutions on Namibia. There could be no elections in Namibia under United Nations supervision and control after such internal settlement. Its purpose was to entrench an administration which would allow the continuation of South Africa's occupation. It would create an interim administration placed there by South Africa that would inevitably oppose any new election, and particularly one under United Nations supervision and control because a free election would mean the end of South Africa's power. The so-called Western proposals on Namibia opened the possibility of conducting a fraudulent election in Namibia under United Nations auspices. That possibility, buried in the ambiguities of language, attracted South Africa to those proposals. The Western proposals on Namibia did propose a United Nations presence in that Territory, and they did call for elections. However, the elections were to be held before South Africa withdrew from the Territory altogether. The proposals failed to conform to the terms of resolution 385 (1976) in letter and spirit. The combination of continuing South African control and a weak United Nations presence opened the way for a subversion of United Nations efforts to ensure true independence for the Namibian people. The increased risk of losing control had caused the *apartheid* régime, in an apparent reversal of policy, to reject the idea of co-operation with the United Nations and to decide upon an internal settlement. The Council was back where it started from in July 1976 when its demands for

South Africa's withdrawal had been formulated. It was no longer possible to delay action against South Africa. The appeasement of South Africa had done nothing but encourage it to build up its military power and become more aggressive. There was a prospect of general war in much of Africa. It could be avoided only by taking action against the State that presented an imminent threat to the peace and security of southern Africa.⁹¹²

The representative of Burundi, speaking as Chairman of the African Group of States, said that the South African Government intended to exploit to the utmost the presence of the Special Representative for Namibia at the crucial stage of organizing the so-called internal elections. That was why the African Group believed that in those conditions the presence of the Special Representative and even United Nations officials there would be inappropriate and harmful to the Organization. The insistence of South Africa on the presence of the Special Representative was intended solely to give sanctions to the internal elections. The South African Government had again defied the Council by its deliberate refusal to implement resolutions 435 (1978), 431 (1978) and 385 (1976). In those circumstances, the African Group considered that the time had come for the Security Council to take appropriate measures under Chapter VII of the Charter. Addressing the authors of the proposal for the settlement of the Namibian situation, he stressed that they had a special responsibility to the international community. The Council had to accept the consequences which were clearly before it by deciding on sanctions against South Africa, which had abused the confidence of those countries. Recourse to the veto could only indicate complicity with the Government of South Africa, which had been condemned by the entire international community.⁹¹³

The President of the United Nations Council for Namibia noted that to accept elections under the control of the illegal South African administration was to legitimize the creation of false leaders who would be used, under the protection of the South African racist régime, to entrench the neo-colonial control of Namibia and to create even greater danger to international peace and security in southern Africa.⁹¹⁴

At the 2094th meeting on 1 November 1978 the representative of Egypt said that paragraph 4 of the joint statement revealed the true intentions of Pretoria. The South African Government openly declared its determination to hold elections in Namibia in December in clear defiance of resolution 431 (1978). He asked the five Western countries whether they could allow themselves to be parties to that statement, which clearly violated the very plan they had proposed. Such a confusing statement could only provoke indignation and further complicate the situation rather than help to achieve any progress towards a just settlement of the problem.⁹¹⁵

⁹¹¹ S/12900, OR, 33rd yr., Suppl. for Oct.-Dec. 1978, pp. 36-38. By this letter dated 19 October 1978 addressed to the Secretary-General the representative of South Africa transmitted the texts of the following documents that had been released by the Prime Minister of South Africa: (a) introductory statement made by the Prime Minister of South Africa at his meeting with the Foreign Ministers of the five Western members of the Council at Pretoria on 16 October; (b) joint statement of 19 October by the South African Government and the five Foreign Ministers; and (c) statement issued by the South African Government following its acceptance of the above-mentioned joint statement S/12902, *ibid.*, pp. 39, 40. By this letter dated 21 October 1978 addressed to the President of the Security Council the representatives of Canada, France, the Federal Republic of Germany, the United Kingdom and the United States transmitted the text of the joint statement issued at the end of the talks held by their Foreign Ministers and the South African Government from 16 to 18 October 1978, together with the text of a further statement issued at the same time by the five Foreign Ministers. The joint statement expressed the belief that it would be appropriate for the Secretary-General's Special Representative to resume discussions with the South African Administrator-General of Namibia to work out the modalities of the proposed elections under United Nations supervision and to fix a date for those elections. The South African Government stated that its planned December elections should be seen as an internal process to elect leaders. The five Foreign Ministers stated that they saw no way of reconciling such elections with their proposal and that any such measure in relation to the electoral process would be regarded as null and void.

⁹¹² 2092nd mtg., paras. 8-47.

⁹¹³ *Ibid.*, paras. 51-99.

⁹¹⁴ *Ibid.*, paras. 102-114.

⁹¹⁵ 2094th mtg., paras. 8-22.

The representative of Saudi Arabia questioned the feasibility of applying sanctions to effect South African withdrawal from Namibia. He suggested that, in view of certain well-known geopolitical, economic and other considerations, including South Africa's fears of external influence over a contiguous territory, consideration be given to Namibia's accession to independence as a neutral or neutralized State, following a very brief period of being administered under the Trusteeship Council.⁹¹⁶

At the 2095th meeting on 2 November 1978 the representative of India stated that there could be no question at this time of having consultations with South Africa or its Administrator-General in Namibia about the modalities of elections to be held under United Nations supervision and control. There was no point in sending the Secretary-General's Special Representative to Namibia as long as South Africa was determined to proceed with its own elections, the purpose of which was fake independence. The real issue was whether there could be free elections under United Nations supervision and control in the new illegal situation in Namibia that would be created by the December elections. The answer to that could not be affirmative unless South Africa cancelled its unilateral elections and offered to co-operate in the implementation of resolutions 385 (1976) and 435 (1978).⁹¹⁷

At the 2097th meeting on 10 November 1978 the representative of the USSR said that apparently the Pretoria authorities in their talks with the Western Powers had never considered seriously the question of granting independence to Namibia. Clearly they had been counting on the understanding and sympathy of their partners in the dialogue. One and a half years of talks and manoeuvring around a Western plan for a Namibian settlement had allowed the South African authorities to gain time to prepare their neo-colonialist solution to the Namibian problem—the holding of rigged elections for the purpose of establishing a puppet Government. If the Pretoria régime now refused to hand over power in Namibia to the true representatives of the Namibian people, after carrying out the internal settlement plan it would be in a much better position to disregard the decisions of the United Nations. The time for persuasion had passed, an end had to be put to the economic and other kinds of co-operation with South Africa and there had to be established political and diplomatic isolation for the racist régime of Pretoria. A decisive moment had come for the adoption of measures under Chapter VII of the Charter.⁹¹⁸

At the same meeting the representative of India introduced a draft resolution⁹¹⁹ sponsored by Gabon, India, Kuwait and Nigeria

At the 2098th meeting on 13 November 1978 the representative of China maintained that the Council

should not only condemn sternly the reactionary deeds of the South African racist authorities, but also take practical and effective measures, including sanctions against the South African régime, in accordance with the just demand of African countries and the relevant provisions of the Charter. He noted that the Chinese delegation would vote in favour of the draft resolution. He also recalled that, in view of the establishment of a United Nations Force in resolution 435 (1978), the Chinese delegation had not participated in the vote on that resolution. Consequently he recorded China's reservation on the references to resolution 435 (1978) in the draft resolution before the Council.⁹²⁰

During the discussion a number of speakers expressed support for the application of sanctions against South Africa under Chapter VII of the Charter.⁹²¹

The Council proceeded then to vote on the draft resolution, which was adopted by 10 votes to none, with 5 abstentions, as resolution 439 (1978).⁹²²

The resolution reads as follows:

The Security Council,

Recalling its resolutions 385 (1976) of 30 January 1976, 431 (1978) and 432 (1978) of 27 July and 435 (1978) of 29 September 1978,

Having considered the report of the Secretary-General submitted pursuant to paragraph 7 of resolution 435 (1978),

Taking note of the relevant communications addressed to the Secretary-General and the President of the Security Council,

Having heard and considered the statement of the President of the United Nations Council for Namibia,

Taking note also of the communication dated 23 October 1978 from the President of the South West Africa People's Organization to the Secretary-General,

Reaffirming the legal responsibility of the United Nations over Namibia and its continued commitment to the implementation of resolution 385 (1976), in particular the holding of free elections in Namibia under United Nations supervision and control,

Reiterating the view that any unilateral measure taken by the illegal administration in Namibia in relation to the electoral process, including unilateral registration of voters, or transfer of power, in contravention of the above-mentioned resolutions and the present resolution, is null and void,

Gravely concerned at the decision of the Government of South Africa to proceed with unilateral elections in Namibia in clear contravention of resolutions 385 (1976) and 435 (1978),

1. *Condemns the decision of the South African Government to proceed unilaterally with the holding of elections in the Territory from 4 to 8 December 1978 in contravention of Security Council resolutions 385 (1976) and 435 (1978);*

2. *Considers that this decision constitutes a clear defiance of the United Nations and, in particular, the authority of the Security Council;*

3. *Declares those elections and their results null and void and states that no recognition will be accorded either by the United Nations or any Member States to any representatives or organ established by that process;*

4. *Calls upon South Africa immediately to cancel the elections it has planned in Namibia in December 1978.*

⁹¹⁶ 2098th mtg., paras 5-11.

⁹¹⁷ 2092nd mtg., paras 151 and 153 (Mr. Gurirab), 2094th mtg., para 20 (Egypt), *ibid.*, para 41 (Ghana), *ibid.*, para 79 (Somalia), 2095th mtg., paras 12 and 13, 2097th mtg., para 49 (India), 2095th mtg., para 29 (Yugoslavia), *ibid.*, para 71 (Cuba), 2096th mtg., paras 17 and 21 (Kuwait), *ibid.*, para 27 (Czechoslovakia), *ibid.*, para 42 (Bolivia), *ibid.*, paras 69, 70, 73 and 74 (Nigeria), *ibid.*, para 85 (Guyana), *ibid.*, para 97 (Algeria).

⁹²² 2098th mtg., para 12.

⁹¹⁶ *Ibid.*, paras 83-115.

⁹¹⁷ 2095th mtg., paras 6-14.

⁹¹⁸ 2097th mtg., paras 6-22.

⁹¹⁹ *Ibid.*, paras 48-52. S/1978/2, was adopted without change as resolution 439 (1978).

5. *Demands once again that South Africa co-operate with the Security Council and the Secretary-General in the implementation of resolutions 385 (1976), 431 (1978) and 435 (1978).*

6. *Warns South Africa that its failure to do so would compel the Security Council to meet forthwith to initiate appropriate actions under the Charter of the United Nations, including Chapter VII thereof, so as to ensure South Africa's compliance with the aforementioned resolutions.*

7. *Calls upon the Secretary-General to report on the progress of the implementation of the present resolution by 25 November 1978.*

Speaking after the vote on behalf of his Government and in the name of the representatives of France, the Federal Republic of Germany, the United Kingdom and the United States, the representative of Canada said that the five Western countries abstained in the vote because they believed that their efforts should be directed to obtaining and supporting the efforts of the Secretary-General to secure South Africa's co-operation rather than to prejudging the possible outcome as the resolution appeared to do. It would be a mistake to interpret the abstentions as a lack of sympathy for the resolution or the direction in which it pointed in the event that South Africa failed to co-operate in the implementation of resolution 435 (1978). The five would make their judgements on the facts at the appropriate time and act accordingly.⁹²¹

Decision of 5 December 1978 (2104th meeting): adjournment

By letter⁹²² dated 1 December 1978 addressed to the President of the Security Council, the representative of the Congo, as Chairman of the African Group, requested that an urgent meeting of the Security Council should be convened not later than 4 December 1978 to consider the situation in Namibia.

By letter⁹²³ dated 1 December 1978 addressed to the President of the Security Council, the President of the United Nations Council for Namibia expressed support for the request of the African Group and declared that the gravity of the situation resulting from South Africa's decision to carry out the bogus arrangements under the pretence of electing representatives of the Namibian people made it imperative that the Security Council meet on 4 December 1978.

At the 2103rd meeting on 4 December 1978 the Council adopted the agenda⁹²⁴ and considered the item during its 2103rd and 2104th meetings on 4 and 5 December 1978.

In the course of its deliberations the Council invited the representatives of Angola and the Congo, at their request, to participate in the discussions without the right to vote.⁹²⁵

The Council also extended invitations as requested under rule 39 of the provisional rules of procedure to the President and three Vice-Presidents of the United Nations Council for Namibia and to Mr. Theo-Ben

Gurirab, Permanent Observer of SWAPO at the United Nations.⁹²⁷

At the 2103rd meeting the President drew the attention of the members of the Council to two documents before the Council.⁹²⁸

At the same meeting the representative of the Congo said that it was clear from the Secretary-General's report that South Africa intended to follow a course totally opposite to that set by the United Nations. South Africa was making every effort to aggravate an already tense situation and thereby to maintain hegemony in the region. Thus, Pretoria intended to stick to its obvious policy of *apartheid* and ensure that it would last forever. It was therefore clear that there could be no solution to the Namibian problem unless a start was made on the solution of the South African problem as such. The Security Council should see the situation from a global standpoint, and resort to the relevant provisions of Chapter VII of the Charter.⁹²⁹

The President of the United Nations Council for Namibia held that South Africa's manoeuvres were aimed at putting the United Nations in the position of legitimizing the power base which South Africa was at that very moment creating in Namibia for its puppets. While pretending to accept genuinely free and fair elections under United Nations supervision and control, South Africa, through statements by its leading Government officials, had systematically rejected any possibility of SWAPO's becoming the formal political authority in Namibia through the electoral process. The entire process of the talks aiming at an internationally acceptable settlement had thus been vitiated from the very beginning through the duplicity inherent in South Africa's policy objectives. The preservation of the heinous system of *apartheid* in South Africa depended on many factors including the presence of a security belt on its borders to prevent the flow of ideas and resources to the oppressed majority of the people of South Africa. In order to keep Namibia weak, South Africa intended to promote the preservation of the homelands with all its consequences of disintegration for Namibia. To bring about South African compliance with the decisions of the General Assembly and the Security Council, sanctions envisaged in Chapter VII of the Charter had to be fully applied.⁹³⁰

The representative of Angola stated that the decolonization process for Namibia was far from complete. Neither the United Nations nor those Governments which had been involved in the process could consider their work done. It was more important than ever that

⁹²¹ 2098th mtg., paras 15-23.

⁹²² S/12945, OR, 33rd yr., Suppl. for Oct.-Dec. 1978, p. 28.

⁹²³ S/12951, *ibid.*, p. 87.

⁹²⁴ 2103rd mtg., preceding para. 2.

⁹²⁵ For details, see chapter III.

⁹²⁷ S/12938, OR, 33rd yr., Suppl. for Oct.-Dec. 1978, pp. 68-71 (in this report of 24 November 1978 to the Security Council submitted in accordance with its resolution 439 (1978), the Secretary-General described his meeting with the Secretary of State for Foreign Affairs of South Africa on 23 and 24 November 1978) and S/12950, *ibid.*, pp. 86, 87 (in this supplementary report of 2 December 1978 the Secretary-General reviewed the substance of the meetings he had with the Minister for Foreign Affairs of South Africa from 27 to 29 November 1978 in a further effort to clarify the position of the South African Government regarding his report of 24 November 1978).

⁹²⁸ 2103rd mtg., paras 12-34.

⁹²⁹ *Ibid.*, paras 37-49.

the Western Five should continue with their task, not only of seeking further clarification from South Africa but also of ensuring that this country would honour the outcome of those negotiations. He also appealed to the Secretary-General to continue negotiations and consultations.⁹¹¹

The representative of the United States, speaking also on behalf of Canada, France, the Federal Republic of Germany and the United Kingdom, said that the five Governments wished to reiterate the statement made by their Foreign Ministers on 19 October 1978 in Pretoria that they saw no way of reconciling unilateral elections with the proposal they had put forward and which the Security Council had endorsed, and that any such unilateral measure in relation to the electoral process would be regarded as null and void. He reaffirmed that the five Governments considered the so-called internal elections of no significance and would accord no recognition to their outcome, and that such elections could not be considered free and fair and were irrelevant to the progress of Namibia toward an internationally acceptable independence. He noted the statement contained in the Secretary-General's report that South Africa reaffirmed that it would retain authority in Namibia pending implementation of the settlement proposal, and declared that the five Governments attached importance to such explicit recognition by South Africa of its responsibility for the unfolding of events in Namibia.⁹¹²

At the 2104th meeting the President, with the consent of the Council, proposed to adjourn the meeting and fix the date of next meeting on the item in consultations.⁹¹³

At the same meeting the representative of Gabon said that the African Group had decided that discussions of the question of Namibia should be transferred to the current session of the General Assembly.⁹¹⁴

THE SITUATION CONCERNING WESTERN SAHARA

Decision of 22 October 1975 (1850th meeting): resolution 377 (1975)

By letter⁹¹⁵ dated 18 October 1975 addressed to the President of the Security Council, the representative of Spain drew attention to statements which had been made by King Hassan II of Morocco in which he threatened to conduct a march of 350,000 people to invade Western Sahara. The representative noted that he was bringing the situation to the attention of the Council in accordance with Article 35 of the Charter because the situation was one which threatened international peace and security. He urged the President to convene an emergency meeting of the Council so that appropriate measures could be adopted and the Moroccan Government dissuaded from carrying out its announced intention to invade.

Following the adoption of the agenda, the representatives of Spain and Morocco, and at the 1850th meeting the representative of Algeria⁹¹⁶ were invited, at their request, to participate without vote in the discussion of the item on the agenda. The Council considered the question at its 1849th, 1850th, 1852nd to 1854th meetings held between 22 October and 6 November 1975.

At the 1849th meeting, the President drew the attention of the Council to a letter dated 18 October from the representative of Morocco.⁹¹⁷ The letter protested the use of the term "invasion" by the representative of Spain for what the King of Morocco had described as a peaceful march.⁹¹⁸

The representative of Spain contended that a march, such as announced by the King of Morocco, constituted an act of force which would jeopardize the territorial integrity of the Sahara. Such an act would run counter to the principles and purposes of the Charter and would be in contradiction with the General Assembly resolutions on the decolonization of the Sahara. He reviewed the efforts made by Spain and the General Assembly to bring about the self-determination of Western Sahara and drew attention to the role Morocco had played in threatening the development of such a situation. The representative contended that although his Government had decided to terminate its presence in the Territory, it intended to ensure an orderly transfer of power and had thus invited the representatives of Algeria, Morocco and Mauritania to attend a conference with a view to involving them in the process of decolonization. The meeting was not held, however, because of opposition from Morocco. A proposal for a conference, to be held under the auspices of the Secretary-General and suggested by the Government of Spain, also met with no success. He observed that an advisory opinion, issued by the President of the International Court of Justice on October 16, had noted that:

... the Court has not found legal ties of such a nature as might affect the application of resolution 1514 (XV) in the decolonization of Western Sahara and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory.

In spite of this view, the Government of Morocco interpreted the opinion to mean that Western Sahara was part of Moroccan territory. The Court had, however, stated that there were no historical or legal ties which would justify the non-application of the principle of self-determination to the people of the Sahara. The representative of Spain claimed that this denial led to the present crisis, urged the Council to send a mission to inquire as to the intentions of the Government of Morocco and requested that it take appropriate measures to prevent the march. He hoped the Council would send an urgent appeal to the King of Morocco to refrain from carrying out the invasion and stressed that his Government would not accept responsibility for what might occur.⁹¹⁹

⁹¹¹ 2103rd mtg., paras. 51-65.

⁹¹² *Ibid.*, paras. 67-71.

⁹¹³ 2104th mtg., para. 6.

⁹¹⁴ *Ibid.*, para. 7.

⁹¹⁵ S. (1975) OR, 30th yr., *Suppl. for Oct.-Dec. 1975*, p. 17.

⁹¹⁶ For details, see chapter III of this *Supplement*.

⁹¹⁷ 1849th mtg., para. 3.

⁹¹⁸ S/11852, OR, 30th yr., *Suppl. for Oct.-Dec. 1975*, p. 17.

⁹¹⁹ *Ibid.*, pp. 3-18.

The representative of Morocco maintained that the conditions laid down in Articles 34 and 35 of the Charter, under which the representative of Spain called for an urgent meeting, were not met in the present situation. The dispute between Spain and Morocco had existed since 1957; no new dispute had therefore arisen which could lead to international friction. Although resolution 1514 (XV) stipulated the principle of the right to self-determination, it also laid down the principle of respect for the unity and territorial integrity of States; self-determination was applicable to those territories which had no previous ties to other countries. He observed that the United Nations had generally opted for the application of the principle of territorial integrity when the two principles had come into conflict. He rejected the allegation that Morocco was planning an invasion; Moroccans wanted merely to return to their homeland, not infiltrate another state via armed force.⁹⁴⁰

The representative of Mauritania asserted that the inhabitants of the Sahara under Spanish administration had always belonged to the Mauritanian or Chinguitti group of countries in their political and economic organization as well as in cultural affinity. The Government of Mauritania recognized the legal ties between Morocco and sections of the Territory in the region of the North Sahara and believed that the most appropriate framework for reaching a solution between Morocco, Spain and Mauritania could be found within the United Nations.⁹⁴¹

The President informed the Council that the delegation of Costa Rica had submitted a draft resolution.⁹⁴²

The representative of Costa Rica subsequently introduced the draft resolution under which the Council would have demanded, as a matter of urgency, that the Government of Morocco desist from the proposed march on Western Sahara.⁹⁴³

At the 1850th meeting the President drew the attention of the Council to a draft resolution that had been agreed to in the course of informal consultations among Council members. The draft provided, *inter alia*, for the Secretary-General to enter into immediate consultations with the parties concerned and report to the Security Council on his consultations so that appropriate measures could be taken.⁹⁴⁴

The representative of Algeria re-emphasized that his Government made no territorial claims to Western Sahara, but that it had a natural interest in the peaceful decolonization of the Territory because conditions there would affect the peace and security of the entire region. He observed that in the past, Morocco, Mauritania and Algeria had been united in a common struggle to obtain

the right of self-determination for the people of the Sahara, and called on the Security Council to fulfil its duty, under the present situation, by taking all necessary steps to maintain peace and security in the area and by preventing any act which would bring about the failure of the authority of the United Nations. The representative offered the assistance of his Government to the Council under Articles 33 and 34 of the Charter.⁹⁴⁵

At the same meeting the President announced that agreement had been reached, during consultations, that the draft resolution (S/11858) would be adopted by consensus. In the absence of any objections, the President declared the draft resolution adopted.⁹⁴⁶ The resolution⁹⁴⁷ read as follows:

The Security Council,

Having considered the situation concerning Western Sahara, and the letter dated 18 October 1975 from the Permanent Representative of Spain to the President of the Security Council (S/11851),

Reaffirming the terms of General Assembly resolution 1514 (XV) of 14 December 1960 and all other relevant General Assembly resolutions on the Territory,

1. *Acting in accordance with Article 34 of the Charter of the United Nations and without prejudice to any action which the General Assembly might take under the terms of its resolution 3292 (XXIX) of 13 December 1974 or to negotiations that the parties concerned and interested might undertake under Article 33 of the Charter, requests the Secretary-General to enter into immediate consultations with the parties concerned and interested and to report to the Security Council as soon as possible on the results of his consultations in order to enable the Council to adopt the appropriate measures to deal with the present situation concerning Western Sahara.*

2. *Appeals to the parties concerned and interested to exercise restraint and moderation, and to enable the mission of the Secretary-General to be undertaken in satisfactory conditions.*

The President announced that the draft resolution which had previously been submitted by Costa Rica had been withdrawn.⁹⁴⁸

At the same meeting, the representative of France observed that the cornerstone of the resolution which had been adopted was the mission of consultation which would be undertaken by the Secretary-General.⁹⁴⁹

The representative of Costa Rica explained that he had agreed to withdraw his country's draft resolution and vote for the present one because he had been convinced that a more cautious approach to the problem was needed at the time.⁹⁵⁰

The representative from the USSR affirmed his Government's position that the situation had arisen due to the fact that the colonial system had continued in the Western Sahara. Resolutions of the General Assembly had already established a number of principles, in accordance with which the decolonization of Western Sahara should be accelerated. In the view of his delegation, the future of the Western Sahara was to be decided by the people of the Territory.⁹⁵¹

⁹⁴⁰ 1849th mtg., paras. 40-64

⁹⁴¹ *Ibid.*, paras. 65-84

⁹⁴² *Ibid.*, para. 92

⁹⁴³ *Ibid.*, para. 93 For the text and the version replacing the word "demand" by "request", see S/11851 and S/11853/Rev. 1, *OR*, 30th yr., *Suppl. for Oct-Dec 1975*, p. 37. At the 1850th meeting on 22 October, the President announced that Costa Rica had withdrawn the draft resolution.

⁹⁴⁴ 1850th mtg., para. 3 S/11858 adopted without change as resolution 377 (1975)

⁹⁴⁵ *Ibid.*, paras. 5-18

⁹⁴⁶ *Ibid.*, para. 19

⁹⁴⁷ Resolution 377 (1975)

⁹⁴⁸ *Ibid.*, para. 20

⁹⁴⁹ *Ibid.*, paras. 26-32

⁹⁵⁰ *Ibid.*, paras. 36-39

⁹⁵¹ *Ibid.*, paras. 43-45

The representative of the United Republic of Tanzania stated that recent developments in the Western Sahara, if allowed to continue, would not only affect the peace and security of the region and the world, but also the principle of the right to self-determination. He declared that it was the responsibility of the Security Council to maintain peace and security and act decisively to prevent any escalation of the existing tensions; by doing so, the Security Council would make it possible for the General Assembly to deal with the substance of the problem. He observed that, although the Organization of African Unity (OAU) was concerned with issues of decolonization and had dealt with the problem of Western Sahara, the involvement of the United Nations was also expected since the Organization was involved with issues of self-determination in accordance with General Assembly resolution 1514 (XV).⁹⁵²

The representative of Mauritania observed that, although his Government associated itself with the 1966 proclamation of self-determination for the peoples of the Sahara, it had not renounced its fundamental position regarding the Sahara. The two positions were not contradictory because Mauritania was certain that if an objective choice was made in the Sahara, it would be a choice for integration with Mauritania. The representative informed the Council that Spain had been influencing the nomadic population of the Sahara to choose independence; the extension of such influence would prove detrimental to the people and countries concerned since the movement for independence was a tribal one which ignored frontiers. Mauritania, therefore, could not subscribe to the principle of self-determination as they had been formulated because it would mean the dismemberment of the country. The delegate called upon the United Nations to consider the principle of territorial integrity as well and not to attach more importance to one principle than to another.⁹⁵³

Decision of 2 November 1975 (1852nd meeting): resolution 379 (1975)

In accordance with resolution 277 (1975) the Secretary-General submitted a report to the Security Council on his consultations with the Governments of Morocco, Mauritania, Algeria and Spain. He reviewed the positions of the parties and noted that King Hassan II of Morocco had not accepted the thesis that the question of the decolonization of Western Sahara had to be kept separate from the situation which had arisen as a result of the "Green March". The King had informed the Secretary-General of talks involving Spain, Morocco and Mauritania and had said that if these talks did not prove fruitful, Morocco would be prepared to consider approaches utilizing the United Nations. Morocco did not agree with the advisory opinion of the International Court of Justice. The Secretary-General reported that Mauritania's views were basically similar to those of Morocco.

Regarding Algeria, however, he pointed out that it agreed with the opinion of the International Court of

Justice and rejected the claims made to Western Sahara by Morocco and Mauritania. It made no territorial claims to the area but insisted that the people of the Territory be enabled to exercise their right to self-determination via a referendum. The Government of Algeria rejected any process which would seek a solution outside the United Nations. According to the Secretary-General's report, the Government of Spain had committed itself to seeking a solution on a bilateral or trilateral basis; it was anxious to find a solution and would co-operate with the United Nations.

The Secretary-General noted that in his judgement all the parties would be willing to accept the United Nations as an essential element in the search for peace and that he would therefore continue his consultations with the parties and keep the Council apprised of the situation.⁹⁵⁴

By letter⁹⁵⁵ dated 1 November 1975 the Chargé d'affaires a.i. of Spain informed the Council that the situation in Western Sahara had deteriorated because the Government of Morocco had refused to halt its announced march. He asked that an urgent meeting of the Council be convened to consider appropriate measures which could be taken in response.

The representative of Spain, Morocco and Algeria were invited to participate without the right to vote in accordance with the decisions taken by the Security Council at its 1849th meeting. The Council considered the item at the 1852nd meeting on 2 November 1975.

At the beginning of the meeting, the President drew the attention of the Council to the efforts which had been made by the Secretary-General in accordance with resolution 377 (1975), and to the letter by the Chargé d'affaires a.i. of Spain. The President stated that after the Secretary-General's report had been issued, intensive consultations had been conducted with the participation of the Secretary-General. As a result a draft resolution⁹⁵⁶ had been prepared by the members of the Council. As agreed the draft resolution was adopted by consensus.⁹⁵⁷ The resolution reads as follows:

The Security Council,

Having considered the report of the Secretary-General in pursuance of Security Council resolution 377 (1975) relating to the situation concerning Western Sahara,

Having also considered the letter dated 1 November 1975 from the Chargé d'affaires ad interim of the Permanent Mission of Spain to the United Nations addressed to the President of the Security Council,

Reaffirming its resolution 377 (1975) of 22 October 1975,

Having noted with concern that the situation in the area remains grave,

Expressing its appreciation of the efforts of the Secretary-General in implementation of resolution 377 (1975),

Reaffirming the terms of General Assembly resolution 1514 (XV) of 14 December 1960 and all other relevant General Assembly resolutions on the Territory,

Noting that the question of Western Sahara is before the General Assembly at its thirtieth session,

⁹⁵² S/11863, OR, 30th yr. Suppl. for Oct.-Dec. 1975, pp. 27-28.

⁹⁵³ S/11864, *ibid.*, p. 29.

⁹⁵⁴ S/11865, adopted without change as resolution 379 (1975).

⁹⁵⁵ 1852nd mtg., para. 9. Adopted as resolution 379 (1975).

⁹⁵² *Ibid.*, paras. 49-59.

⁹⁵³ *Ibid.*, paras. 76-91.

1 Urges all the parties concerned and interested to avoid any unilateral or other action which might further escalate the tension in the area;

2 Requests the Secretary-General to continue and intensify his consultations with the parties concerned and interested, and to report to the Security Council as soon as possible on the results of these consultations in order to enable the Council to adopt any further appropriate measures that may be necessary.

The representative of Spain stated that in view of such a complex situation no one could object to concurrent action by the Security Council, Secretary-General and the General Assembly in search of the resolution of the problem. He maintained that the halting of the march on the Sahara was a *sine qua non* for finding a peaceful solution to the problem of decolonization within the framework of the United Nations. He warned that, if Morocco carried out its threat to march, Spain, as the administering Power, would defend the Territory by every means, including the use of armed force.⁹⁵⁸

The representative of Costa Rica reiterated his delegation's position that the intended march was the true cause of the crisis and deplored that the Council's two resolutions on the issue did not refer to the Government of Morocco; he noted that the provisions of resolution 379 (1975) derived from operative paragraph 1 of resolution 377 (1975).⁹⁵⁹

The representative of Sweden expressed his disappointment in the wording of the resolution just adopted and added that his delegation would have preferred a more direct reference to the immediate cause of the crisis, the proclaimed march into Western Sahara.⁹⁶⁰

At the same meeting, the representative of Mauritania contended that the peaceful march which had been planned by Morocco could not be considered objectively unless the problem of the decolonization of the Sahara was examined as well. The seeming haste in which this problem was dealt with would allow only a very cursory examination of the problem and would not advance contacts that had been initiated by the parties in conformity with Security Council resolution 377 (1975) and Article 33 of the Charter.⁹⁶¹

The representative of Algeria emphasized that the definition of the sovereignty of the Territory of Spanish Sahara was the central issue. Since sovereignty did not belong to Spain, the administering Power, it could not decide the sovereignty of Western Sahara on its own. The opinion of the International Court of Justice had indicated that the neighbouring countries did not have sovereignty over the Territory either. The representative noted that his delegation would have preferred more precise language in discussing the situation and observed that had the parties concerned been given a chance to participate in the preparation of the draft resolution, his delegation would have asked for more

exact language to meet the true objective of the Security Council. The proposed march by Morocco would constitute a violation of the sovereignty of the Territory and if the Security Council and the international community did not meet its responsibilities, Algeria, which was unwilling to recognize any situation of *fait accompli*, would assume its responsibilities.⁹⁶²

The President, speaking in his capacity as representative of the USSR, stressed that the Council would have to act swiftly to avert the possibility of armed conflict and noted that the resolution which had just been passed was directed toward that goal. He repeated his delegation's position that the future of the Western Sahara be determined by the people.⁹⁶³

Decision of 16 November 1975 (1853rd meeting) appeal by the President

The 1853rd meeting of the Security Council was held in private in order to give the members of the Council an opportunity to question the concerned parties. In response to questions from members of the Council, the representative of Morocco reaffirmed the peaceful intentions of the proposed march and noted that the participants were unarmed civilians. He reiterated his Government's willingness to negotiate a solution between the parties and the administering Power and to participate in the search for a solution within the framework of the United Nations. He claimed that the withdrawal of Spanish troops to 12 kilometres from the border in Western Sahara represented an offer to allow this peaceful march. This was not a matter of the Spanish frontier; the Western Sahara was a Non-Self-Governing Territory which was not under Spanish sovereignty and, therefore, even from a formal point of view, it would be difficult for Spain to authorize or not to authorize Morocco to cross that line drawn on a map.⁹⁶⁴

The representative of Spain observed that the violation of a frontier constituted an internationally illegal act and that there could be no peaceful crossing of a frontier unless it was taken in compliance with international law.⁹⁶⁵

Following a brief suspension for informal consultations⁹⁶⁶ it was decided that the President issue, on behalf of the Council, an appeal to the King of Morocco. The appeal reads as follows:

The Security Council has authorized me to address to Your Majesty an urgent request to put an end forthwith to the declared march into Western Sahara

It was also agreed that a verbatim record of the 1853rd meeting would be prepared and distributed in the same way as was usual for a public meeting. The President announced that the Council had adopted the following wording of the communiqué:⁹⁶⁷

⁹⁵⁸ *Ibid.*, paras. 115-116

⁹⁵⁹ *Ibid.*, paras. 138-146

⁹⁶⁰ 1853rd mtg., paras. 17-21, 29-31, 34 and 35

⁹⁶¹ *Ibid.*, para. 43

⁹⁶² *Ibid.*, para. 132

⁹⁶³ *Ibid.*, paras. 130 and 131

⁹⁵⁸ 1852nd mtg., paras. 16-29.

⁹⁵⁹ *Ibid.*, paras. 32-39

⁹⁶⁰ *Ibid.*, paras. 93-96

⁹⁶¹ *Ibid.*, paras. 98-103

At its 1853rd meeting held in private on 6 November 1975, the Security Council continued its consideration of the situation concerning Western Sahara. The representatives of Morocco, Spain and Algeria, as three of the four parties concerned and interested, were invited by decision of the Council to take part in the meeting.

The members of the Council put questions to the representatives of parties concerned and interested and received answers to them.

After a suspension of the meeting, the Council decided to authorize its President to issue, on its behalf, the following appeal to His Majesty King Hassan II of Morocco:

"The Security Council has authorized me to address to Your Majesty an urgent request to put an end forthwith to the declared march into Western Sahara."⁹⁸

Decision of 6 November 1975 (1854th meeting): resolution 380 (1975)

By letter dated 6 November 1975 addressed to the President of the Security Council the Chargé d'affaires a.i. of Spain recalled his earlier letter of 1 November 1975 in which he called for an urgent meeting of the Council to deal with the refusal by Morocco to call a halt to its proposed march. In the mean time, the frontier of Western Sahara had been violated by many Moroccan nationals, including elements of the armed forces and official authorities. He therefore requested that the Council meet in public session and take appropriate measures to end the situation.⁹⁹

The President observed that despite the two resolutions which had been adopted by the Security Council, and despite the special message sent to the King of Morocco by the Security Council, the march into Western Sahara had begun. He drew the attention of the Council to a second letter¹⁰⁰ dated 6 November 1975 from the Chargé d'affaires a.i. of Spain, who informed the President of the Council of Morocco's intentions as conveyed to the Embassy of Spain at Rabat. Morocco had threatened to continue the march to the south unless bilateral negotiations dealing with the transfer of sovereignty over the Sahara to Morocco were held. If the march led to violent confrontations, the Moroccan Royal Armed Forces would most likely intervene, leading to a state of belligerency between Spain and Morocco. He noted, too, Morocco's refusal to accept intervention by the United Nations.¹⁰¹

The President also stated that during consultations of the Security Council, which had been held during the day, a draft resolution¹⁰² had been prepared and it had been agreed that the Council would adopt the draft resolution by consensus. In the absence of any objections the President declared that the draft resolution had been adopted.¹⁰³ The resolution reads as follows:

The Security Council,

Noting with grave concern that the situation concerning Western Sahara has seriously deteriorated,

Noting with regret that, despite its resolutions 377 (1975) of 22 October and 379 (1975) of 2 November 1975 as well as the appeal made by the President of the Security Council, under its authoriza-

tion, to the King of Morocco with an urgent request to put an end forthwith to the declared march on Western Sahara, the said march has taken place,

Acting on the basis of the aforementioned resolutions,

1. *Deplores* the holding of the march,

2. *Calls upon* Morocco immediately to withdraw from the Territory of Western Sahara all the participants in the march,

3. *Calls upon* Morocco and all other parties concerned and interested, without prejudice to any action which the General Assembly might take under the terms of its resolution 3202 (XXIX) of 13 December 1974 or any negotiations which the parties concerned and interested might undertake under Article 33 of the Charter of the United Nations, to co-operate fully with the Secretary-General in the fulfilment of the mandate entrusted to him in Security Council resolutions 377 (1975) and 379 (1975).

The Secretary-General reminded the Council of his efforts in resolving the case. He had been in constant touch with the parties concerned and had informed the Council of developments. He added that his special envoy had just returned from his mission and that he would submit a comprehensive report to the Security Council in the near future.¹⁰⁴

The representative of Spain stated again that his Government intended to carry out its responsibilities under the Charter and at the same time pursue its right of self-defence. He called on the Council to act decisively in condemning the violation of international law, in particular the Charter of the United Nations and the resolutions of the General Assembly on the decolonization of the Sahara. His Government remained willing to co-operate with the Secretary-General but could not accept a solution which would involve the breaking of all ties between Spain and the Sahara. He reiterated the two fundamental objectives of his Government: the withdrawal of Moroccan troops from Western Sahara and the achievement of a solution within the framework of the United Nations. The representative criticized the text of the resolution which mentioned neither the letters requesting the Council meeting nor the additional information which had been submitted to the Council by the Spanish delegation. He also regretted that the resolution did not mention the unlawful act of Morocco violating the territorial integrity of the Sahara.¹⁰⁵

The representative of Morocco recalled his Government's assurances that the march would be a peaceful one and that it would participate in all serious efforts which could lead to a negotiated solution to the problem of decolonization. The negotiating process had been blocked by various pressures; under these circumstances the green march represented an exercise of Morocco's inalienable rights. The population of Western Sahara had always been a part of the Moroccan nation, as shown by a letter from the Jemaa in Western Sahara stating that it was the desire of the people of the Sahara to link their fate with that of their brothers. The representative also called on the General Assembly to adjust its earlier resolutions in recognition of the manifestation of the unanimous will of the people of Morocco as symbolized in the green march.¹⁰⁶

⁹⁸ *Ibid.*, para. 132.

⁹⁹ S/11867, OR, 30th yr., Suppl. for Oct.-Dec. 1975, pp. 29-30.

¹⁰⁰ S/11871, *ibid.*, p. 31.

¹⁰¹ See 1854th mtg., paras. 2-6 for the President's remarks.

¹⁰² S/11870, adopted without change as resolution 380 (1975).

¹⁰³ 1854th mtg., para. 6.

¹⁰⁴ *Ibid.*, paras. 8 and 9.

¹⁰⁵ *Ibid.*, paras. 11-26.

¹⁰⁶ *Ibid.*, paras. 28-60.

The President, speaking in his capacity as the representative of the USSR, noted his Government's regret that the two previous resolutions 377 (1975) and 379 (1975) had not been implemented. He thanked the Secretary-General for his efforts to keep the Security-Council informed of the situation and reiterated his Government's position which advocated the decolonization of Western Sahara and the achievement of the right of the peoples of the Territory to determine their future in accordance with the United Nations Declaration on the Granting of Independence to Colonial Countries and Peoples.⁹⁷⁷

THE SITUATION IN TIMOR

Decision of 22 December 1975 (1869th meeting): resolution 384 (1975)

By letter dated 7 December 1975⁹⁷⁸ the representative of Portugal informed the President of the Security Council that the Republic of Indonesia had launched an offensive action against the Territory of Portuguese Timor on 7 December 1975. This intervention served to inhibit the exercise of the right to self-determination, freedom and independence by the people of Timor. Under these circumstances Portugal could neither restore the peace in Timor nor ensure that the process of decolonization would be accomplished through peaceful and negotiated means, in accordance with the Charter of the United Nations. The representative of Portugal requested an urgent meeting of the Council so that the aggression by Indonesia might be terminated and the peaceful process of decolonization in Timor might be continued.

At its 1864th meeting on 15 December 1975, the Council included the item in its agenda and considered it at its 1864th, 1865th and 1867th to 1869th meetings from 15 to 22 December 1975. During the consideration of the item, the representatives of Australia, Guinea, Guinea-Bissau, Indonesia, Malaysia and Portugal were invited, at their request, to participate without vote in the discussions of the item on the agenda.⁹⁷⁹ At the 1864th meeting, the following persons were invited: Mr. Jose R. Horta, Mr. Abilio Araujo, Mr. Guilherme Maria Gonçalves, Mr. Mario Carrascalão and Mr. Jose Maretins⁹⁸⁰ in accordance with rule 39 of the provisional rules of procedure.

At the 1864th meeting the President drew the attention of the Council to the letter dated 12 December 1975 from the Secretary-General informing the Security Council that the General Assembly had adopted resolution 3845 (XXX) on 12 December.⁹⁸¹ Under paragraph 6 of this resolution, the Assembly drew the attention of the Security Council to the critical situation in the territory of Portuguese Timor and recommended that

the Council take urgent action to protect the territorial integrity of Portuguese Timor and the right of its people to self-determination.⁹⁸²

The representative of Portugal gave an account of the process of decolonization of Timor and of the events which had led to the 7 December attack by Indonesia. He noted the claim by the Foreign Minister of Indonesia that his country had invaded Timor at the request of the Unias Democraticas de Timor (UDT) and that Indonesian troops would be withdrawn as soon as peace was restored.

Portugal viewed this aggression as a blatant violation of the Charter, in particular of Article 2, paragraphs 3 and 4. If a threat to the peace and security of Indonesia had existed, it should have been brought to the attention of the Council in accordance with Article 35 of the Charter. The Government of Portugal failed to understand why the Indonesian Government did not use peaceful means to resolve a perceived threat to its peace and security, as provided for in Article 33 of the Charter and considered Indonesia's action as an act of aggression falling under the provisions of Article 39 of the Charter. Indonesia's aim was not to conquer Timor militarily, but to create conditions which would lead to the merger of the two territories. The withdrawal of Indonesian troops would therefore not be sufficient; it would also be necessary to restore to the people of Timor their right to self-determination. The representative maintained that both Portugal and the United Nations were duty-bound to create such conditions. The Government of Portugal therefore called for the cessation of hostilities and the withdrawal of all occupation forces and suggested that the good offices of the Secretary-General be utilized to help bring about conditions in which the people of Timor could freely determine their future.⁹⁸³

The representative of Indonesia emphasized his country's geographic, ethnic and cultural ties to Portuguese Timor and reviewed the background of events leading to the current situation. Fighting had broken out on 11 August between the UDT and FRETILIN creating numerous problems for Indonesia; refugees fled to Indonesian Timor and FRETILIN terrorized people who had supported integration with Indonesia. The Government of Indonesia had come under increasing pressure to protect these people, especially since those who advocated integration considered themselves to be Indonesian nationals, and thus entitled to protection from Indonesia. In addition, armed bands had infiltrated Indonesia to steal cattle, food and property and Indonesian territory was occasionally hit by mortar fire from the other side. On 28 November, FRETILIN unilaterally declared independence, prompting the four other political parties, APODETI, UDT, KOTA and TRABALHISTA to declare the integration of East Timor into Indonesia. Fighting broke out and Indonesia took military action to re-establish order in the territory

⁹⁷⁷ 1854th mtg., paras 120-123

⁹⁷⁸ S/11899, *OR, 30th yr., Suppl. for Oct.-Dec. 1975*, pp. 53-54

⁹⁷⁹ For details, see chapter III

⁹⁸⁰ 1864th mtg., para 4. For further details, see chapter III

⁹⁸¹ *Ibid.*, para 5. The letter was issued in document S/11909

⁹⁸² Resolution 3845 (XXX), para 6. The Assembly invoked Article 11, para 3, of the Charter in drawing the attention of the Council to this situation

⁹⁸³ 1864th mtg., paras 8-64

and prevent any intervention by outside powers. The representative emphasized that Indonesia was prepared to work with the United Nations and countries in the region to restore peace in the area and enable the people of East Timor to exercise their right to self-determination.⁹⁸⁴

Mr. Horta described the events leading up to the 28 November declaration of independence by FRETILIN and pointed out that the declaration was merely a formal act which legalized a *de facto* situation which had existed for three months. He maintained that the subsequent declaration by the anti-Communist movement, calling for the integration of East Timor into Indonesia, was made in Indonesia. Indonesia's calls for unification based on a common culture and ethnic origin were not sufficient reasons for integration; the common tie was, in fact, many centuries remote from the present. Indonesia's claim that the situation in East Timor, a country of 650,000 people, had represented a threat which warranted military intervention was also questionable. Mr. Horta called on the Security Council to condemn Indonesia's aggression, demand its complete withdrawal from the national territory of East Timor, and send a fact-finding mission to evaluate the situation in East Timor and enforce the decisions of the Security Council. He also declared that the Government of the Democratic Republic of East Timor was willing to hold talks with the Government of Indonesia.⁹⁸⁵

The representative of Malaysia reviewed the events in East Timor and called on the Security Council to hold Portugal responsible for the existing situation in Portuguese Timor. He also suggested that the assistance of countries in the region be employed to discharge the responsibilities of the administering Power, that a United Nations mission be sent to the territory to assess the situation and make appropriate recommendations and that the people of Portuguese Timor be allowed to exercise their right to self-determination.⁹⁸⁶

At the 1865th meeting the representative of China condemned the armed aggression by Indonesia and stated that the pretexts used to invade East Timor reflected clichés used by aggressors throughout history. The tacit acceptance of such pretexts by the Security Council would mean the weakening of the principles of the United Nations. Indonesia and the Democratic Republic of East Timor should establish good relations based on the five principles of peaceful coexistence and join forces to prevent super-Power meddling in the region. Because of Indonesia's persistence in pursuing acts of aggression, however, he called on the Security Council to condemn strongly Indonesia's invasion and annexation of Timor and requested that the Security Council call for the immediate and unconditional withdrawal of Indonesian troops from East Timor.⁹⁸⁷

Mr. Carrascalão explained that his group opted for integration with Indonesia because it felt that an

underdeveloped nation with an illiteracy rate of 93 per cent could not survive alone. He said that as soon as conditions had improved in the area, the people would be granted their right to self-determination with assistance from, and under the supervision of, the United Nations, and warned that if Indonesian troops were withdrawn at the present time, the situation would become more chaotic.⁹⁸⁸

The representative of Australia urged the Council to take practical steps to enable the people of Portuguese Timor to exercise their right to self-determination. The representative suggested that the United Nations assist in such arrangements. He recommended that the Secretary-General might appoint a special representative who could meet with the concerned parties and make further suggestions on action to be taken. The representative also noted that if security were quickly restored, it would perhaps be possible for 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 assume responsibility under its mandate from the General Assembly.⁹⁸⁹

At the 1867th meeting, the representative of the United Republic of Tanzania condemned Indonesia's invasion of East Timor and indicated that its reasons for the invasion were not credible. The Charter did not give any country the right to assume responsibility for an administering Power which had failed in its functions. Indonesia should be required to withdraw all its forces and Portugal should play a more positive and responsible role in East Timor. The representative also drew the attention of the Council to the fact that in accordance with the principles of the United Nations the modalities for the decolonization of Timor remained in the purview of the General Assembly.⁹⁹⁰

The representative of the USSR reaffirmed his Government's support for the principles of self-determination and called upon Indonesia to withdraw its troops from East Timor. He stated that the people of Timor should decide, by themselves, how they would exercise their right to self-determination and that the Soviet delegation would support any constructive measure by the Security Council which was in accordance with the United Nations Declaration on decolonization and with resolution 3845 (XXX).⁹⁹¹

The representative of Japan proposed as necessary steps towards a solution agreement on a cease-fire and talks among the parties concerned. He also suggested that the Security Council might ask the Secretary-General to facilitate consultations among the parties. He urged the Council to issue a strong appeal to the parties to refrain from any action which would lead to a deterioration of the situation.⁹⁹²

⁹⁸⁴ *Ibid.*, paras 67-94

⁹⁸⁵ *Ibid.*, paras 96-137

⁹⁸⁶ *Ibid.*, paras 140-157

⁹⁸⁷ 1865th mtg., paras 3-9

⁹⁸⁸ *Ibid.*, paras 12-29

⁹⁸⁹ *Ibid.*, paras 97-106

⁹⁹⁰ 1867th mtg., paras 5-26

⁹⁹¹ *Ibid.*, paras 41-48

⁹⁹² *Ibid.*, paras 49-54

The representative of Portugal maintained that in view of the United Nations special obligation to Non-Self-Governing Territories, the Organization had the right to actively intervene in the situation in Timor. He explained that Portugal would be willing to take part in talks with the political parties representing the people of Timor and send naval and military forces to the area to ensure order and security during the process of decolonization. Portugal would be prepared to act in such a manner, however, only if the Indonesian forces were withdrawn from the Territory of Timor, if Indonesia stated formally that it would not commit any other acts of aggression against Timor and would not intervene in the Territory's affairs, and if the countries of the region, particularly Australia, guaranteed that Portugal would have the assistance and logistical facilities which it would require for such a programme. The representative proposed that the Secretary-General send a special representative to investigate the situation, propose appropriate measures, and verify the withdrawal of all Indonesian armed forces. Based on the representative's suggestions, Portugal and the Secretary-General would convene a conference involving the parties representing the people of Timor, with other States from the area participating as observers. In a second stage, after the withdrawal of Indonesian troops, and after the administrative structure had been determined, Portuguese troops, with the co-operation of the United Nations, would ensure that peace was preserved during the transition phase in preparation for self-determination. The representative added that if the Security Council preferred to send a multinational contingent of troops, Portugal would be prepared to participate, provided it assumed command of the force.⁹⁹³

At the 1868th meeting the representative of Indonesia, responding to criticism that an area as small as Timor could not present a threat to Indonesia, observed that any territory, no matter how small, could constitute a threat if it was torn by conflict, because it could open the way to confrontation involving interested big military powers outside the region. He reiterated his Government's support for self-determination and maintained that whatever role was to be delegated to Portugal, the matter should be decided through consultations between the United Nations and the people of the Territory.⁹⁹⁴

At the 1869th meeting, the draft resolution was put to the vote and adopted unanimously as resolution 384 (1975).⁹⁹⁵ The resolution reads as follows:

The Security Council,

Having noted the contents of the letter of the Permanent Representative of Portugal (S/11899),

Having heard the statements of the representatives of Portugal and Indonesia,

Having heard representatives of the people of East Timor,

Recognizing the inalienable right of the people of East Timor to self-determination and independence in accordance with the principles

of the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Noting that General Assembly resolution 3485 (XXXI) of 12 December 1975, *inter alia*, requested 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 send a fact-finding mission to East Timor,

Gravely concerned at the deterioration of the situation in East Timor,

Gravely concerned also at the loss of life and conscious of the urgent need to avoid further bloodshed in East Timor,

Deploping the intervention of the armed forces of Indonesia in East Timor,

Regretting that the Government of Portugal did not discharge fully its responsibilities as administering Power in the Territory under Chapter XI of the Charter,

1. *Calls upon* all States to respect the territorial integrity of East Timor as well as the inalienable right of its people to self-determination in accordance with General Assembly resolution 1514 (XV);

2. *Calls upon* the Government of Indonesia to withdraw without delay all its forces from the Territory;

3. *Calls upon* the Government of Portugal as administering Power to co-operate fully with the United Nations so as to enable the people of East Timor to exercise freely their right to self-determination;

4. *Urges* all States and other parties concerned to co-operate fully with the efforts of the United Nations to achieve a peaceful solution to the existing situation and to facilitate the decolonization of the Territory;

5. *Requests* the Secretary-General to send urgently a special representative to East Timor for the purpose of making an on-the-spot assessment of the existing situation and of establishing contact with all the parties in the Territory and all States concerned in order to ensure the implementation of the present resolution;

6. *Further requests* the Secretary-General to follow the implementation of the present resolution and, taking into account the report of his special representative, to submit recommendations to the Security Council as soon as possible;

7. *Decides* to remain seized of the situation.

Following the vote, the representative of China pointed out that while China voted for the resolution, it had some reservations; paragraphs 3 and 4 were ambiguous and not directly related to the question with which the Security Council was dealing and with regard to paragraph 5, it questioned the usefulness of sending a representative of the Secretary-General. The representative also noted his Government's position that the responsibility of the Secretary-General was only to supervise the withdrawal of Indonesian troops from East Timor.⁹⁹⁶

The representative of Portugal objected to the section of the resolution under which the Council regretted that "the Government of Portugal did not discharge fully its responsibilities as administering Power in the Territory under Chapter XI of the Charter". He observed that the statement did not refer to the circumstances and difficulties which would help explain Portugal's behaviour. The resolution should have referred to the difficulties created for Portugal by Indonesia's interference in Timor and to the fact that Portugal did all it could to carry out its mission in East Timor.⁹⁹⁷

⁹⁹³ 1867th mtg., paras 56-67

⁹⁹⁴ 1868th mtg., paras 4-19.

⁹⁹⁵ 1869th mtg., para. 12

⁹⁹⁶ *Ibid.*, paras 14 and 15.

⁹⁹⁷ *Ibid.*, paras 136-141

Decision of 22 April 1976 (1914th meeting): resolution 389 (1976)

In accordance with resolution 384 (1975) the Secretary-General submitted a report to the Security Council on the situation in Timor. The Secretary-General noted that the parties to the conflict had expressed their readiness to continue consultations with the Special Representative and suggested that the consultations be preserved with the understanding that developments would be reported to the Security Council. The Secretary-General's report included the report by the Special Representative. In his report the Special Representative observed that it was difficult for him accurately to assess the situation in Timor because of difficulties he had encountered in reaching certain areas. He noted, however, that Indonesian flags were widely displayed and that Indonesia considered its personnel in East Timor to be volunteers whose presence had originally been requested by APODETI, UDT, KOTA and TRABALHISTA and, later, by the "Provisional Government of East Timor"; the volunteers would be withdrawn only at the request of the "Provisional Government of East Timor". The Special Representative reviewed the positions of the relevant parties as follows: the "Government of the Democratic Republic of East Timor" wanted a referendum allowing a choice between integration with Indonesia or independence under FRETILIN; Portugal, though in favour of a referendum, felt that the people of East Timor should decide on the procedure and supported a choice of integration with Indonesia or independence in consultation with all political parties in the Territory; the "Provisional Government" in Dili proposed that a People's Representative Council should either ratify complete integration with Indonesia or formulate other suggestions for the future political structure of East Timor; the Government of Indonesia proposed that the people of East Timor should determine for themselves the future of their territory and that the decision by the "Provisional Government" for integration with Indonesia should be ratified by the people of East Timor.⁹⁹⁹

At its 1908th meeting on 12 April 1976, the Security Council included the Secretary-General's report in its agenda and considered the item during its 1908th to 1915th meetings between 12 April and 22 April 1976. During these meetings the Council invited the representatives of Australia, Guinea, Guinea-Bissau, Indonesia, Malaysia, Mozambique, the Philippines, Portugal and Saudi Arabia, at their request, to participate, without vote, in the discussion of the item on the agenda.¹⁰⁰⁰ Under rule 39 of the provisional rules of procedure the Council also decided to extend invitations to Mr. Guilherme Maria Gonçalves, Mr. Mario Carrascalão, Mr. Jose Gonçalves, Mr. Joao Pedro Soares, Mr. Jose Ramos Horta, Mr. Ken Fry and Mr. K. M. Syddell.¹⁰⁰¹

At its 1908th meeting, Mr. Horta stated that the people of East Timor had proclaimed their independence and that any suggestion by the United Nations

that Portugal was still the "administering Power" was a blatant contradiction of all United Nations principles. He referred to his letter dated 28 November 1975 to the Secretary-General, which stated that East Timor could not pursue its self-determination until Indonesian troops had been withdrawn. The United Nations thus had two alternatives: recognize the legitimate struggle of the people of East Timor under the leadership of FRETILIN, or legalize Indonesia's aggression against East Timor. He had observed in his letter that Indonesia had not complied with the Security Council resolution and that economic sanctions should therefore be applied. Mr. Horta indicated that his Government was willing to co-operate fully with the United Nations in order to find a just solution to the war in East Timor.¹⁰⁰⁰

The representative of Portugal deplored the fact that the Special Representative of the Secretary-General had been unable to make a complete study of the situation and establish direct contact with the leaders of FRETILIN in the Territory. He noted that the Provisional Government of East Timor, which, according to Indonesia, had invited the Indonesian troops, was not recognized by the United Nations or by the administering Power of the Territory, and could, therefore, not claim any legitimacy for requesting intervention by foreign troops. The representative called for a cease-fire and for increased participation by the United Nations in the process of decolonization in Timor. He suggested that the mandate given by the Council to the Secretary-General, be extended and indicated that his Government would view favourably the convening of a conference, under United Nations auspices, in which all interested parties would participate. The conference could seek to reach agreement on the withdrawal of Indonesian forces and the simultaneous establishment of a cease-fire; it could also discuss the forms and conditions under which self-determination would be exercised, and the establishment of a civilian and military administration for the Territory which would operate during the interim between the withdrawal of Indonesian forces and the effective exercise of the right to self-determination by the people of Timor. The representative also suggested that the Special Committee participate actively in the Timor case.¹⁰⁰¹

At the 1909th meeting the representative of Indonesia restated his Government's view that the solution to the question of East Timor must be based on the wishes of the people of the Territory. He noted also that the Territory was returning to normal and that Indonesian volunteers were assisting the Provisional Government of East Timor in the rehabilitation of the country. The armed volunteers were allowed to return to their place of origin by the Provisional Government of East Timor and their withdrawal had begun in February 1976.¹⁰⁰²

Mr. Fry noted several points which he had observed during two visits in Timor. He stated that there had been a serious and persistent misperception as to the strength of support for FRETILIN, and the strong

⁹⁹⁹ S/12013, OR, 31st yr., Suppl. for Jan. - March 1976, p. 119-123.

¹⁰⁰⁰ For details, see chapter III.

¹⁰⁰⁰ 1908th mtg., paras. 13-25.

¹⁰⁰¹ *Ibid.*, paras. 78-107.

¹⁰⁰² 1909th mtg., paras. 5-26.

desire on the part of the majority for independence. This misperception had led to errors in judgement by Indonesia, UDT and APODETI. He pointed out that the civil war in Timor was started by UDT and some APODETI supporters—not by FRETILIN—and that there was no civil war after mid-September 1975 when Indonesian forces began their aggression. The Provisional Government of East Timor did not represent the will of the majority of the people of East Timor. Mr. Fry called for the withdrawal of the Indonesian forces and suggested that the Council set up an alternate administration representing the three main parties which would function before democratic elections took place.¹⁰⁰³

At the 1910th meeting the representative of Japan expressed his delegation's support for the Secretary-General's recommendation and listed several objectives which the Security Council should pursue in its efforts to bring about peace in Timor. The Security Council ought to reaffirm the right of East Timor to self-determination in accordance with General Assembly resolution 1514 (XV) and continue its efforts to restore peace in East Timor. The Government of Indonesia should be called upon to withdraw its remaining forces from the Territory. He indicated his Government's support for the renewal of the Secretary-General's mandate and noted that a solution might be achieved more quickly if talks were established among the concerned parties.¹⁰⁰⁴

At the 1913th meeting, the President drew the attention of the Council to a draft resolution sponsored by Guyana and the United Republic of Tanzania.¹⁰⁰⁵

The representative of Guyana called for the complete withdrawal of Indonesian troops from the territory, without precondition, and introduced the draft resolution which his delegation co-sponsored together with the United Republic of Tanzania.¹⁰⁰⁶

At the 1914th meeting, the President drew the attention of the Council to an amendment to the draft resolution which was sponsored by Japan.¹⁰⁰⁷

The representative of Japan stressed that the main objective of the resolution would be to secure the continued implementation of Security Council resolution 384 (1975) by the Government of Indonesia. He urged the Council to take into consideration the Indonesian assertion that some of its forces had already been withdrawn and suggested that to reflect such recognition paragraph 2 of the draft resolution be amended to state "its remaining forces" rather than "its forces".¹⁰⁰⁸

The representative of Benin contended that the Indonesian troops had not been withdrawn from Timor in

accordance with General Assembly resolution 3485 (XXX) of 12 December 1975. He questioned the usefulness of continuing the efforts of the Special Representative and noted that the mission should not be renewed unless the Indonesian forces were withdrawn from East Timor. The representative indicated that his delegation would not participate in the vote for the draft resolution since it only represented a watered-down formula.¹⁰⁰⁹

The draft resolution and the amendment were then put to the vote. The amendment was rejected by 8 votes in favour and 1 against, with 5 abstentions.

The draft resolution was adopted by 12 votes in favour and none against, with 2 abstentions. One member did not participate in the voting.¹⁰¹⁰ The resolution reads as follows:

The Security Council,

Recalling its resolution 384 (1975) of 22 December 1975,

Having considered the report of the Secretary-General of 12 March 1976,

Having heard the statements of the representatives of Portugal and Indonesia,

Having heard the statements of representatives of the people of East Timor,

Reaffirming the inalienable right of the people of East Timor to self-determination and independence in accordance with the principles of the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Believing that all efforts should be made to create conditions that will enable the people of East Timor to exercise freely their right to self-determination,

Noting that the question of East Timor is before the General Assembly,

Conscious of the urgent need to bring to an end the continued situation of tension in East Timor,

Taking note of the statement by the representative of Indonesia,

1. *Calls upon* all States to respect the territorial integrity of East Timor, as well as the inalienable right of its people to self-determination in accordance with General Assembly resolution 1514 (XV),

2. *Calls upon* the Government of Indonesia to withdraw without further delay all its forces from the Territory;

3. *Requests* the Secretary-General to have his Special Representative continue the assignment entrusted to him under paragraph 5 of Security Council resolution 384 (1975) and pursue consultations with the parties concerned,

4. *Further requests* the Secretary-General to follow the implementation of the present resolution and submit a report to the Security Council as soon as possible,

5. *Calls upon* all States and other parties concerned to co-operate fully with the United Nations to achieve a peaceful solution to the existing situation and to facilitate the decolonization of the Territory,

6. *Decides* to remain seized of the situation.

At the 1915th meeting the representative of France expressed his delegation's regret that the amendment to the draft resolution had been rejected and stated that a recognition of steps already taken by Indonesia would have served to encourage that country to continue in its course in accordance with the commitments made by its

¹⁰⁰³ 1909th mtg., paras. 58-84.

¹⁰⁰⁴ 1910th mtg., paras. 21-31.

¹⁰⁰⁵ 1913th mtg., para. 2. The draft resolution (S/12056) was subsequently adopted as resolution 389 (1976).

¹⁰⁰⁶ *Ibid.*, paras. 4-13. At the 1914th meeting, following the adoption of the resolution, the representative of Panama asked that his delegation be added as co-sponsors of the draft (1914th mtg., para. 50).

¹⁰⁰⁷ 1914th mtg., para. 2. The amendment (S/12057) was subsequently voted on and not adopted.

¹⁰⁰⁸ *Ibid.*, paras. 12-16.

¹⁰⁰⁹ *Ibid.*, paras. 18-31.

¹⁰¹⁰ For the two votes see *ibid.*, paras. 41 and 42. The draft resolution was adopted as resolution 389 (1976).

representatives. He also observed that the resolution just adopted was a substantial improvement over resolution 3485 (XXX) which the General Assembly had adopted ten days earlier. The Council resolution took into account the various points of view, rather than placing responsibility for the situation on one party only.¹⁰¹¹

The representative of the USSR stated that the political situation in Timor was complicated by the presence of foreign troops in violation of General Assembly and Security Council resolutions. He suggested that the Special Representative be asked to produce a second report which would clearly describe the situation and indicate the opinions of the various groups. Although the Soviet Union voted for the draft resolution because it was in accordance with previous decisions adopted by the United Nations, the Soviet delegation would have preferred a less ambiguous resolution.¹⁰¹²

The representative of the United Kingdom noted his regret that the Japanese amendment was not adopted, and emphasized that its rejection did not cast any doubt on the statements by the representative of Indonesia regarding the withdrawal of some Indonesian forces. But he pointed out that his Government could not agree with the claims put forth during the debate that self-determination had already taken place in Timor. Self-determination would require that there be peace in the area without external pressures and that procedures suited to the local circumstances be implemented.¹⁰¹³

The representative of the United States also regretted that the amendment submitted by Japan had not been adopted. In the view of the United States, a resolution could be used only for two purposes—to encourage co-operation or to extend the mandate of the Secretary-General. The resolution worked against the spirit of co-operation and was not necessary for the extension of the mandate since the continuation of the efforts by the Secretary-General and the Special Representative was advisable in any event. The representative emphasized, however, that his delegation's abstention did not indicate a weakening of support for the self-determination of the people of East Timor.¹⁰¹⁴

The President, acting in his capacity as representative of China, observed that the Special Representative was unable to get a total and clear picture of the situation because of obstacles which had been placed by the Indonesian authorities. The Council should have condemned Indonesia's refusal to implement the relevant resolutions of the General Assembly and Security Council and should have demanded that Indonesia respect the independence and territorial integrity of the people of East Timor; that it cease its air and naval blockade and military operations against the Territory and that it withdraw all its forces. With regard to paragraphs 3 and 4 of the resolution he reiterated his delegation's position that the responsibility of the Secretary-General was only to supervise Indonesia's military

withdrawal from East Timor and that the internal problems of East Timor were to be solved by the people themselves.¹⁰¹⁵

In a note issued on 21 June,¹⁰¹⁶ the President of the Council circulated the text of an invitation received on 10 June from the Government of Indonesia for the Security Council to visit East Timor concurrently with a mission of the Indonesian Government commencing on 24 June. The note stated that after holding consultations with the members of the Council, the President had replied to the representative of Indonesia that in view of its resolutions on the issue, the Council had concluded that it was unable to accept the invitation.

In accordance with the request of the Security Council in paragraph 4 of resolution 389 (1976), the Secretary-General submitted to the Council on 22 June 1976 a report¹⁰¹⁷ concerning the continuing assignment of his Special Representative and transmitted the second report on the contacts made by the Special Representative with the parties concerned.

The Special Representative described the consultations he had held with representatives of the Governments of Indonesia and Portugal, as well as of the "Provisional Government of East Timor". He had been unable to arrange a meeting with representatives of FRETILIN but had received various communications on behalf of the "Government of the Democratic Republic of East Timor". In view of the fact that his mandate derived from the resolutions of the Security Council, it had been decided that it would not have been appropriate for the Special Representative to respond to the invitations received from the Government of Indonesia to visit East Timor on 24 June, concurrent with the mission to be sent there by the Indonesian Government. Under the circumstances outlined in his report, the Special Representative concluded that it had not been possible to assess accurately the prevailing situation in East Timor, particularly with regard to the implementation of resolutions 384 (1975) and 389 (1976).

LETTER DATED 12 DECEMBER 1975 FROM THE PERMANENT REPRESENTATIVE OF ICELAND TO THE UNITED NATIONS

By letter¹⁰¹⁸ dated 12 December 1975 addressed to the President of the Security Council the representative of Iceland requested an urgent meeting of the Security Council in connection with an attack by British vessels on an Icelandic coastguard vessel. He stated that this attack constituted a flagrant violation of Iceland's sovereignty and endangered peace and security.

By a previous letter¹⁰¹⁹ dated 11 December 1975 addressed to the President of the Security Council the representative of Iceland charged the United Kingdom with deployment of its naval units in Icelandic waters

¹⁰¹¹ *Ibid.*, paras. 15-17.

¹⁰¹² *Ibid.*, paras. 19-27.

¹⁰¹³ *Ibid.*, paras. 28-32.

¹⁰¹⁴ *Ibid.*, paras. 41-43.

¹⁰¹⁵ *Ibid.*, paras. 45-50.

¹⁰¹⁶ S/12104, *OR, 31st yr., Suppl. for April-June 1976*, pp. 65-66.

¹⁰¹⁷ S/12106, *ibid.*, pp. 66-68.

¹⁰¹⁸ S/11907, *OR, 30th yr., Suppl. for Oct.-Dec. 1975*, p. 65.

¹⁰¹⁹ S/11905, *ibid.*, pp. 64, 65.

for the purpose of coercing the Government of Iceland and preventing the people of Iceland from exercising their sovereign rights over their marine resources in the fisheries zone of the Icelandic coast. The representative added that his Government reserved the right to bring, at a later stage, the question of the armed aggression by British warships in Icelandic waters formally before the Security Council.

By note¹⁰²⁰ dated 15 December 1975 the President of the Security Council in his capacity as the representative of the United Kingdom circulated the reply from the Government of the United Kingdom to the letter of 11 December (S/11905) from the representative of Iceland. The reply stated that on 25 July 1974 the International Court of Justice had found that the Government of Iceland was not entitled unilaterally to exclude British fishing vessels from the waters around Iceland or to impose restrictions on them. It charged that between 15 and 25 November 1975, Icelandic coastguard vessels and aircraft had attacked a number of British trawlers and damaged at least seven of them. British naval vessels had subsequently been ordered to the area to defend them. The United Kingdom had made repeated efforts to resolve the question of fishing rights around Iceland by negotiation. At present, the issue was governed by the decision of the International Court of Justice; however, the British Government remained ready to resume negotiations.

The Security Council adopted the agenda¹⁰²¹ and considered the item at its 1866th meeting on 16 December 1975.

The representative of Iceland was invited at his request to participate in the discussion, without vote.¹⁰²²

At the beginning of the meeting the President, the representative of the United Kingdom, stated that since the discussion of the issue on the agenda involved British interests he felt it would be appropriate to exercise the discretion given to the President under rule 20 of the provisional rules of procedure and to vacate the chair while that item was being discussed. Consequently he invited the representative of the United Republic of Cameroon to preside at the meeting.¹⁰²³

During the discussion the representative of Iceland recalled that for over 25 years Iceland had been gradually implementing its law of 1948 on the scientific conservation of the continental shelf fisheries. The latest and final step had been taken on 15 October 1975, providing for fishery limits of 200 nautical miles off Iceland. These regulations were in conformity with the consensus which emerged at the Third United Nations Conference on the Law of the Sea.

The Icelandic Government had expressed its willingness to make temporary agreements with other nations which had been engaged in substantial fishing in the area. However, negotiations with the United Kingdom

had broken down, due to excessive British demands on the allowable catch.

On 11 December, the Icelandic coastguard vessel *Thor* had come upon three British ships approximately one nautical mile from the Icelandic shore. The *Thor* had ordered the British ships to halt so as to inquire about their activities. This order had been disregarded by the British ships, whereupon the *Thor* had been repeatedly rammed by a British tugboat at a point 1.9 nautical miles off the coast of Iceland, well within the Icelandic territorial waters. The representative said that this constituted a violation of Icelandic sovereignty and called upon the United Kingdom to refrain from the use of force in Icelandic waters.¹⁰²⁴

The representative of the United Kingdom, in putting forward his Government's account of the incident, stated that three unarmed British support vessels had entered Icelandic territorial waters during the night of 10/11 December to seek shelter from severe weather, as they had the right to do under customary international law. The Icelandic coastguard vessel *Thor* had approached and had ordered the British vessels to stop. A series of collisions had followed, caused by the manoeuvring of the *Thor*. The Icelandic vessel had subsequently fired three shots at one of the British vessels, none of which had hit. The central fact about the incident was that the Icelandic gunboat had opened fire on an unarmed British vessel.

Incidents such as these occurred because of the deliberate policy of Iceland of harassing British ships in an area in which, as recently as July 1974, the International Court of Justice had ruled that they had the right to fish. No further international agreements had been reached on this matter since the International Court's ruling; it followed that Iceland's unilateral extension of its fishing limits to 200 miles was unenforceable against British fishermen and that, accordingly, the harassment of British trawlers was illegal.

Since July 1975, when Iceland announced its intention to extend its limits to 200 miles in advance of decisions by the Third United Nations Conference on the Law of the Sea – the United Kingdom's objective had been to reach a negotiated settlement prior to the expiration, on 13 November 1975, of the interim United Kingdom-Iceland Fisheries Agreement of 1973.

In the negotiations which had taken place, the United Kingdom had made it clear that it was ready to reduce its catch considerably because of the need to conserve stocks and because of Iceland's dependence on its fishing industry. However, Iceland, in calling for a total allowable catch almost identical to its own catch, was, in effect, asking the fishermen of other countries to bear the entire burden of conservation and was declining to bear any substantial part of the burden itself.

The representative of the United Kingdom concluded by stating that his country wished to resume negotiations at any time, at any place, at any level.¹⁰²⁵

¹⁰²⁰ S/11914, *OK 30th yr., Suppl. for Oct-Dec 1975*, p. 72.

¹⁰²¹ 1866th mtg., preceding para. 1.

¹⁰²² For details, see chapter III.

¹⁰²³ 1866th mtg., paras. 5-8.

¹⁰²⁴ *Ibid.*, paras. 10-22.

¹⁰²⁵ *Ibid.*, paras. 23-26.

In the absence of any other request to speak, the President adjourned the debate, saying that the Security Council would remain seized of the question so that it might resume consideration of it at any appropriate time.¹⁰²⁶

THE SITUATION IN THE COMOROS

Decision of 6 February 1976 (1888th meeting): rejection of 5-Power draft resolution

In a telegram¹⁰²⁷ dated 28 January 1976, the Head of State of the Comoros informed the President of the Security Council that the French Government intended to organize a referendum in the island of Mayotte on 8 February 1976. He pointed out that Mayotte was an integral part of Comorian territory under French laws and that on 12 November 1975, the United Nations had admitted the Comorian State consisting of the four islands of Anjouan, Mayotte, Mohéli and Grande-Comore. In view of the flagrant aggression by France, he requested an urgent meeting of the Security Council to maintain peace in the archipelago and to safeguard the integrity of the country.

By letter¹⁰²⁸ dated 3 February 1976, the representative of Guinea-Bissau, on behalf of the African Group, asked the President of the Security Council to make the necessary arrangements for convening a meeting of the Council not later than Wednesday, 4 February 1976.

By letter¹⁰²⁹ dated 4 February 1976, the representative of Uganda transmitted a message from the President of the Republic of Uganda, then Chairman of the Organization of African Unity (OAU), in which the Comorian position was fully endorsed.

At the 1886th meeting on 4 February 1976, the Council included the question in its agenda and considered the issue at its 1886th to 1888th meetings between 4 and 6 February 1976. During its deliberations, the representatives of Algeria, Comoros, Equatorial Guinea, Guinea, Guinea-Bissau, Kenya, Madagascar, Nigeria, Saudi Arabia and Somalia were invited, at their request, to participate in the discussion without the right to vote.¹⁰³⁰

At the 1886th meeting, the representative of the Comoros said that his Government's position was clearly expressed in the telegram of 28 January¹⁰³¹ and the head of his delegation would provide the additional information necessary on the issue upon his arrival.¹⁰³²

¹⁰²⁶ *Ibid.*, para. 37.

¹⁰²⁷ S/11953, OR, *31st yr., Suppl. for Jan-March 1976*, p. 80. At the end of the 1885th meeting on 30 January 1976, following the discussion of the situation in Namibia, the President read out the text of the telegram and announced that in accordance with the usual practice, he and his successor in the Presidency would approach members of the Council in order to determine what further steps should be taken with regard to the request. A procedural discussion ensued in which the representative of the Libyan Arab Republic tried to address the urgency of the Comorian request and the representative of France, supported by the President, insisted that the question of the Comoros was not on the agenda and that any discussion of the issue would have to wait until the Council agreed to put the item on its agenda. The President reiterated his assurance that he would take action on the matter as soon as possible (1885th mtg., paras. 135-142).

¹⁰²⁸ S/11959, *ibid.*, p. 83.

¹⁰²⁹ S/11960, *ibid.*, p. 83.

¹⁰³⁰ For details, see Chapter III.

¹⁰³¹ S/11953, OR, *31st yr., Suppl. for Jan-March 1976*, p. 80.

¹⁰³² 1886th mtg., paras. 8-9.

At the same meeting, the representative of France reviewed the background of the matter and stated that in December 1974, the French Government had organized a consultation of the Comorian population which resulted in a large majority in favour of independence. However, two thirds of the votes in the island of Mayotte were negative. The French parliament adopted on 30 June 1975 a law providing for the drafting of a constitution preserving the political and administrative identity of the islands. Although only the French parliament could decide to transfer sovereignty, the Chamber of Deputies of the Comoros proclaimed the independence of the islands on 5 July 1975.

On 31 December, the French Government recognized the independence of the islands of Grande-Comore, Anjouan, and Mohéli but provided for the people of Mayotte to make a choice between the island remaining in the French Republic and being integrated in the new Comorian State.

The question of the referendum thus resulted from the scrupulous application of the principle of self-determination and France had the duty to furnish the inhabitants of Mayotte the means of making an impartial choice.¹⁰³³

The representative of Guinea-Bissau, speaking also in the name of the OAU, said it was France's moral duty to help the Comorians forge a nation and to preserve the groups of the four islands as a united republic. The Government of Guinea-Bissau and the OAU always did stand for the principle of self-determination and regarded the case of Mayotte as one of political manipulation of local parties by the French Government in order to preserve some degree of influence in the area.¹⁰³⁴

At the 1887th meeting, the representative of the Comoros stated that his Government would never accept a division of whatever nature of its new state. The unity of the islands was an undeniable fact accepted by the French themselves. He affirmed that several French texts and laws showed the political and administrative unity of the archipelago since the time of colonization and the law on the basis of which the referendum on independence held in December 1974 stipulated that the latter would be held on a global basis and not for each island in isolation. France, perplexed by the result of the referendum, took Mayotte as an excuse for extending colonialism and interfering in the internal affairs of the Comoros by taking administrative, military and other measures.¹⁰³⁵

The representative of Panama stated that the Security Council and the General Assembly had accepted for membership the State of the Comoros as comprising the four islands. To question the territorial integrity of the new State would be contrary to the purposes and principles of the Charter and the Declaration of the Granting of Independence to Colonial Countries and Peoples.¹⁰³⁶

¹⁰³³ *Ibid.*, paras. 11-12.

¹⁰³⁴ *Ibid.*, paras. 35-46.

¹⁰³⁵ 1887th mtg., paras. 5-2.

¹⁰³⁶ *Ibid.*, paras. 30-39.

At the 1888th meeting, the representative of the United Republic of Tanzania introduced a draft resolution¹⁰³⁷ co-sponsored by Benin, Guyana, the Libyan Arab Republic and Panama. He declared that the draft resolution avoided any condemnation and asked for the respect of the principles of the Charter, which were the best safeguard for small countries like the Comoros. He also stated that since in Article 25 of the Charter Member States agreed to be bound by the decisions of the Council, it would be only fair that the Security Council, acting on behalf of the international community, would take into account the views of the Member States.¹⁰³⁸

At the same meeting the Chinese representative recognized the independence of the Comoros as a great victory in the struggle against imperialism and colonialism and reaffirmed the inalienable right of the new State to maintain its unity and territorial integrity.¹⁰³⁹

The representative of the USSR declared that the decision of the United Nations had come to constitute the international legal basis for recognition of the Comorian State and its territorial integrity and reaffirmed his country's solidarity with the struggle of the colonial people for their freedom and independence.¹⁰⁴⁰

The representative of the United Kingdom stated his understanding of both the position of the Comoros, according to which its former colonial boundaries should have been retained after independence, and of the constitutional imperatives with which the French Government was confronted. The United Kingdom Government hoped that the issue could be settled by continuing negotiations.¹⁰⁴¹

The Japanese representative suggested the resumption of talks between the two Governments and proposed the suspension of the referendum by France, pending the outcome of the talks.¹⁰⁴²

At the same meeting the Council proceeded to the vote on the draft resolution¹⁰⁴³ sponsored by Benin, Guyana, Libyan Arab Republic, Panama and the United Republic of Tanzania. By its preambular paragraphs the resolution would have recalled General Assembly resolutions 3291 (XXIX) and 3385 (XXX) reaffirming the unity and territorial integrity of the Comoro archipelago. By its operative paragraphs the resolution would have considered that the holding of the referendum by France in Mayotte constituted an interference in the internal affairs of the Comoros and called upon France to desist from the holding of the referendum and to refrain from any action which could have jeopardized the independence and sovereignty of the Comorian State; the resolution would have further requested the Government of France to enter into immediate negotiations with the Government of the Comoros for the purpose of taking appropriate measures

to safeguard the unity and territorial integrity of the State of the Comoros composed of the islands of Anjouan, Grande-Comoro, Mayotte and Mohéli.

The draft resolution received 11 votes in favour, 1 against and 3 abstentions and was not adopted owing to the negative vote of a permanent member of the Council.¹⁰⁴⁴

Following the vote, the representative of France stated that his negative vote showed that France was confronted with a real problem and did not exclude the undertaking of negotiations with the Comoros.¹⁰⁴⁵

The representative of Benin regretted that the draft resolution was not adopted, and wondered whether France, as a party to the dispute, was entitled to participate in the vote.¹⁰⁴⁶

The representative of the Libyan Arab Republic expressed its sincere doubts and reservations in connection with the result of the voting. In his view, in accordance with Article 27, paragraph 3, of the Charter, France was not entitled to cast a positive or negative vote since France was a party to the dispute.¹⁰⁴⁷

The representative of France, in response to the comments made by the Libyan representative, recalled that in Panama in March 1973, in a matter which brought Panama into direct conflict with the United States, no one found it exceptional that Panama, which held the presidency, should have voted and that the United States also voted and exercised its right of veto. He stressed that for 25 years the Council had always felt that in a situation like the present, one should not prevent States members of the Council or States directly or indirectly concerned in the matter from casting their vote, as they would undoubtedly exercise their vote if this matter was considered in the context of Chapter VII of the Charter, under which the right to vote was not challenged. He could have provided a list of precedents in which, analogous to the case under consideration, delegations did not hesitate to use their right of veto and where this right was not challenged by anyone.¹⁰⁴⁸

The representative of Benin said he was not challenging the veto which had been cast, but he was raising a question so that members of the Council could give some thought to a particular category of cases in the future.¹⁰⁴⁹

In response to France's intervention the representative of Panama said the reason for the Council's visit to his country was not to consider a dispute between Panama and the United States but to hold a series of special meetings on the matters relating to the maintenance and strengthening of peace in Latin America. The question under consideration was not a similar situation. The Council had before it a matter relating to the peaceful settlement of disputes and in conformity with paragraph

¹⁰³⁷ S/11967, OR, 31st yr., Suppl. for Jan.-March 1976, p. 85

¹⁰³⁸ 1888th mtg., paras. 18-34

¹⁰³⁹ *Ibid.*, paras. 35-37

¹⁰⁴⁰ *Ibid.*, paras. 59-72

¹⁰⁴¹ *Ibid.*, paras. 92-99

¹⁰⁴² *Ibid.*, paras. 103-108

¹⁰⁴³ S/11967, OR, 31st yr., Suppl. for Jan.-March 1976, p. 85

¹⁰⁴⁴ 1888th mtg., para. 247

¹⁰⁴⁵ *Ibid.*, paras. 249-263

¹⁰⁴⁶ *Ibid.*, paras. 265-267

¹⁰⁴⁷ *Ibid.*, para. 269

¹⁰⁴⁸ *Ibid.*, paras. 270-271

¹⁰⁴⁹ *Ibid.*, paras. 274-275

3 of Article 27 of the Charter "... in decision under Chapter VI, ... a party to a dispute shall abstain from voting". It was thus doubtful whether the representative of France in this case was entitled to cast a veto. He invited the Council to carry out a detailed legal study on this matter.¹⁰⁵⁰

The President said that since before the vote there might have been a challenge to the right of France to vote, the Secretariat was consulted and a position was developed and made available. Had the question of the right of France to vote been raised before the vote he believed that its right would have been sustained.¹⁰⁵¹

The representative of the Libyan Arab Republic stated that his colleagues from Benin and Panama and he himself wished to register their reservations and had not asked for a ruling or for a statement by the President; therefore, they did not consider his last statement as a ruling on the problem.¹⁰⁵²

The President confirmed that his statement was not a ruling but a point of information in case Council members wanted to know in what way the Secretariat advised the presidency in this matter.¹⁰⁵³

The representative of the United Republic of Tanzania said his delegation took a very serious view of the observations made by Benin, Libya and Panama. The issues involved dealt with an extremely important facet of the Organization's performance, involving juridical consideration. He considered the President's statement as a personal belief of the representative of the United States, since the Council did not ask for a ruling and believed that the Secretariat could not and should not give legal advice unless specifically asked on this matter by the Security Council.¹⁰⁵⁴

At the conclusion of the 1888th meeting, the representative of the Comoros expressed deep regret over the negative vote cast by France but welcomed the vindication by the other members of the Security Council of the legitimate demand of his Government for faithful respect for the sovereignty, independence and territorial integrity of the Comoros. He hoped that the French Government would heed the wishes of the international community on this issue.¹⁰⁵⁵

COMMUNICATIONS FROM FRANCE AND SOMALIA CONCERNING THE INCIDENT OF 4 FEBRUARY 1976

INITIAL PROCEEDINGS

In a letter¹⁰⁵⁶ dated 4 February 1976 addressed to the President of the Security Council, the representative of France requested an urgent meeting of the Council to consider the serious incident that had occurred on 4 February at Loyada, a post situated on the frontier

between Somalia and the French Territory of the Afars and the Issas, in which French forces were fired on by heavy weapons from Somalia and were obliged to react.

By note¹⁰⁵⁷ dated 5 February 1976 the representative of Somalia transmitted a telegram dated 26 January 1976 and addressed to the Secretary-General by the President of the Supreme Revolutionary Council of the Somali Democratic Republic, drawing attention to the critical situation in French Somaliland and its implication for the stability and peace of the region. The President appealed to the Secretary-General to intervene in order to assist the people of that territory to attain unconditional independence.

In a further letter¹⁰⁵⁸ dated 5 February addressed to the President of the Security Council, the representative of Somalia requested an urgent meeting of the Security Council to consider France's attack on 4 February on the border town of Loyada in Somalia.

By letter¹⁰⁵⁹ dated 10 February 1976 addressed to the President of the Security Council, the representative of Somalia furnished a list of the Somali casualties suffered in the incident of 4 February.

In a letter¹⁰⁶⁰ dated 11 February 1976 addressed to the President of the Security Council, the representative of France rejected Somalia's allegations and gave a detailed account of the incident.

By letter¹⁰⁶¹ dated 13 February 1976 the representative of Somalia requested a postponement of the Security Council's meeting.

By letter¹⁰⁶² dated 18 February 1976 addressed to the President of the Security Council, the representative of Somalia requested an urgent meeting of the Security Council to consider its complaint against France's aggression.

The Security Council considered the matter at its 1889th meeting held on 18 February 1976. After the adoption of the agenda¹⁰⁶³ the representatives of Ethiopia and Somalia were invited, at their request, to participate in the discussion without the right to vote.¹⁰⁶⁴

The representative of France referred to his previous communication containing the request for the Security Council meeting¹⁰⁶⁵ and indicated that since the incident had not led to any immediate consequences, and since the situation in the area had returned to normal, he felt that it was not necessary for the Council to convene immediately. He then rejected the charges of aggression and presented a detailed account of the incident. He said that France deeply regretted any loss among Somali civilians during the brief encounter between French forces and the accomplices of the terrorists stationed on Somali territory. France wanted relations

¹⁰⁵⁰ *Ibid.*, paras 276-280

¹⁰⁵¹ *Ibid.*, paras 292-293

¹⁰⁵² *Ibid.*, para 294

¹⁰⁵³ *Ibid.*, para 295

¹⁰⁵⁴ *Ibid.*, paras 300-308

¹⁰⁵⁵ *Ibid.*, paras 320-325

¹⁰⁵⁶ S/11961, *OR 31st yr., Supp. for Jan.-March 1976*, p. 84

¹⁰⁵⁷ S/11965, *ibid.*

¹⁰⁵⁸ S/11969, *ibid.*, pp. 85-86

¹⁰⁵⁹ S/11974, *ibid.*, p. 91

¹⁰⁶⁰ S/11977 and Add.1 and Corr.1, *ibid.*, pp. 94-96

¹⁰⁶¹ S/11979, *ibid.*, p. 98

¹⁰⁶² S/11987, *ibid.*, p. 103

¹⁰⁶³ 1889th mtg., preceding para. 1

¹⁰⁶⁴ For details, see chapter III

¹⁰⁶⁵ See footnote 1056

of friendships and good neighbourliness with Somalia and was prepared at any time to enter into talks with the authorities in Mogadiscio.¹⁰⁶⁶

The representative of Somalia pointed out that his Government had requested to postpone the Council's meeting¹⁰⁶⁷ because it had been approached by a third-party state which offered its good offices with respect to the dispute. His Government had welcomed the offer and promptly accepted it in principle. But in the absence of any encouraging signs of progress within a reasonable time-limit and also taking into account the increasing tension in the area of the dispute, it had finally decided to renew the request for an urgent meeting of the Council. He also informed the Council that his Government was ready to agree to any initiatives towards serious and meaningful negotiations. He then charged that on 4 February French troops supported by armoured cars, positioned along the border of French Somaliland and the Somali Democratic Republic, launched an unprovoked attack on the Somali customs post and village of Loyada, resulting in the death of one child and several other casualties.

The Somali representative added that throughout the years, France had resisted demands by the General Assembly for the dispatch of observers to French Somaliland. In view of the threatening situation which existed there and in view of the conflicting descriptions of the Loyada incident, the Security Council should arrange for the dispatch of a fact-finding mission to the area to ascertain the truth and assess the extent of the damage to life and property at Loyada to determine the compensation to be paid by France.

He also requested the Security Council to take particular note of the Assembly's finding that the situation in French Somaliland had become a threat to the peace and stability of the region and could have adverse effects on international peace and security.¹⁰⁶⁸

In the course of the meeting the representative of France spoke several times on a point of order requesting the representative of Somalia to confine himself to the subject on the agenda and not to enter into consideration of France's policies pertaining to the Territory of the Afars and the Issas.¹⁰⁶⁹

The President assured the French representative that the Council had taken note of his objections. Stating that there was a certain latitude in Council debate, he suggested however that the representative of Somalia spoke without prejudice to the agreed agenda.¹⁰⁷⁰

The representative of France read parts of a statement of the French Government dated 31 December 1975 confirming that the French Territory of the Afars and the Issas was destined for independence and stipulating the ways and means of obtaining that end.¹⁰⁷¹

REQUEST BY MOZAMBIQUE UNDER ARTICLE 50 OF THE CHARTER IN RELATION TO THE SITUATION WHICH HAS ARISEN AS A RESULT OF ITS DECISION TO IMPOSE SANCTIONS AGAINST SOUTHERN RHODESIA

INITIAL PROCEEDINGS

By telegram¹⁰⁷² dated 10 March 1976 addressed to the President of the Security Council, the Minister for Foreign Affairs of Mozambique requested an urgent meeting of the Security Council under Article 50 of the Charter to consider the situation which had arisen as a result of Mozambique's decision to impose sanctions against Southern Rhodesia in full implementation of the relevant decisions of the United Nations. He also drew attention to acts of aggression committed by the racist minority régime which constituted a threat to peace and security in Mozambique, in Africa and in the world. He appealed to the Security Council to take the necessary steps to help Mozambique to defend itself.

By notes dated 8 March 1976¹⁰⁷³ and 15 March 1976,¹⁰⁷⁴ the Secretary-General informed the Security Council that he had received information concerning the situation which had arisen as a result of the decision of Mozambique to impose sanctions against Southern Rhodesia.

By letter dated 8 March 1976¹⁰⁷⁵ addressed to the Secretary-General, the Foreign Minister of Mozambique transmitted a statement made on 3 March by the President of Mozambique proclaiming the imposition of sanctions against Southern Rhodesia.

At the 1890th meeting on 16 March 1976 the Security Council adopted the agenda¹⁰⁷⁶ and considered the item at its 1890th, 1891st and 1892nd meetings held on 16 and 17 March 1976. The representatives of Egypt, Jamaica, Kenya, Mozambique and Zambia were invited, at their request, to participate in the discussion without the right to vote.¹⁰⁷⁷

Decision of 17 March 1976 (1892nd meeting): resolution 386 (1976)

At the 1890th meeting the representative of Mozambique said that the decision by his Government to apply the sanctions fully was not, as claimed in some quarters, a result of aggressions of which Mozambique had been a victim but was in line with his Government's determination to fulfil its international obligations. The application of economic sanctions against the illegal régime in Southern Rhodesia, the closure of the borders and the suspension of all forms of communication with that country had heavy effects on some fundamental sectors of the economy of Mozambique. He went on to say that Mozambique's manpower had been exported to labours, under degrading conditions, in the mines and on the farms of South Africa and Southern Rhodesia constituting one of the main sources of foreign exchange

¹⁰⁶⁶ 1889th mtg., paras 6-24

¹⁰⁶⁷ See footnote 1061

¹⁰⁶⁸ 1889th mtg., paras 27-44, 48, 52, 56-57, 70-71, and 78-97

¹⁰⁶⁹ *Ibid.*, paras 46, 50, 59, 61 and 75

¹⁰⁷⁰ *Ibid.*, para 54

¹⁰⁷¹ *Ibid.*, paras 98-100

¹⁰⁷² S/12009, OR 31(1) *vr.*, Suppl. for Jan.-March 1976, pp. 117-118

¹⁰⁷³ S/12004, *ibid.*, pp. 112-113

¹⁰⁷⁴ S/12004 Add. I, *ibid.*, p. 113

¹⁰⁷⁵ S/12005, *ibid.*, pp. 113-116

¹⁰⁷⁶ 1890th mtg., para. 2

¹⁰⁷⁷ For details, see chapter III

earnings for Mozambique. The overall effects of the sanctions on the economy of Mozambique would be great, he stressed, and it needed material support to convert its economy within the general plan of national reconstruction.

Mozambique, he continued, was asking the Security Council to give the Secretary-General the necessary authority to study with Mozambique the technical and financial means of implementing projects that would create new structures and new employment.¹⁰⁷⁶

The representative of Jamaica pointed out that the 1975 meeting of Commonwealth Heads of Government at Kingston among other things had emphasized the importance of taking immediate practical steps to assist Mozambique on its attainment of independence in applying sanctions against Southern Rhodesia in terms of Articles 49 and 50 of the Charter of the United Nations. He welcomed the decision of the Government of Mozambique and said that it was the duty of the entire international community to render assistance to Mozambique.¹⁰⁷⁹

The representative of Kenya, speaking as current Chairman of the African Group of States, said that the sanctions against Southern Rhodesia had never been effective because many Members of the United Nations, through one pretext or another, had never applied them. Because of this the Southern Rhodesian régime had grown more defiant and the pain of applying sanctions hurt only a few Members, notably Zambia and Mozambique. Since the sanctions were openly ignored, particularly by Southern Rhodesia's immediate neighbours, the African states called for widening the sanctions to include those who defied the United Nations. He appealed to the United Nations to mobilize all its agencies, in particular, the Economic and Social Council, the United Nations Development Programme, the World Bank, all other specialized agencies and individual Member States and organizations to assist Mozambique in its present economic difficulties.¹⁰⁸⁰

The representative of Zambia, citing what he called an inadequate response to Zambia's own earlier request for assistance in similar circumstances, expressed the hope that concrete and effective measures of assistance to Mozambique could be spelt out.¹⁰⁸¹

At the same meeting the representative of the United Republic of Tanzania emphasized that the Council was not called upon to give charity or disinterested assistance to Mozambique but to fulfil the obligations under Articles 49 and 50 of the Charter. He then introduced the draft resolution sponsored by Benin, Guyana, Italy, Japan, the Libyan Arab Republic, Pakistan, Panama, Romania, Sweden, the United Kingdom and the United Republic of Tanzania.¹⁰⁸²

The representative of the United Kingdom said that his Government was committed to giving assistance to

Mozambique, in conformity with the decisions taken at the Commonwealth Conference at Kingston.¹⁰⁸³

The representative of Egypt noted that any assistance to Mozambique should not be viewed as support to Mozambique, but rather as mutual assistance in carrying out measures decided upon by the Security Council in accordance with Articles 25 and 49 of the Charter. He called on the Council to condemn all acts of aggression by the Southern Rhodesian régime against Mozambique and to request the Secretary-General to appoint a co-ordinator of the United Nations assistance in Mozambique.¹⁰⁸⁴

At the 1891st meeting on 17 March 1976 the representative of Sweden praised the decision of the Government of Mozambique and emphasized that the Charter did in that context impose clear obligations on the Members of the United Nations. Just as all Members under Articles 24 and 25 of the Charter had accepted the obligation to accept and carry out the decision of the Security Council to apply the system of sanctions against Southern Rhodesia, the Members were called upon under Articles 49 and 50 to provide mutual assistance in carrying out the measures decided upon by the Council.¹⁰⁸⁵

At the same meeting the representative of China said that his Government and people sympathized and firmly supported the Mozambican people in their just struggle and strongly condemned the Smith régime's aggression against Mozambique. The United Nations should give assistance to the Mozambican people in their just struggle, solemnly condemn the Southern Rhodesian white racist régime for its aggression against Mozambique, expand and strengthen the sanctions against Southern Rhodesia, and take all measures to guarantee the implementation of the United Nations resolution on sanctions against Southern Rhodesia.¹⁰⁸⁶

At the 1892nd meeting on 17 March 1976, the representative of France assured Mozambique of France's total support in its efforts to render more effective the decisions of the United Nations. He emphasized that the problem with which the Council was confronted was political. It concerned the authority of the international community and the dignity of Africa.¹⁰⁸⁷

The representative of the USSR stressed that a number of representatives, primarily those of African countries, had convincingly demonstrated that the racist régime of Ian Smith was perpetrating armed aggression against a member of the Organization of African Unity and a Member of the United Nations. The draft resolution before the Council quite properly pointed out that the Security Council was gravely concerned at the situation created by the provocative and aggressive acts committed by the illegal minority régime in Southern Rhodesia against the security and territorial integrity of

¹⁰⁷⁶ 1890th mtg., paras. 9-31

¹⁰⁷⁷ *Ibid.*, paras. 34-51

¹⁰⁷⁸ *Ibid.*, paras. 54-62

¹⁰⁷⁹ *Ibid.*, paras. 65-84

¹⁰⁸⁰ *Ibid.*, paras. 87-105

¹⁰⁸³ *Ibid.*, paras. 108-115

¹⁰⁸⁴ *Ibid.*, paras. 118-141

¹⁰⁸⁵ 1891st mtg., paras. 32-37

¹⁰⁸⁶ *Ibid.*, paras. 71-76

¹⁰⁸⁷ 1892nd mtg., paras. 4-10

Mozambique. The draft appealed to all States to provide immediate assistance to Mozambique so that it could carry out its economic development programme at the normal pace. He stated that the Soviet Union rendered already the necessary substantial material assistance to Mozambique. The burden of compensation for damage caused, however, should be borne by those States that were, in fact, politically responsible for maintaining the régime in Southern Rhodesia, as well as those States that continued to maintain close economic and other contacts with the territory.¹⁰⁸⁸

The representative of the United States expressed his disappointment that the draft resolution contained a number of elements which did not bear on its main objectives. The charges of aggression deserved careful attention. His Government wished to make clear that it did not regard them as related to the appeal which the Council was making on behalf of Mozambique under Article 50. He viewed that appeal as premised solely on Mozambique's compliance with resolutions 232 (1966) and 253 (1968) and the costs which ensued from that compliance. The United States would normally have abstained from voting on that draft because of the insertion of those references. However it would vote in favour, in order to leave no doubt that it supported the principal purpose of the draft resolution.¹⁰⁸⁹

At the same meeting the draft resolution was adopted unanimously.¹⁰⁹⁰

The resolution reads as follows:

The Security Council,

Taking note of the statement made by the President of the People's Republic of Mozambique on 3 March 1976,

Having heard the statement of the Minister for Foreign Affairs of the People's Republic of Mozambique,

Gravely concerned at the situation created by the provocative and aggressive acts committed by the illegal minority régime in Southern Rhodesia against the security and territorial integrity of the People's Republic of Mozambique,

Reaffirming the inalienable right of the people of Southern Rhodesia (Zimbabwe) to self-determination and independence, in accordance with General Assembly resolution 1514 (XV) of 14 December 1960, and the legitimacy of their struggle to secure the enjoyment of such rights, in accordance with the Charter of the United Nations,

Recalling its resolution 253 (1968) of 29 May 1968 imposing sanctions against Southern Rhodesia,

Recalling further its resolutions 277 (1970) of 18 March 1970 and 318 (1972) of 28 July 1972,

Noting with appreciation the decision of the Government of Mozambique to sever immediately all trade and communication links with Southern Rhodesia in accordance with the decision of the Council and in strict observance of economic sanctions,

Considering that this decision constitutes an important contribution to the realization of the United Nations objectives in Southern Rhodesia in accordance with the principles and purposes of the Charter,

Recognizing that the action of the Government of Mozambique is in accordance with resolution 253 (1968),

Bearing in mind the provisions of Articles 49 and 50 of the Charter,

1. *Commends* the Government of Mozambique for its decision to sever all economic and trade relations with Southern Rhodesia,

2. *Condemns* all provocative and aggressive acts, including military incursions, against the People's Republic of Mozambique by the illegal minority régime of Southern Rhodesia,

3. *Takes note* of the urgent and special economic needs of Mozambique arising from its implementation of resolution 253 (1968), as indicated in the statement by its Minister for Foreign Affairs:

4. *Appeals* to all States to provide immediate financial, technical and material assistance to Mozambique, so that Mozambique can carry out its economic development programme normally and enhance its capacity to implement fully the system of sanctions,

5. *Requests* the United Nations and the organizations and programmes concerned, in particular the Economic and Social Council, the United Nations Development Programme, the World Food Programme, the World Bank, the International Monetary Fund and all United Nations specialized agencies, to assist Mozambique in the present economic situation and to consider periodically the question of economic assistance to Mozambique as envisaged in the present resolution,

6. *Requests* the Secretary-General, in collaboration with the appropriate organizations of the United Nations system, to organize, with immediate effect, all forms of financial, technical and material assistance to Mozambique to enable it to overcome the economic difficulties arising from its application of economic sanctions against the racist régime in Southern Rhodesia

The Secretary-General, in a statement following the adoption of the resolution, said he hoped there would be a prompt and favourable response from all Member States to the Council's appeal for assistance to Mozambique. It was his intention, he said, to send a mission to Maputo, Mozambique, without delay for detailed discussions with the Government on an effective programme of assistance geared to the immediate and long-term needs of the country.¹⁰⁹¹

The representative of Mozambique said that he felt confident that the international community would not fail to pool its efforts to help Mozambique in solving many problems, the quantification of which had not yet been possible.¹⁰⁹²

COMPLAINT BY KENYA, ON BEHALF OF THE AFRICAN GROUP, CONCERNING THE ACT OF AGGRESSION COMMITTED BY SOUTH AFRICA AGAINST THE PEOPLE'S REPUBLIC OF ANGOLA

INITIAL PROCEEDINGS

By letter¹⁰⁹³ dated 10 March 1976 addressed to the President of the Security Council, the representative of Kenya, on behalf of the African Group, requested a Council meeting to consider the act of aggression committed by South Africa against Angola.

By letter¹⁰⁹⁴ dated 21 March 1976 addressed to the Secretary-General, the representative of South Africa transmitted the texts of statements made by the Prime Minister of Defence concerning the withdrawal of South African troops from Angola. The Prime Minister, in his statement, said that his Government was considering assurances received through a third party. If it found them acceptable, it would withdraw its forces from the area not later than 27 March.

¹⁰⁸⁸ 1892nd mtg., paras. 13-24

¹⁰⁸⁹ *Ibid.*, paras. 44-51

¹⁰⁹⁰ *Ibid.*, para. 80, adopted as resolution 386 (1976)

¹⁰⁹¹ *Ibid.*, paras. 82-88

¹⁰⁹² *Ibid.*, paras. 91-99

¹⁰⁹³ S/12007, OR, 31st yr., Suppl. for Jan.-March 1976, p. 317

¹⁰⁹⁴ S/12019, *ibid.*, pp. 126-127

By letter¹⁰⁹⁴ dated 23 March 1976 addressed to the Secretary-General, the representative of Portugal denied the South African assertion that Portugal had advance information about South Africa occupying the Caluegue Dam site in Angola.

By letter¹⁰⁹⁵ dated 25 March 1976 addressed to the Secretary-General, the representative of South Africa set out excerpts from a statement of that date by the Minister of Defence that the Government of South Africa had decided to withdraw all its forces from Angola by 27 March.

By letter¹⁰⁹⁶ dated 28 March 1976 addressed to the Secretary-General, the representative of South Africa confirmed that the withdrawal of South African troops from Angola had been completed by 27 March.

By letter¹⁰⁹⁷ dated 31 March 1976 addressed to the President of the Security Council, the representative of South Africa drew attention to some differences of interpretation and several omissions in the statement of Portugal at the 1905th meeting of the Security Council.

The Security Council included the item in its agenda¹⁰⁹⁸ and considered it at its 1900th to 1906th meetings from 29 March to 31 March 1976.

In the course of its deliberations the Council invited the representative of Angola to participate in the debate in accordance with article 32 of the Charter.¹¹⁰⁰ The Council also invited the representatives of Bulgaria, the Congo, Cuba, Egypt, the German Democratic Republic, Guinea,¹¹⁰¹ Guinea-Bissau, India, Kenya, Madagascar, Mali, Mozambique, Nigeria, Poland, Portugal, Saudi Arabia, Sierra Leone, Somalia, South Africa, the Syrian Arab Republic, Uganda, the United Republic of Cameroon, Yugoslavia and Zambia, at their request, to participate without vote, in the discussion of the item.¹¹⁰²

Decision of 31 March 1976 (1906th meeting): resolution 387 (1976)

At the 1900th meeting the representative of Angola said that his country, while still under the so-called government of transition had been the victim of an unjustified invasion: imperialism had sent into Angola not only mercenaries of diverse nationalities but also the regular South African army. The purpose of the invasion was to offset the failures of the internal agents of imperialism, to cut off the vanguard of the Angolan people and to prevent the declaration of independence of Angola. Not only was its sovereignty being violated but there were violations of principles universally recognized by the international community. Certain circles in international politics had been concerned about Soviet and Cuban support for Angola, but when the South African invasion had apparently succeeded, those same

voices remained silent. Only later, after independence, was Angola accused of using the assistance of friendly countries to drive out the invader. In reality, Angola was exercising its sovereignty by asking for assistance from those that from the beginning had a clear understanding of the Angolan struggle. It was Angola's right to appeal to any country for help when necessary; any concern of that kind about Angola was unquestionably an unjustified interference in its internal affairs. He said that Angola demanded the unconditional withdrawal of the forces of the South African army and it hoped that the Council would take a decision so that the withdrawal might take place immediately. Angola also hoped that the Council would take action to see to it that South Africa guaranteed respect for the independence and territorial integrity of Angola, that it stopped using the territory of Namibia as a base for acts of aggression against Angola and that it returned material property and compensated Angola for the injury done to its economy and people.¹¹⁰³

The representative of Kenya, speaking as the Chairman of the African Group of States, said that South Africa had no common border with Angola. South Africa moved many hundreds of miles from its borders through Namibia, which it occupied illegally before reaching Angolan territory. For a long time African States had been saying that South Africa's illegal presence in Namibia constituted a threat to international peace and security. South Africa had no business to be in Namibia and, as though that was not bad enough, it had moved beyond to commit acts of aggression and destruction in Angola. He said that the African group could do no less than ask the Security Council to condemn the racist régime of South Africa for using Namibia for aggressive purposes against the People's Republic of Angola and to demand that South Africa compensate Angola for the destruction it had inflicted there. The Council also had to call once more on South Africa to vacate Namibia as soon as possible.¹¹⁰⁴

The representative of China stated that the South African racist régime had openly carried out armed aggression against Angola and directly interfered in its internal affairs under the pretext of protecting its so-called interests in Angola. He also charged that the Soviet Union was involved in Angola.¹¹⁰⁵

Following the statement of the representative of China, the President, speaking on a point of order, expressed the desire that statements by the members of the Council be limited to the item on the agenda.¹¹⁰⁶

The representative of the United Republic of Tanzania referred to the statement of the representative of China and noted that he would never accept the thesis that the South African aggression in Angola had been caused by Soviet support, Cuban support or any other support for the liberation movement in Angola.¹¹⁰⁷

¹⁰⁹⁴ S/12023, *ibid.*, p. 131.

¹⁰⁹⁵ S/12024, *ibid.*, pp. 131-132.

¹⁰⁹⁶ S/12026, *ibid.*, p. 133.

¹⁰⁹⁷ S/12033, *ibid.*, p. 137.

¹⁰⁹⁸ 1900th mtg., preceding para. 1.

¹⁰⁹⁹ For details, see chapter III.

¹¹⁰⁰ The representative of Guinea was also invited in her capacity as Chairman of the Special Committee against Apartheid (see 1901st mtg., para. 3).

¹¹⁰¹ For details, see chapter III.

¹¹⁰³ 1900th mtg., paras. 13-32.

¹¹⁰⁴ *Ibid.*, paras. 35-49.

¹¹⁰⁵ *Ibid.*, paras. 53-66.

¹¹⁰⁶ *Ibid.*, para. 67. The same opinion was expressed by the representative of the USSR (*ibid.*, para. 68).

¹¹⁰⁷ *Ibid.*, paras. 69-79.

At the 1901st meeting on 29 March 1976, the representative of Guinea who also spoke in her capacity as Chairman of the Special Committee against *Apartheid* said that to avert further acts of South African aggression against Angola it was imperative for the Council to take appropriate measures, as it had been requested to do by the General Assembly, to ensure the full application of the arms embargo against South Africa, without any exceptions or reservations and the cessation of all military co-operation with that régime. It had become essential for the international community to take preventive measures by providing all necessary assistance to the Governments and peoples of the countries bordering on South Africa to help them consolidate their independence and resist South African aggression and pressure.¹¹⁰⁸

The representative of Zambia, speaking as President of the United Nations Council for Namibia, said the aggression committed against Angola by the racist régime of South Africa had been launched from Namibia, a Territory under the direct responsibility of the United Nations. The illegal character of the presence of South Africa in Namibia had been stated by the International Court of Justice and repeatedly reaffirmed by the Security Council and the General Assembly. The legal authority with respect to Namibia rested with the United Nations Council for Namibia, he stated.¹¹⁰⁹

The representative of Egypt said that Egypt as an African country considered the aggression against Angola by South Africa as directed against Egypt and, in accordance with the resolution on Angola taken by the OAU at its 26th meeting in Addis Ababa, Egypt held that it was its duty to contribute effectively to the defence of the national independence, territorial integrity and sovereignty of Angola.¹¹¹⁰

At the 1902nd meeting on 29 March 1976, the representative of Poland stated that Poland shared the prevailing view that South Africa's action against independent Angola represented a threat to international peace and security. He also stated that the fact that South Africa had been compelled to take steps to withdraw from Angola was an illustration of a certain effectiveness in the efforts of the United Nations, and that it should do its utmost to consolidate the independence, sovereignty and territorial integrity of the young Republic of Angola.¹¹¹¹

The representative of Cuba stated that South Africa had launched its aggression against Angola in an attempt to wrest complete victory from MPLA and frustrate genuine independence. Early in August 1975, South African armed forces had crossed the border of Namibia, occupied large parts of the southern part of Angola and, in conjunction with bands of Angola traitors, had begun its armed intervention in what was then still a territory under Portuguese administration. The Portuguese Government had protested against that invasion. No other foreign military force had been in

Angola at that time. Between August and October 1975, the imperialist interference continued, its purpose being to seize the capital, and control the vital centres of the country before independence was declared on 11 November. The agents of the United States Central Intelligence Agency, white mercenaries and puppet troops had intervened at the side of the South Africans. It was not until October that Cuba had sent its first instructors to Angola. Following a massive invasion by South African troops Cuba had decided on 5 November, at the request of MPLA, to send the first military unit to Angola. He also categorically rejected the assertion by the representative of China that it was not the People's Republic of Angola which was fighting against South African aggression but mercenaries, including Cubans and nationals of other countries. He urged the Security Council to condemn South African aggression, withdraw all its troops from Angola and scrupulously respect the independence, sovereignty and integrity of that Country.¹¹¹²

At the 1903rd meeting on 30 March 1976, the President of the United Nations Council for Namibia said that South Africa's aggression against Angola was launched from Namibia, a territory under the direct responsibility of the United Nations. Therefore South Africa had committed a double offence in international law. South Africa had to be branded as an aggressor State which used its illegal presence in Namibia to launch an armed invasion upon a neighbouring country. The withdrawal of its troops from Angola was not sufficient to reduce the threat to international peace and security in southern Africa. The Security Council had to condemn the South African withdrawal back to Namibia as an attempt to mislead world opinion.¹¹¹³

At the 1904th meeting on 30 March 1976, the representative of the USSR stated that when the question of aid to Angola had arisen it had been in very complicated circumstances. There had been the matter of the proclamation of independence. At that time South African forces helped by mercenaries had been advancing from the south to Luanda. So the question had been whether Angola would be free and independent or once again become a colony. Like all socialist countries, the USSR could not remain indifferent to the fate of the Angolan people and had decided to help them, but not because it had any interests in Angola. He condemned the South African racists for their aggression against Angola and for their use of Namibia as a base for that aggression. Resolutely condemning the South African aggression and demanding its immediate withdrawal and respect for the territorial integrity and sovereignty of the people of Angola, in addition to material compensation for the harm done by the South African régime, he felt that peace in that area could be achieved only if there was no intervention and no aggression against Angola nor any other African people struggling against racism and *apartheid*.¹¹¹⁴

¹¹⁰⁸ 1901st mtg., paras. 4-35.

¹¹⁰⁹ *Ibid.*, paras. 37-49.

¹¹¹⁰ *Ibid.*, paras. 51-65.

¹¹¹¹ 1902nd mtg., paras. 4-15.

¹¹¹² *Ibid.*, paras. 33-65.

¹¹¹³ 1903rd mtg., paras. 5-15.

¹¹¹⁴ 1904th mtg., paras. 33-58.

The representative of the Libyan Arab Republic said the Council should adopt a resolution covering the following points: condemnation of the aggression committed by the racist régime of South Africa and the violation of Angola's sovereignty and territorial integrity; condemnation of the utilization by South Africa of the international territory of Namibia to commit that aggression; a demand that South Africa respect the independence, sovereignty and territorial integrity of Angola; a demand that South Africa refrain from the utilization of Namibia to initiate acts of aggression against Angola; and a demand that South Africa pay full compensation for the damage inflicted on Angola as a result of the aggression and restore immediately to the people of Angola the equipment and material seized and looted by the invading forces.¹¹¹⁵

The representative of South Africa claimed that as he spoke South Africa had no forces on Angolan territory and he wondered what justification there was for the current Council meeting. He went on to say that South Africa had played a very limited role in the recent events, motivated by essentially protective and humanitarian considerations. It sought to protect a hydro-electric project which was constructed at great cost for purely peaceful purposes and to care for thousands of displaced persons. Any involvement of South Africa beyond that was the result of the presence of the USSR and Cuba in Angola. He also asserted that the Portuguese authorities had asked South Africa to keep its troops in Angola until a take-over by the new Government of that country.¹¹¹⁶

At the 1905th meeting on 31 March 1976 the representative of Pakistan said that the representative of Angola was within his rights in suggesting that Angola, as a sovereign and independent country, might choose to seek help where it wished, even to invite and retain within its borders the military forces of foreign countries that it considered friendly to its cause and whose assistance it felt it needed.¹¹¹⁷

The representative of Italy stated that his delegation would look favourably on any proposal based on the following points: (1) the interests of the Angolan people; (2) the lack of justification for the violation by South Africa of the sovereignty and territorial integrity of Angola and the utilization of the international Territory of Namibia to the same effect; (3) the responsibility of the Security Council, which transcended the interests of each of its members; (4) the ending of any outside interference in Angola which would increase the present danger of power politics and negatively affect any prospect for a peaceful and positive solution of the whole complex situation in the southern part of Africa.¹¹¹⁸

The representative of Portugal rejected the claims of the South African representative that South African troops had penetrated Angolan territory with the know-

ledge and prior agreement of the Portuguese Government.¹¹¹⁹

At the 1906th meeting on 31 March 1976 the representative of Japan stated that as the South African forces had been withdrawn from Angola, the main objectives for which the Council was meeting had been achieved. Therefore Japan urged the Council to follow a realistic and constructive course which would win wide support in the Council.¹¹²⁰

At the same meeting the representative of the United Republic of Tanzania introduced a draft resolution¹¹²¹ sponsored by Benin, Guyana, the Libyan Arab Republic, Panama, Romania and the United Republic of Tanzania.

The representative of the United States indicated that from the beginning of the struggle in Angola his Government sought three principal goals: an end to bloodshed; the opportunity for all competing factions through their own efforts to be represented in the Government of an independent Angola; and the cessation of all foreign military involvement. The continued presence of combat forces in Africa risked establishing a pattern of action and competition for foreign sponsorship which could fundamentally undermine what had been achieved in Africa over the past 20 years. He supported the motivation for African independence inherent in the draft resolution but said that he would abstain in the vote because the draft failed to apply to other continuing foreign interventions.¹¹²²

The representative of France stated that it was for Africans to define their destiny without any interference in the exercise of their sovereignty. Angola's civil war was no excuse for intervention by the Pretoria authorities or others.¹¹²³

The President accepted the wish of the sponsors of the draft resolution and suspended the meeting in accordance with the provisions of rule 33 of the provisional rules of procedure.¹¹²⁴

After the resumption of the meeting and before the vote, the representative of Sweden stated that military attacks of such magnitude and duration as were made by South African forces against Angola's territory had clearly to be characterized as aggression.¹¹²⁵

The President then put to the vote the six-Power draft resolution (S/12030) which was adopted by 9 votes to none, with 5 abstentions as resolution 387 (1976). One member did not participate in the vote.¹¹²⁶

The resolution reads as follows:

The Security Council,

Having considered the letter of the Permanent Representative of Kenya on behalf of the African Group of States at the United Nations,

Having heard the statement of the representative of the People's Republic of Angola,

¹¹¹⁹ *Ibid.*, paras 84-100

¹¹²⁰ 1906th mtg., paras. 68-76

¹¹²¹ *Ibid.*, paras. 120-145 S.12030, adopted without change as resolution 387 (1976)

¹¹²² *Ibid.*, paras 155-166

¹¹²³ *Ibid.*, paras 167-174

¹¹²⁴ *Ibid.*, para 218

¹¹²⁵ *Ibid.*, paras 220-227

¹¹²⁶ *Ibid.*, para 240.

¹¹¹⁵ *Ibid.*, paras 71-89

¹¹¹⁶ *Ibid.*, paras 92-162

¹¹¹⁷ 1905th mtg., paras 45-55

¹¹¹⁸ *Ibid.*, paras 56-67

Recalling the principle that no State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State,

Recalling also the inherent and lawful right of every State, in the exercise of its sovereignty, to request assistance from any other State or group of States,

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 in any other manner inconsistent with the purposes of the United Nations,

Gravely concerned at the acts of aggression committed by South Africa against the People's Republic of Angola and the violation of its sovereignty and territorial integrity,

Condemning the utilization by South Africa of the international Territory of Namibia to mount that aggression,

Gravely concerned also at the damage and destruction done by the South African invading forces in Angola and by their seizure of Angolan equipment and materials,

Noting the letter of the Permanent Representative of South Africa regarding the withdrawal of South African troops,

1 *Condemns* South Africa's aggression against the People's Republic of Angola;

2 *Demands* that South Africa scrupulously respect the independence, sovereignty and territorial integrity of the People's Republic of Angola;

3 *Demands also* that South Africa desist from the utilization of the international Territory of Namibia to mount provocative or aggressive acts against the People's Republic of Angola or any other neighbouring African State;

4 *Calls upon* the Government of South Africa to meet the just claims of the People's Republic of Angola for a full compensation for the damage and destruction inflicted on its State and for the restoration of the equipment and materials which its invading forces seized;

5 *Requests* the Secretary-General to follow the implementation of the present resolution

Explaining the reason why he had abstained in the vote the representative of the United Kingdom said that his Government had consistently opposed all forms of external intervention. South African intervention was rightly condemned in the draft resolution. But in his view all foreign intervention in Angola was wrong and should be condemned. Therefore, he found the draft unbalanced. He also had reservations concerning the use of the term "aggression" since, with the withdrawal of South African troops from Angola, it applied to a situation in the past. As to the questions of restitution and compensation for damages the Security Council was not the appropriate forum for such consideration.¹¹²⁷

Similar views were expressed by the representative of France.¹¹²⁸

At the end of the meeting a procedural discussion concerning the presidency over the Security Council took place, since the meeting continued beyond midnight ending on 1 April 1976 at 12.15 a.m.¹¹²⁹

THE SITUATION IN SOUTHERN RHODESIA

Decision of 6 April 1976 (1907th meeting): resolution 388 (1976)

On 15 December 1975 the Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia submitted to the Security Council a special report (S/11913) containing a recommendation for the expansion of sanctions against the illegal régime in Southern Rhodesia. The report stated that the Committee had considered a wide range of proposals to that end, but had managed to reach agreement, subject to reservations entered by certain delegations, on the recommendation that insurance, trade names and franchises should be included within the scope of mandatory sanctions against Southern Rhodesia.¹¹³⁰

At the 1907th meeting on 6 April 1976, the Security Council decided to include the Committee's special report in its agenda, which was adopted without objection.¹¹³¹

At the same meeting the President of the Security Council announced that, as a result of intensive consultations on certain recommendations contained in the special report, agreement had been reached on the text of a draft resolution (S/12037), which had been sponsored and submitted by all 15 members of the Security Council. The draft resolution was adopted unanimously at that meeting as resolution 388 (1976). The text of the resolution reads as follows:

The Security Council,

Reaffirming its resolutions 216 (1965) of 12 November and 217 (1965) of 20 November 1965, 221 (1966) of 9 April and 232 (1966) of 16 December 1966, 253 (1968) of 29 May 1968 and 277 (1970) of 18 March 1970,

Reaffirming that the measures provided for in those resolutions, as well as the measures initiated by Member States in pursuance thereof, shall continue in effect,

Taking into account the recommendations made by the Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia in its special report of 15 December 1975 (S/11913),

Reaffirming that the present situation in Southern Rhodesia constitutes a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that all Member States shall take appropriate measures to ensure that their nationals and persons in their territories do not insure:

(a) Any commodities or products exported from Southern Rhodesia after the date of the present resolution in contravention of Security Council resolution 253 (1968) which they know or have reasonable cause to believe to have been so exported,

(b) Any commodities or products which they know or have reasonable cause to believe are destined or intended for importation into Southern Rhodesia after the date of the present resolution in contravention of resolution 253 (1968),

(c) Commodities, products or other property in Southern Rhodesia of any commercial, industrial or public utility undertaking in Southern Rhodesia, in contravention of resolution 253 (1968).

2. *Decides* that all Member States shall take appropriate measures to prevent their nationals and persons in their Territories from granting to any commercial, industrial or public utility undertaking in Southern Rhodesia the right to use any trade name or from entering into any franchising agreement involving the use of any trade name,

¹¹²⁷ 1906th mtg., paras. 245-252

¹¹²⁸ *Ibid.*, paras. 253-254

¹¹²⁹ For details, see chapter I

¹¹³⁰ For the nature and full extent of the sanctions envisaged under those items, see the relevant operative paragraphs of resolution 388 (1976) subsequently adopted by the Security Council on the subject and reproduced below

¹¹³¹ 1907th mtg., preceding para. 2

trade mark or registered design in connexion with the sale or distribution of any products, commodities or services of such an undertaking:

3. *Urges*, having regard to the principle stated in Article 2 of the United Nations Charter, States not Members of the United Nations to act in accordance with the provisions of the present resolution

Following the vote the representative of the United Republic of Tanzania expressed his delegation's satisfaction at the unanimous sponsorship and adoption of the draft resolution by the Council, which he believed was a precedent. Nevertheless, he observed that while the agreed recommendation from the Committee was a step in the right direction, it did not go far enough; the provisions of Article 41 of the Charter had not yet been exhausted, and his delegation maintained that the sanctions would never achieve the desired purpose of toppling the illegal régime in Southern Rhodesia unless they were made fully comprehensive and effectively supervised, and were also extended to South Africa. He recalled that the heads of Commonwealth countries at their summit meeting in Kingston, Jamaica, in 1975 had agreed to recommend the expansion of the scope of sanctions and that the United Nations General Assembly and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples had repeatedly taken the same position. Still, he urged strongly that all States should scrupulously enforce the sanctions already decided upon by the Security Council.¹¹³²

The representative of Pakistan, Chairman of the Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia for the year 1976, said that if recourse to force and violence were to be avoided in Zimbabwe, the sanctions against the illegal régime in Southern Rhodesia must be made more effective. He concurred with the representative of the United Republic of Tanzania that all States should apply the sanctions faithfully; in particular, he appealed to the Security Council to impress upon South Africa the responsibility of that Government under the Charter.¹¹³³

The representative of the United Kingdom welcomed the fact that the agreement on the recommendation had been reached unanimously in the Committee and that the draft resolution giving effect to that recommendation had also been adopted unanimously in the Council. He reviewed the recent developments in Southern Rhodesia with particular regard to the measures undertaken to find a political solution to the impasse on the Southern Rhodesian situation, to all of which, he said, the leader of the illegal régime had not been receptive. After explaining the scope of the new sanctions just adopted by the Council, as understood by his delegation, the representative of the United Kingdom reaffirmed his delegation's view that the existing sanctions, even without the need to expand them, would be sufficient to

crumble the economy of the illegal régime if only they had been more efficiently and universally applied.¹¹³⁴

The representative of the United States said that his country had always scrupulously enforced the sanctions against Southern Rhodesia with the exception of the importation of certain minerals from that territory under United States domestic law. He stated, however, that the United States Government of the day was committed to repealing that piece of enabling legislation, which should increase economic pressure against the illegal régime and restore the position of the United States vis-à-vis its international obligations.¹¹³⁵

The representative of the USSR expressed regret that despite the binding nature of the sanctions imposed by the Security Council they had not been fully complied with by certain countries, some of which were violating them overtly. It was the duty of the Security Council to put an end to such violations and to intensify the sanctions against the illegal régime in Southern Rhodesia. Unfortunately, he said, the Council had on several occasions been frustrated in its efforts to that end by the use of the veto by certain Western Powers. His delegation believed that the situation in Southern Rhodesia justified the application of the full measures stipulated in Article 41 of the Charter, and had voted for the present resolution on the basis that it was an interim measure pending the adoption soon of more far-reaching measures.¹¹³⁶

The representatives of Benin, Guyana and Romania felt that the current level of sanctions had failed to bring about the desired result; they therefore supported and strongly urged the expansion of the mandatory sanctions to include all the measures provided for in Article 41 of the Charter.¹¹³⁷

The representative of France said that as one of the permanent members of the Committee since its inception, his delegation was quite aware of the imperfections of the sanctions already in force and had on many occasions supported initiatives to increase the effectiveness of the Committee. Accordingly, he declared, his delegation had no difficulty in supporting the new recommendation and in co-sponsoring the draft resolution just adopted.¹¹³⁸

The representative of Italy said that his delegation was happy to support the Committee's recommendation and to co-sponsor the subsequent draft resolution just adopted. He promised that if, in effecting the implementation of the new sanctions, further legislation was technically necessary, his Government would not fail to submit immediately the necessary proposals to the Italian Parliament for approval.¹¹³⁹

The representative of Japan said that his delegation was pleased to be associated with the recommendation from the Committee, bearing in mind the necessity to increase political and economic pressure upon the illegal

¹¹³² *Ibid.*, paras 26-32

¹¹³³ *Ibid.*, paras 34-38

¹¹³⁴ *Ibid.*, paras 40-46

¹¹³⁵ *Ibid.*, paras 49-53, 56-66 and 111-113

¹¹³⁶ *Ibid.*, paras 70-75

¹¹³⁷ *Ibid.*, paras 85-92

¹¹³² *Ibid.*, paras 7-13

¹¹³³ *Ibid.*, paras 15-21

régime in Southern Rhodesia. Although the recommendation did not go as far as some Member States would have liked, he said, his delegation considered it a practical and useful step in the right direction, and hoped that it would compel the illegal régime to turn away from its rebellion.¹¹⁴⁰

The representative of Sweden said that while his delegation welcomed the recommendation from the Committee as a measure for further tightening the pressure upon the illegal minority régime, it also proposed that the search for agreement on still further extensions of the sanctions should continue in the Committee, and his delegation was prepared to contribute actively in that search.¹¹⁴¹

The President of the Council, speaking as the representative of China, pointed out that despite the existence of sanctions the preliminary trade figure compiled by the Committee for the year 1973 indicated that the value of Southern Rhodesia's trade had increased by more than \$US 160 million. Attention should therefore be paid to the violations of those sanctions. But sanctions apart, he said, his delegation was of the view that the fundamental solution to the question of Southern Rhodesia lay in the struggle by the people of Zimbabwe themselves, who for that reason deserved every political and material assistance.¹¹⁴²

Decision of 27 May 1977 (2011th meeting): resolution 409 (1977)

On 31 December 1976 the Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia submitted to the Council a second special report¹¹⁴³ on the expansion of sanctions against the illegal régime in Southern Rhodesia. The report listed a number of proposals which, it said, had been considered by the Committee in the course of the year as areas in which the sanctions could be further expanded. No agreement had been reached on all the proposals except one, namely: that the flow of capital from Southern Rhodesia for certain purposes should be included in the scope of sanctions against Southern Rhodesia.¹¹⁴⁴ Agreement on that recommendation had been reached subject to reservations by certain delegations, which were summarized and annexed to the report.

At the 2011th meeting on 27 May 1977 the Security Council decided to include the Committee's second special report in its agenda, which was adopted without objection.¹¹⁴⁵ The President drew the Council's attention to the report as well as to the draft resolution (S/12339), sponsored by all members of the Council.¹¹⁴⁶

The draft resolution was introduced by the representative of Mauritius, who said that the purpose of the recommendation submitted by the Committee was to suppress the propaganda, promotional and similar activities being performed abroad by the various offices and agencies of the illegal régime utilizing funds transmitted to them for that purpose by the régime. Although the draft resolution did not go far enough, his delegation felt that it was a further step in the right direction, for, contrary to expectations voiced so often, he said, the current level of sanctions had failed to dislodge the illegal régime. He cited loopholes in the Council's most recent resolution on the question¹¹⁴⁷ and in the present draft resolution, which he blamed for the continuing existence of the illegal régime. In addition, he referred to information received by the Committee from non-governmental sources indicating that sanctions against the illegal régime were being violated through the supply of oil and oil products to the régime by certain international oil companies using their subsidiaries in South Africa. In view of those considerations, he said, the draft resolution contained a tactical requirement for the Council to meet before 11 November 1977¹¹⁴⁸ to consider further measures to be taken under Article 41 of the Charter upon the recommendations of the Committee.¹¹⁴⁹

The representative of Pakistan commented on the unanimity with which the Council members had co-sponsored the draft resolution before the Council, but expressed his delegation's regret that differences continued to persist regarding the extension of full sanctions against Southern Rhodesia. Noting that it was far preferable to have the question of Southern Rhodesia solved by peaceful means, he appealed to those countries with influence upon the illegal régime to renew their efforts so as to promote the achievement of that desired end.¹¹⁵⁰

The representative of the Libyan Arab Jamahiriya said that in view of the deteriorating situation in Southern Rhodesia, it was incumbent on the Security Council to adopt concrete measures that would put an end to the illegal régime. He referred to the programme of action adopted by the international Conference in Maputo concerning the liberation of Zimbabwe and Angola¹¹⁵¹ in which a number of concrete and effective measures against the illegal régime were called for; it was up to the Council to meet the challenge by adopting those measures. In addition, he urged that in view of the defiant and open role of South Africa in shoring up the illegal régime, the mandatory sanctions should be widened to include that country.¹¹⁵²

¹¹⁴⁰ 1907th mtg., paras. 96-100

¹¹⁴¹ *Ibid.*, paras. 104-107

¹¹⁴² *Ibid.*, paras. 121-125

¹¹⁴³ S/12296, *OR*, 32nd yr., *Suppl. for Jan-March 1977*, pp. 13-17

¹¹⁴⁴ For the nature and full extent of the sanctions envisaged under that recommendation, see paragraph 1 of resolution 409 (1977) subsequently adopted by the Security Council on the subject and reproduced below.

¹¹⁴⁵ 2011th mtg., preceding para. 1

¹¹⁴⁶ *Ibid.*

¹¹⁴⁷ Resolution 388 (1976)

¹¹⁴⁸ See para. 3 of the draft resolution in document S/12339, subsequently adopted as resolution 409 (1977)

¹¹⁴⁹ Intervention by Mauritius, 2011th mtg., paras. 2-16

¹¹⁵⁰ *Ibid.*, paras. 17-24

¹¹⁵¹ S/12344/Rev. 1, annex V, *OR*, 32nd yr., *Suppl. for July-Sept 1977*, p. 3

¹¹⁵² 2011th mtg., paras. 25-32

The representative of the USSR referred to the weakness of the draft resolution before the Council, based as it was on a recommendation adopted by the Committee on the initiative of the United Kingdom, which he said reflected attempts to depoliticize the Committee and turn it into a purely technical organ. His delegation was convinced that time was already overdue for the imposition of all the measures under Article 41 against the illegal régime. For that reason he also recalled the programme of action adopted by the international conference in Maputo in which a similar proposal had been made.¹¹⁵³

The representative of Romania said that the ineffectiveness of the sanctions so far in force, aided by the accommodation provided to the illegal régime by South Africa, demanded not only a closing of those sanctions to South Africa itself. His delegation advocated such a course, bearing in mind that the credibility of the United Nations would be damaged if the measures taken against Southern Rhodesia should fail.¹¹⁵⁴

The representative of China reviewed the causes of the ineffectiveness of the sanctions and declared that the Security Council should seriously consider expanding the sanctions to cover South Africa. He also urged that all States Members of the United Nations, particularly the permanent members of the Council, should strictly implement the sanctions in force. He said that the new measures contained in the draft resolution before the Council were inadequate, and reiterated that the fundamental solution to Southern Rhodesia's problem lay in the struggle of the Zimbabwe people themselves.¹¹⁵⁵

The representative of the United Kingdom referred to operative paragraph 3 of the draft resolution and remarked that, although some elements of Article 41 posed difficulties for some members of the Council, there were other provisions under that Article on the basis of which the application of sanctions could be improved. He welcomed the unanimous sponsorship of the draft resolution, which he believed would send a proper message to the illegal régime.¹¹⁵⁶

The representative of the United States expressed his delegation's satisfaction at the achievement of unanimity on the draft resolution before the Council. The timing was appropriate for a number of reasons, he said, including the fact that the United States Government had just repealed the legislation that had previously permitted violation of the sanctions.¹¹⁵⁷

The representative of Venezuela said that although there were negotiations currently in progress for a solution to the Southern Rhodesian problem, their outcome was not very promising; it was therefore necessary to exert increased pressure against the illegal

régime, and the measures contained in the present draft were a significant step in the right direction.¹¹⁵⁸

The representative of India said that his delegation shared the view that the measures under consideration, though clearly a step forward, constituted only a tentative and halting step; they were inadequate and came too late. He urged the Council to discharge its responsibility as provided for in the Charter in order to terminate the illegal régime in Southern Rhodesia.¹¹⁵⁹

The President of the Council, speaking as the representative of Benin, addressed himself to those Western countries which he said were pursuing neo-colonialist policies and protecting the illegal régime. If such countries were sincere, he declared, they would accept the expansion of the sanctions as provided for in Article 41 of the Charter.¹¹⁶⁰

Thereafter, the draft resolution in document S/12339 was adopted unanimously without vote as resolution 409 (1977).¹¹⁶¹

The resolution reads as follows:

The Security Council,

Reaffirming its resolutions 216 (1965) of 12 November and 217 (1965) of 20 November 1965, 221 (1966) of 9 April and 232 (1966) of 16 December 1966, 253 (1968) of 29 May 1968, 277 (1970) of 18 March 1970 and 388 (1976) of 6 April 1976,

Reaffirming that the measures provided for in those resolutions, as well as the measures initiated by Member States in pursuance thereof, shall continue in effect,

Taking into account the recommendations made by the Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia in its second special report of 31 December 1976 on the expansion of sanctions against Southern Rhodesia,

Reaffirming that the present situation in Southern Rhodesia constitutes a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that all Member States shall prohibit the use or transfer of any funds in their territories by the illegal régime in Southern Rhodesia, including any office or agent thereof, or by other persons or bodies within Southern Rhodesia, for the purposes of any office or agency of the illegal régime that is established within their territories other than an office or agency so established exclusively for pensions purposes.

2. *Urges*, having regard to the principle stated in Article 2, paragraph 6 of the Charter of the United Nations, States not Members of the United Nations to act in accordance with the provisions of the present resolution.

3. *Decides* to meet not later than 11 November 1977 to consider the application of further measures under Article 41 of the Charter, and meanwhile requests the Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia to examine, in addition to its other functions, the application of further measures under Article 41 and to report to the Council thereon as soon as possible.

Subsequent to the meeting of the Council, the representative of Australia, in a letter dated 2 June 1977,¹¹⁶² set out the position of his Government concerning

¹¹⁵³ *Ibid.*, paras. 33-41.

¹¹⁵⁴ *Ibid.*, paras. 42-49.

¹¹⁵⁵ *Ibid.*, paras. 50-56.

¹¹⁵⁶ *Ibid.*, paras. 61-65.

¹¹⁵⁷ *Ibid.*, paras. 66-72.

¹¹⁵⁸ *Ibid.*, paras. 77-82.

¹¹⁵⁹ *Ibid.*, paras. 92-94.

¹¹⁶⁰ *Ibid.*, paras. 96-101.

¹¹⁶¹ *Ibid.*, para. 102.

¹¹⁶² S. 1234, OR, 32nd yr., Supp., or April-June 1977, p. 48.

Security Council resolution 409 (1977). The letter stated that Australia fully supported the application of sanctions against Southern Rhodesia for which purpose the Government proposed to introduce legislation, when Parliament reassembled in August 1977, which would give effect to the Council's new resolution.¹¹⁶³ The letter promised that the Secretary-General of the United Nations would be kept informed of the progress of the proposed legislation.

In a letter dated 1 September 1977 addressed to the President of the Security Council¹¹⁶⁴ the representative of the United Kingdom transmitted certain proposals for the restoration of legality in Southern Rhodesia and the settlement of the Southern Rhodesia problem drawn up by the Government of the United Kingdom with full agreement of the Government of the United States and after consultation with all the parties concerned. In a further letter dated 8 September 1977¹¹⁶⁵ the representative of the United Kingdom transmitted the text of a statement issued in Salisbury by the United Kingdom Secretary of State for Foreign and Commonwealth Affairs concerning the proposals for a settlement in Southern Rhodesia.

**Decision of 29 September 1977 (2034th meeting):
resolution 415 (1977)**

By a letter dated 23 September 1977¹¹⁶⁶ the representative of the United Kingdom requested a meeting of the Security Council in order to consider the invitation by the United Kingdom Government to the Secretary-General, through the Council and pursuant to the Government's proposals for a settlement of the Southern Rhodesia problem,¹¹⁶⁷ to appoint a representative who would enter into discussions before the transition period with the British Resident Commissioner-designate in the territory.

At the 2033rd meeting on 28 September 1977 the Council decided to include the United Kingdom letter of 23 September 1977 in its agenda, which was adopted without objection.¹¹⁶⁸ The matter was considered by the Council at the 2033rd and 2034th meetings, held on 28 and 29 September 1977, respectively.

In the course of those meetings, the President, with the consent of the Council, invited the representatives of Gabon and Kenya, at their request, to participate in the discussion without the right to vote. Also, in accordance

with requests from the representatives of Benin, the Libyan Arab Jamahiriya and Mauritius and in the absence of objection, the President extended invitations under rule 39 to Mr. Joshua Nkomo and to Mr. Callistus Ndlovu.¹¹⁶⁹

The President drew the attention of the members of the Council to the documents before them relevant to the imminent debate, namely: the two letters from the United Kingdom dated 1 and 8 September 1977,¹¹⁷⁰ and the text of a draft resolution¹¹⁷¹ sponsored by the United Kingdom.¹¹⁷²

Introducing the draft resolution, the United Kingdom Secretary of State for Foreign and Commonwealth Affairs explained some aspects of the settlement proposals and elaborated on the objectives of the principal provisions of the draft resolution. He said that the proposals sought to restore the territory of Southern Rhodesia to legality, after which it was intended to bring together the various interested parties in order to arrange a cease-fire, which would then lead into the transition period. In that connection the United Kingdom requested the appointment of a representative of the Secretary-General to enter into negotiations concerning the military and related arrangements necessary to effect the transition to majority rule. Describing the draft resolution as a modest step for the time being, which did not seek to treat fully the substance of the proposals themselves, he urged the Council to adopt it, as his Government believed it to offer the quickest way of resolving the conflict in Southern Rhodesia.¹¹⁷³

Mr. Nkomo, speaking as co-leader of the Patriotic Front of Zimbabwe, reviewed the situation in Southern Rhodesia and said that the balance had now shifted in favour of the forces for majority rule in the territory and that the change in the situation had been caused by the armed people of Zimbabwe in view of the inability of the United Kingdom and the minority régime to heed the people's peaceful demand for self-determination. It was therefore necessary to recognize that any formula for resolving the crisis in Southern Rhodesia must take into account the reality of the war being waged by the Patriotic Front and must identify the United Kingdom on the one hand and the Patriotic Front on the other as the relevant parties in the conflict.

Turning to the United Kingdom request for the Secretary-General to appoint a special representative, Mr. Nkomo said that the people of Zimbabwe would welcome such a person provided that his role facilitated the complete decolonization of the country rather than join with the United Kingdom in the furtherance of colonization. To ensure a positive role, therefore, he said, the Patriotic Front proposed that the individual in

¹¹⁶³ In its ninth regular report covering the period 16 Dec. 1975 to 15 Dec. 1976 (S/12265, *OR, 32nd yr., Special Suppl. No. 2*) the Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia had mentioned Australia as one of the countries where offices representing Southern Rhodesia's interests still operated. The Committee had quoted Australia as reporting that the Government had effected cancellation in 1974 of the registration of an office there operating under the name of the Rhodesian Information Centre, as a result of which the activities performed by that office would not be continued under that name.

¹¹⁶⁴ S/12393, *OR, 32nd yr., Suppl. for July-Sept. 1977*, p. 69.

¹¹⁶⁵ S/12395, *ibid.*, p. 78.

¹¹⁶⁶ S/12402, *ibid.*, p. 82.

¹¹⁶⁷ See footnotes 1164 and 1165.

¹¹⁶⁸ 2033rd mtg., preceding para. 1

¹¹⁶⁹ For details concerning these invitations, see chapter III.

¹¹⁷⁰ See footnotes 1164 and 1165.

¹¹⁷¹ S/12404, *OR, 32nd yr., Suppl. for July-Sept. 1977*, p. 83. The draft resolution was later amended (S/12404/Rev. 1, *ibid.*, p. 84) and was subsequently adopted, as amended, as resolution 415 (1977).

¹¹⁷² 2033rd mtg., para. 2.

¹¹⁷³ *Ibid.*, paras. 5-14.

question should be appointed in consultation with the Security Council members and with the parties to the conflict and that his duties, powers and functions should be similarly determined. With a view to facilitating the work of the Security Council, Mr. Nkomo presented to the Council a document¹¹⁷⁴ prepared by the Patriotic Front and containing the statement by the Front on the United Kingdom proposals for a settlement in Southern Rhodesia.¹¹⁷⁵

The representative of Benin welcomed the United Kingdom proposals, which his delegation regarded as a manifestation that the United Kingdom Government was at last facing up to its responsibilities. The proposals contained elements which could serve as a basis for meaningful negotiations with the Patriotic Front for a peaceful settlement. However, his delegation did not regard the proposals as a substitute for the armed struggle in progress, and warned that they could only be supported if they genuinely offered a clear and unfettered path to the complete independence of Zimbabwe. On the appointment of a representative of the Secretary-General, his delegation felt that the proposed individual's mandate should be defined in such a way as to enable the negotiations with the Patriotic Front to proceed smoothly.¹¹⁷⁶

The representative of the United States said that his Government supported the United Kingdom settlement proposals with which the United States Government had got involved at the insistence of African States. In doing so the United States believed that it was participating in the opening of a new era of international co-operation towards putting an end to colonialism, racism and imperialist domination. He therefore urged support for the appointment of the representative of the Secretary-General, giving assurance that there need not be any fear of the involvement of the United Nations in Africa. The situation had changed vastly in Africa since the early sixties, he explained. With the creation of the Organization of African Unity and the emergence of the organization of front-line States, African affairs were now being conducted in such an atmosphere that African countries themselves were playing an influential and determinant role.¹¹⁷⁷

The representative of India said that his delegation regarded the appointment of a representative of the Secretary-General as a necessary form of association of the United Nations in the process of decolonization in Southern Rhodesia; his delegation would therefore support the draft resolution before the Council. He pointed out that subsequent developments in Southern Rhodesia required an end to the rebellion and a restoration of legality in the territory. That process must be pursued on the basis that the interests of the people of Zimba-

bwe were paramount, and on the principle of majority rule leading to the independence of the territory.¹¹⁷⁸

The Minister for Foreign Affairs of Romania said that the international community welcomed the initiatives contained in the United Kingdom proposals, bearing in mind the grave situation prevailing in Southern Rhodesia. Although the appointment of a representative of the Secretary-General was only a limited step, he said, his delegation would support it; but he warned that such support should not be regarded as a pretext for relaxing the United Nations decisions currently in force against Southern Rhodesia or for putting off a settlement of the serious situation in the territory.¹¹⁷⁹

The representative of France said that, after hearing the statements of the African delegations, as well as that of Mr. Nkomo himself, his delegation considered it appropriate for a representative to go to the area and make an assessment on the basis of which the Council might pursue and, in particular, determine whether it was profitable to go ahead with the implementation of the United Kingdom proposals as a whole.¹¹⁸⁰

Before the conclusion of the 2033rd meeting, the President, bearing in mind the request by the United Kingdom for an early decision on the draft resolution, if possible that day, announced a short suspension of the meeting in order to enable the members to decide in private consultation how to proceed. When the meeting resumed, it was adjourned without further debate.¹¹⁸¹

At the 2034th meeting on 29 September 1977, the representative of the USSR said that his delegation objected to the involvement of the United Nations in measures that might be prejudicial to the national liberation struggle of the people of Zimbabwe. The Soviet Union therefore had serious doubts about the proposal to appoint a representative of the Secretary-General, which it suspected to be a back-door manoeuvre to secure approval of the proposals as a whole. However, on the basis of the assurance of the United Kingdom Secretary of State that acceptance of the draft resolution in no way meant approval of the United Kingdom proposals, and bearing in mind the position of Mr. Nkomo himself and of the various African countries on the matter, he said that his delegation would not impede the adoption of the draft resolution before the Council.¹¹⁸²

The representative of China, after affirming that, historically, revolutionary forces for national liberation could not be stopped by reactionary forces, made a preliminary observation that the United Kingdom proposals were not conducive to the furtherance of the Zimbabwe people's struggle for liberation and independence. He wondered why, if those proposals, drawn up by only one party to the conflict, were still subject to negotiations by all the parties concerned, the United Kingdom should request the Security Council to con-

¹¹⁷⁴ Known as the Maputo document, which was subsequently circulated as document S/12406 (see *OR, 32nd yr., Suppl. for July-Sept. 1977*, p. 843).

¹¹⁷⁵ *Ibid.* mtg., paras. 16-25.

¹¹⁷⁶ *Ibid.*, paras. 26-37.

¹¹⁷⁷ *Ibid.*, paras. 40-49.

¹¹⁷⁸ *Ibid.*, paras. 51-58.

¹¹⁷⁹ *Ibid.*, paras. 68-78.

¹¹⁸⁰ *Ibid.*, paras. 80-82.

¹¹⁸¹ *Ibid.*, paras. 101 and 106.

¹¹⁸² 2034th mtg., paras. 4-10.

firm one of them. His delegation regarded that procedure as rather abnormal. China would therefore not support the draft resolution before the Council; in view of the position of the African countries concerned, China would only not participate in the voting.¹¹⁸³

The Secretary for Foreign Affairs of the Libyan Arab Jamahiriya stated that his delegation considered as a fundamental point the United Kingdom assurance that the appointment of a representative of the Secretary-General did not entail acceptance of the settlement proposals, and that the Security Council was not currently engaged in discussion of the substance of those proposals. His delegation, however, regarded the draft resolution as rather too general and vague with particular regard to the mandate of the proposed representative, and warned that the representative should not be committed in his discussions to the acceptance of the substance of the settlement proposals. Otherwise, he said, his delegation had no objection in principle to the draft resolution.¹¹⁸⁴

The Minister for Foreign Affairs of Kenya said that his Government supported the United Kingdom request for the appointment of a representative of the Secretary-General, but, recalling the reservations stated at the previous meeting by Mr. Nkomo, he reiterated that nothing should be done to shift the responsibility from the United Kingdom as the administering Power to the United Nations. His Government was of the view that, as a necessary condition for the involvement of the United Nations, the rebel régime in Southern Rhodesia should step down and the territory restored to legality; otherwise it would be unrealistic to ask the proposed representative to participate in arranging a cease-fire, or to expect the national freedom fighters to lay down their arms.¹¹⁸⁵

The representative of Gabon, speaking on behalf of the Chairman of the Organization of African Unity (OAU), said that the free and independent countries of Africa did not support all aspects of the United Kingdom settlement proposals, and that his participation in the discussion should not be taken as endorsement of those proposals. Nevertheless, he said, the OAU supported the appointment of a representative of the Secretary-General, although such a procedure should not be exploited by the illegal régime as a delaying tactic for the progress of the people of Zimbabwe to freedom and independence.¹¹⁸⁶

The President, speaking in his capacity as the representative of the Federal Republic of Germany, said that his delegation welcomed the prospects for a peaceful settlement of the Southern Rhodesian question in which the United Nations was being asked to take part. He therefore welcomed the request for the appointment of a representative of the Secretary-General, and gave assur-

ance of his Government's support for the representative's efforts in every way.¹¹⁸⁷

The representative of the Libyan Arab Jamahiriya, on behalf of the three African members of the Council, submitted two amendments to the draft resolution before the Council, which were accepted by the United Kingdom and were incorporated into the full text. The first amendment proposed the addition of a new preambular paragraph reading as follows:

Having heard the statement by Mr. Joshua Nkomo, co-leader of the Patriotic Front of Zimbabwe;

the second amendment referred to paragraph 1, in which the words "in consultation with the members of the Security Council" would be added with reference to the appointment of the Secretary-General's representative.¹¹⁸⁸

The Council then proceeded to vote on the draft resolution, as revised, which was adopted as resolution 415 (1977) by 13 votes to none with 1 abstention (USSR). One member (China) did not participate in the voting.¹¹⁸⁹

The text of the resolution reads as follows:

The Security Council,

Taking note of the letters dated 1 September (S/12393) and 8 September 1977 (S/12395) from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the President of the Security Council,

Noting also the invitation to the Secretary-General, in the letter dated 23 September 1977 (S/12402) from the Permanent Representative of the United Kingdom to the President of the Security Council, to appoint a representative,

Having heard the statement of Mr. Joshua Nkomo, Co-leader of the Patriotic Front of Zimbabwe,

1. *Requests the Secretary-General to appoint, in consultation with the members of the Security Council, a representative to enter into discussions with the British Resident Commissioner designate and with all the parties concerning the military and associated arrangements that are considered necessary to effect the transition to majority rule in Southern Rhodesia;*

2. *Further requests the Secretary-General to transmit a report on the results of these discussions to the Security Council as soon as possible;*

3. *Calls upon all parties to co-operate with the representative of the Secretary-General in the conduct of the discussions referred to in paragraph 1 of the present resolution.*

Following the vote, the Secretary-General made a statement in which he said that he would soon inform the members of the Council, after appropriate consultations, of the name of his representative, and gave assurance that he and his representative would do everything possible to achieve results.¹¹⁹⁰

Mr. Ndlovu, speaking as representative of the Patriotic Front of Zimbabwe, made a statement in which he reiterated the reservations made by Mr. Nkomo at the previous meeting and in particular emphasized that the procedure just adopted did not prejudice the position of the Patriotic Front on the United Kingdom proposals as a whole, that in the view of the Patriotic Front reference

¹¹⁸³ 2034th mtg., paras. 11-16.

¹¹⁸⁴ *Ibid.*, paras. 20-30.

¹¹⁸⁵ *Ibid.*, paras. 33-41.

¹¹⁸⁶ *Ibid.*, paras. 45-50.

¹¹⁸⁷ *Ibid.*, paras. 53-57.

¹¹⁸⁸ *Ibid.*, paras. 58-61.

¹¹⁸⁹ *Ibid.*, para. 64.

¹¹⁹⁰ *Ibid.*, paras. 66-68.

to the "parties concerned" meant the United Kingdom and the Patriotic Front, and that the mandate of the Secretary-General's representative would be specifically defined in terms intended to advance the objective of decolonization.¹¹⁹¹

On 4 October 1977, the President of the Security Council issued a note¹¹⁹² advising members of the Council that he had been informed by the Secretary-General of his intention to appoint Lieutenant-General Prem Chand as his representative pursuant to resolution 415 (1977). After due consultations with all the members, the note said, the President had informed the Secretary-General that the proposed appointment was acceptable to 14 members of the Council; and that China had dissociated itself from the matter. In a further communication to the President on the same day, the Secretary-General had announced the appointment of Lieutenant-General Prem Chand as his representative.

Decision of 14 March 1978 (2067th meeting): resolution 423 (1978)

By a letter dated 1 March 1978,¹¹⁹³ the representative of the Upper Volta, in his capacity as the Chairman of the African Group for the month of March, requested the President of the Security Council to convene a meeting of the Council as soon as possible to discuss the deterioration of the situation in Southern Rhodesia following the manoeuvres of the illegal régime aimed at concluding a so-called internal settlement in Southern Rhodesia.¹¹⁹⁴

At the 2061st meeting on 6 March 1978, the Security Council included in its agenda, which was adopted without objection,¹¹⁹⁵ the letter of 1 March 1978 from the representative of Upper Volta and considered the matter at 7 meetings held from 6 to 10 and 13 and 14 March 1978.¹¹⁹⁶ In the course of those meetings the President, with the consent of the Council, invited the representatives of Angola, Benin, Botswana, Kenya, Liberia, Mozambique, Saudi Arabia, Sierra Leone, Sri Lanka, Sudan, the United Republic of Tanzania, Upper Volta, Yugoslavia and Zambia, at their request, to

participate in the discussion without the right to vote. Also, in accordance with requests from the representatives of Gabon, Mauritius and Nigeria and in the absence of objection, the President extended invitations under rule 39 to Canon Burgess Carr, Mr. Robert Mugabe and Mr. Joshua Nkomo.¹¹⁹⁷

The representative of Upper Volta, speaking on behalf of the African Group of States at the United Nations, said the meeting of the Council had been requested in order to consider the threat to international peace and security in southern Africa, particularly in Southern Rhodesia, arising from the manoeuvres of the illegal régime to institute a so-called internal settlement of the Rhodesian question. Such a scheme could not be the framework of a genuine settlement of the problem. He declared that the proper procedure consisted of direct negotiations between the Administering Power and the liberation movements of Zimbabwe, and that the United Kingdom proposals, despite some gaps and weaknesses, offered prospects for a start in that direction.¹¹⁹⁸

The representative of the United Republic of Tanzania gave a brief background survey to the Southern Rhodesian problem and declared that the so-called internal settlement, as presented in various published media, was no real settlement at all, but a mechanism contrived by the rebel leaders in order to perpetuate themselves in power and that as such it was totally unacceptable. His delegation regarded the proposed arrangement as a cynical ploy, which was bound to invite further violence and bloodshed and would inevitably internationalize the conflict. For those reasons his delegation called for complete rejection of the proposed internal settlement.

Furthermore, he said, the proposed arrangement must be rejected because it disregarded the United Kingdom proposals submitted on 1 September 1977 which his Government together with the Governments of the other front-line States had welcomed as providing a basis for a negotiated settlement. He then outlined what his delegation considered essential prerequisites for a genuine solution of the conflict, namely: the capitulation of the rebel régime and dismantling of its oppressive laws; the emergence of Zimbabwe as independent State; the creation of a new Zimbabwe army, and the creation of a climate of confidence in the territory. African countries were committed to promote a genuinely negotiated agreement along those lines.

Finally, he appealed to the United Kingdom and to the United States not to abandon their own proposals, action on which was already in progress, and not to do anything that might give encouragement to the leaders of the illegal régime in their proposed scheme.¹¹⁹⁹

¹¹⁹¹ *Ibid.*, para. 72.

¹¹⁹² S/12411, *OR*, 32nd year, *Suppl. for Oct.-Dec. 1977*, p. 9.

¹¹⁹³ S/12578, *OR*, 33rd year, *Suppl. for Jan.-March 1978*, p. 46.

¹¹⁹⁴ Four other letters dated 24 February, 6, 7 and 9 March 1978 (see S/12576, S/12583, S/12599 and S/12590, *OR*, 32nd year, *Suppl. for Jan.-March 1978*, pp. 45, 49, 56 and 52) were received from the representatives of Mozambique, Algeria, Ghana and Liberia, respectively, setting out their Governments' position with regard to the so-called internal settlement in Southern Rhodesia, which they all rejected.

¹¹⁹⁵ 2061st mtg., preceding para. 2.

¹¹⁹⁶ No formal document containing details of the reported internal settlement was available to the Security Council, but in the course of the deliberations many speakers described various aspects of the "settlement" terms. According to those speakers, the terms included agreement on an "independence constitution" reached (and signed on 1 March 1978) between the leader of the rebel régime and three African leaders in Southern Rhodesia (not including any of the leaders of the Patriotic Front), who together would form a collective leadership of the Government, with the chairmanship rotating among them periodically. "Independence" would be preceded by a general election based on universal suffrage but with electoral rolls racially separate. The police, the defence force, the civil service, the courts of law and other established institutions of State would remain intact.

The arrangement was to exclude the leaders of the Patriotic Front who were directing the war of liberation from across the borders of Southern Rhodesia, nor did it envisage any direct role by the Administering Power, or by any other external entity. Hence, the reference to the arrangement as an internal settlement.

¹¹⁹⁷ For details concerning these invitations, see chapter III.

¹¹⁹⁸ 2061st mtg., paras. 6-17.

¹¹⁹⁹ *Ibid.*, paras. 19-52.

The representative of Zambia said that her government had reached the conclusion that the so-called internal settlement was a sell-out and could not provide a meaningful solution to the Southern Rhodesian problem, because, in her Government's opinion, it perpetuated the illegal régime and was worse than the United Kingdom proposals. Moreover, she declared, no settlement of the problem could be sustained which did not take into account the role of the fighting forces of the Patriotic Front. While taking note of some dissent by certain United States officials on the internal settlement scheme, she contended that the international community was entitled to expect that the proponents of the United Kingdom settlement proposals would be the first to defend those proposals rather than abandon them in clandestine favour of the so-called internal settlement. As far as Zambia was concerned, she stated, the proposed internal settlement had not changed the situation in Southern Rhodesia, and Zambia therefore condemned and totally rejected it. Accordingly, Zambia also called upon the Security Council to reject the so-called internal settlement and to urge the international community to withhold recognition from any régime created on the basis of such settlement.¹²⁰⁰

All the representatives of the other African countries that participated in the debate¹²⁰¹ repeated or echoed, with more or less emphasis, the principal points put forward by the representatives of Upper Volta, the United Republic of Tanzania and Zambia, namely, that: the so-called internal settlement scheme was unacceptable and should be rejected; the capitulation of the illegal régime was a prerequisite to any peaceful settlement of the Southern Rhodesian question; no settlement of the question could be entertained which took no account of the Patriotic Front and its military forces, and that, therefore, the United Kingdom proposals for a settlement, despite their inadequacies still provided a plausible basis for a peaceful negotiated settlement of the question. Some of them gave, in addition, individual assessments of the motives of the illegal régime in attempting to push through an internal settlement: to secure a lifting of the sanctions; to induce an end to the war being waged by the Zimbabwe freedom fighters, and to gain legality and international acceptance. Others expressed fears that acceptance of the internal settlement scheme, which they regarded as a bogus arrangement for continuation of the *status quo*, might provide a dangerous precedent for a similar scheme for Namibia. Furthermore, they argued that acceptance of that scheme would put the United Nations in a position of self-contradiction, since the Security Council must await the result of the implementation of its resolution 415 (1977).

The representatives of Angola, Botswana and Mozambique focused on the military raids committed

against them and other neighbouring countries by Southern Rhodesian forces and wondered whether the illegal régime could by itself afford or undertake such ventures without external support, notably from South Africa. Such support, they contended, encouraged the illegal régime to postulate such defiant measures as the so-called internal settlement currently under consideration.

The representative of Gabon, whose President was at the time Chairman of the OAU, cited a recent resolution adopted by the OAU at Tripoli, the Libyan Arab Jamahiriya, in which the OAU had totally rejected the so-called internal settlement. On its part, Sudan regarded the internal settlement proposals as inadequate inasmuch as they did not dismantle the instruments of oppression and domination in Southern Rhodesia; moreover, only the United Kingdom in its constitutional capacity could issue legal instruments for the independence of Southern Rhodesia.

The Commissioner for External Relations of Nigeria urged that in the light of the previous abortive deals and attempts at a peaceful settlement with the illegal régime, on account of the régime's bad faith, the Security Council should no longer accept a situation whereby the United Kingdom would again allow itself to be docilely manoeuvred by the insubordinate régime. On the other hand, the representative of Liberia, after reading out the portion of the message from the President of Liberia relevant to Southern Rhodesia,¹²⁰² dissented from outright rejection of the internal settlement proposals; he expressed his Government's belief in pragmatic diplomacy and asserted that, according to his Government, some aspects of the proposals merited serious consideration. Finally, the representative of Mauritius said that, in the circumstances, there was no choice but to fall back upon the United Kingdom proposals for a settlement in preference to what he termed the "Smith constitution",¹²⁰³ which had been rejected by the leaders of the Patriotic Front. He could not understand why the Western countries hesitated to declare the so-called internal settlement unacceptable.

At the 2063rd meeting on 8 March 1978 Canon Carr made a statement in which he said the All Africa Conference of Churches associated itself with the moral indignation that had been evoked throughout the African continent by the so-called internal settlement, to which he referred as a contrivance by the leaders of the illegal régime to delay the liberation of the people of Zimbabwe. It was an evil trick which must be condemned, and he urged the Security Council not to associate itself with it. Instead, he said, his organization had given and continued to give its unequivocal support to the liberation movements in southern Africa; pressures in that direction must be intensified, since they had succeeded in forcing the leaders of the illegal régime to the negotiating table.¹²⁰⁴

¹²⁰⁰ 2061st mtg., paras. 55-71.

¹²⁰¹ Mozambique (2062nd mtg., paras. 9-28), Angola (*ibid.*, paras. 32-49), Benin (*ibid.*, paras. 53-68), Kenya (*ibid.*, paras. 71-80), Botswana (2063rd mtg., paras. 91-120), Gabon (2064th mtg., paras. 6-18), Sudan (*ibid.*, paras. 55-61), Sierra Leone (*ibid.*, paras. 63-88), Nigeria (2065th mtg., paras. 6-35), Liberia (2067th mtg., paras. 35-41) and Mauritius (*ibid.*, paras. 68-106).

¹²⁰² See footnote 1194.

¹²⁰³ In reference to the so-called internal settlement proposals prepared under the direction of Ian Smith, leader of the illegal régime in Southern Rhodesia (see footnote 1196).

¹²⁰⁴ 2063rd mtg., paras. 34-48.

At the 2064th meeting on 9 March 1978 both Mr. Robert Mugabe and Mr. Joshua Nkomo addressed the Security Council. In his statement¹²⁰⁴ Mr. Mugabe, on behalf of the Patriotic Front, reviewed the situation of the civil strife inside the territory as well as the various futile attempts by the United Kingdom, as the Administering Power, to resolve the problem. He then analysed the specific points constituting the so-called internal agreement and rejected them all as a conspiracy by the leaders of the illegal régime to entrench white privilege and perpetuate white domination in the country. The Patriotic Front had decided to fight for a non-racial society and was therefore opposed to any solution based on racial lines. He appealed to the Security Council, as the guardian of international peace and security, to repudiate the so-called internal settlement in Southern Rhodesia; otherwise there would be created in southern Africa a belt of puppet régimes whose main purpose would be to protect the abhorrent system of *apartheid*. Meanwhile he reaffirmed that the Patriotic Front was committed to continuing the liberation struggle.

Mr. Joshua Nkomo, in addition to Mr. Mugabe's statement, emphasized that the manoeuvre contrived by the illegal régime and the African accomplices was intended to thwart the forward movement of the people of Zimbabwe to genuine independence and self-determination; it was also an attempt by the illegal régime to legitimize its unilateral declaration of independence. It was therefore a matter of satisfaction that so many members of the Council and representatives of other Governments had spoken out, during the Council's deliberations, against the so-called internal settlement. That, he felt, should send a message to the United Kingdom Government not to accept those fraudulent moves by the illegal régime.¹²⁰⁵

Statements were made by other speakers¹²⁰⁷ in opposition to the so-called internal settlement, who also maintained that no solution should be entertained unless it was acceptable to the international community as a whole. They fixed the responsibility for devising such a solution upon the Administering Power, and for that reason they expressed interest in the outcome of the current United Kingdom proposals, which they said had the merit of providing for consultations among all the parties to the conflict.

The representative of Saudi Arabia suggested that perhaps the Patriotic Front might achieve its objectives by being more flexible: in particular by conducting the struggle from within the system.¹²⁰⁶

At the 2065th meeting on 10 March 1978 the representative of China rejected the so-called internal settlement, characterizing it as an out-and-out fraud, and said that as far as it was concerned, China

supported the position of the OAU calling for stronger support for the armed struggle of the people of Zimbabwe under the leadership of the Patriotic Front.¹²⁰⁹

The representative of the USSR said that in contriving the so-called internal settlement the illegal régime was attempting to exclude the Patriotic Front from the destiny of the country, but it was also motivated by a desire to preserve its privileged position and to protect the interests of the international monopolies operating in southern Africa. For its part the USSR recognized the Patriotic Front as the only legitimate representative of the people of Zimbabwe and would continue to give assistance to the Front. As to the attitude of the United Kingdom and United States regarding the illegal régime's scheme he expressed his delegation's puzzlement at the statement attributed to the United Kingdom Secretary of State for Foreign and Commonwealth Affairs bearing in mind the outstanding United Kingdom proposals that the so-called internal settlement was "an important step towards majority rule" and was "a step in the right direction".¹²¹⁰

At the 2066th meeting on 13 March 1978 the representative of Mauritius formally introduced a draft resolution¹²¹¹ sponsored by all seven non-aligned members of the Council,¹²¹² the text of which he said had been finalized after intensive and extensive consultations and after taking into consideration the views expressed to the sponsors by the representative of the United Kingdom. He then analysed and explained the individual operative paragraphs of the draft resolution.¹²¹³

At the 2067th meeting on 14 March 1978 the representative of the United States said that as a participant in the negotiations leading to the United Kingdom proposals, his delegation regarded the new settlement proposals from Salisbury as introducing a curious element in the situation. On the face of it, he said, the new proposals appeared to offer a promising advance towards solution of the problem, mainly because, on comparison with past attempts, they marked some progress and they also had the support of African nationalist leaders in Southern Rhodesia. However, after scrutinizing the new internal proposals, he declared, the United States had found them inadequate and remained fully convinced that the United Kingdom plan offered the best basis for a peaceful and prompt transition to an independent Zimbabwe. He then enumerated the reasons for the inadequacy of the so-called internal settlement, as opposed to the United Kingdom proposals: their exclusion of some factions to the conflict; failure to guarantee that transitional political institutions would not be subject to control by the illegal régime; failure to provide for international machinery to monitor the proposed pre-independence elections; failure to provide for impartial transitional peace-keeping machinery other than the existing security

¹²⁰⁴ 2064th mtg., paras. 12-130.

¹²⁰⁵ *Ibid.*, paras. 140-150.

¹²⁰⁶ Venezuela (2064th mtg., paras. 5-18), Bolivia (*ibid.*, paras. 21-31), Kuwait (2064th mtg., paras. 22-41), India (*ibid.*, paras. 43-52), Canada (2066th mtg., paras. 5-11), Czechoslovakia (*ibid.*, paras. 15-27), France (*ibid.*, paras. 33-42), Sri Lanka (2067th mtg., paras. 45-54) and Yugoslavia (*ibid.*, paras. 58-66).

¹²⁰⁷ 2065th mtg., paras. 69-92.

¹²⁰⁸ *Ibid.*, paras. 37-41.

¹²⁰⁹ *Ibid.*, paras. 46-60.

¹²¹⁰ S/12597, *OR, 33rd year, Suppl. for Jan-March 1978*.

¹²¹¹ Bolivia, Gabon, India, Kuwait, Mauritius, Nigeria and Venezuela.

¹²¹² 2066th mtg., paras. 43-45.

forces under the control of the illegal régime; and the rigidity imposed on the proposed new Government with regard to making any necessary constitutional changes. Furthermore, the representative of the United States concluded that no efforts for a settlement in Southern Rhodesia could succeed without the support of the Security Council and of the African countries most directly involved.¹²¹⁴

The President, in his capacity as the representative of the United Kingdom, made a statement in which he said that after listening to all the statements so far he was in a position to address some of the pertinent points raised. He started by giving categorical assurance that the United Kingdom fully recognized and accepted its primary responsibility for the colony of Southern Rhodesia. He also explained that any approbative remarks emanating from London or Washington concerning the so-called internal settlement did not mean abandonment of the United Kingdom proposals; rather they only reflected a legitimate recognition that to the extent that any aspects of the internal scheme were consistent with the United Kingdom proposals, those particular aspects were a step in the right direction. Nevertheless, he affirmed that the so-called internal settlement proposals were on the whole inadequate and had serious deficiencies; as such they could not be endorsed.

The representative of the United Kingdom gave a review of the progress on the United Kingdom proposals since the adoption of resolution 415 (1977) by the Council, and claimed that both the United Kingdom and the United States, authors of the proposals, could not be accused of having done anything to slow down the momentum of those proposals. In the light of the current situation he suggested that the next step was to identify the areas of concurrence between the two sets of proposals, to bring together all the parties to the conflict and to try to widen the areas of agreement between them. For that reason he announced that both the United Kingdom and the United States had decided to convene a conference soon and had invited all parties to the conflict to attend.¹²¹⁵

The Council then proceeded to vote on the seven-Power draft resolution which was adopted by 10 votes to none with 5 abstentions (Canada, France, the Federal Republic of Germany, the United Kingdom and the United States) as resolution 423 (1978).

The text of the resolution reads as follows:

The Security Council,

Recalling its resolutions on the question of Southern Rhodesia and in particular resolution 415 (1977) of 29 September 1977,

Reaffirming that the continued existence of the illegal régime in Southern Rhodesia is a source of insecurity and instability in the region and constitutes a serious threat to international peace and security,

Gravely concerned over the continued military operations by the illegal régime, including its acts of aggression against neighbouring independent States,

Indignant at the continued executions of freedom fighters by the illegal régime,

Considering the need for urgent measures to terminate the illegal régime and establish a government based on majority rule,

1. *Condemns all attempts and manoeuvres by the illegal régime aimed at the retention of power by a racist minority and at preventing the achievement of independence by Zimbabwe;*

2. *Declares as illegal and unacceptable any internal settlement concluded under the auspices of the illegal régime and calls upon all States not to accord any recognition to such a settlement;*

3. *Further declares that the speedy termination of the illegal régime and the replacement of its military and police forces constitute the first prerequisite for the restoration of legality in Southern Rhodesia so that arrangements may be made for a peaceful and democratic transition to genuine majority rule and independence in 1978;*

4. *Declares also that such arrangements as envisaged in paragraph 3 of the present resolution include the holding of free and fair elections on the basis of universal adult suffrage under United Nations supervision;*

5. *Calls upon the United Kingdom of Great Britain and Northern Ireland to take all measures necessary to bring to an end the illegal racist minority régime in Southern Rhodesia and to effect the genuine decolonization of the Territory in accordance with General Assembly resolution 1514 (XV) and other United Nations resolutions;*

6. *Considers that, with the assistance of the Secretary-General, the United Kingdom, as the administering Power, should enter into immediate consultations with the parties concerned in order to attain the objectives of genuine decolonization of the Territory through the implementation of paragraphs 3, 4 and 5 of the present resolution;*

7. *Requests the Secretary-General to report, not later than 15 April 1978, on the results of the implementation of the present resolution.*

Decision of 10 October 1978 (2090th meeting): resolution 437 (1978)

By a letter dated 6 October 1978¹²¹⁶ the representative of India, in his capacity as Chairman of the Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia, submitted to the Security Council for appropriate action the texts of two statements adopted that day, one by the Committee and the other by the African Group of States at the United Nations, concerning the reported impending visit to the United States by Ian Smith, leader of the illegal régime in Southern Rhodesia, and other members of that régime. The letter also included the text of a statement made by the representative of the United States at the Committee's meeting that day.

The letter from the Chairman of the Committee was included in the Security Council's agenda, which was adopted without objection,¹²¹⁷ and the matter was considered by the Council at the 2090th meeting held on 10 October 1978.

The Council had before it a draft resolution submitted by the delegations of India, Kuwait, Mauritius and Nigeria. Subsequently, following a brief suspension of the meeting the President announced agreement to

¹²¹⁴ S/12885, OR, 33rd year, Suppl. for Oct.-Dec. 1978, p. 7. By a letter of the same date the representative of Burundi in his capacity as Chairman of the African Group of States at the United Nations also transmitted to the Security Council independently the text of the statement of the African Group on the matter (see S/12886, *ibid.*, p. 9).

¹²¹⁷ 2090th mtg., preceding para. 1.

¹²¹⁴ 2067th mtg., paras. 15-32.

¹²¹⁵ *Ibid.*, paras. 110-129.

amend paragraph 4 of the draft resolution¹²¹⁸ under which the Council would express the hope that the United States would continue to exert its influence on Ian Smith to transfer power to genuine majority rule without further delay. The President then read out the text of the new paragraph 4, and the draft resolution as revised was adopted by 11 votes to none, with 4 abstentions (Canada, the Federal Republic of Germany, the United Kingdom and the United States) as resolution 437 (1978).

The text of the resolution reads as follows:

The Security Council.

Having considered the letter dated 6 October 1978 from the Chairman of the Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia (S/12885).

Recalling its resolution 253 (1968) of 29 May 1968, by which it made it mandatory for Member States to prevent the entry into their territories of persons ordinarily resident in Southern Rhodesia and connected with the illegal régime there,

Taking note of the statement of the African Group (S/12885, annex II).

Taking note also of the statement of the Government of the United States of America (S/12885, annex I),

1. *Notes with regret and concern* the decision of the Government of the United States of America to allow the entry into the United States of Ian Smith and some members of the illegal régime in Southern Rhodesia;

2. *Considers* that the above-mentioned decision is in contravention of Security Council resolution 253 (1968) and of the obligations under Article 25 of the Charter of the United Nations;

3. *Calls upon* the United States of America to observe scrupulously the provisions of Security Council resolutions concerning sanctions;

4. *Expresses the hope* that the United States of America will continue to exert its influence in order that genuine majority rule may be achieved without further delay in Southern Rhodesia.

After the vote the representative of India expressed great regret that the United States Government had felt obliged to allow Ian Smith to enter the country, in violation of the Security Council's sanctions against the illegal régime in Southern Rhodesia, and particularly in view of the actual purpose of his visit: to seek support for a possible withdrawal or suspension of those sanctions. For that reason the representative of India stressed that the United States should maintain the sanctions and observe them scrupulously. He also decried the failure of the Council to act earlier, before the arrival of Mr. Smith,¹²¹⁹ especially as the matter under discussion was a clear-cut political question, not a mere allegation requiring prior investigations by the Committee.¹²²⁰

Several other members of the Council¹²²¹ similarly expressed regret at the admission of Ian Smith and his

supporters into the United States, which some regarded as providing him with an opportunity to mount a propaganda campaign for selling the "internal settlement" scheme and for seeking international recognition and respectability. Others felt that the visit would consequently make it more difficult to pursue and reach an acceptable solution through peaceful means. Yet others reiterated that no such solution could be achieved without the involvement of the Patriotic Front. Many of them advocated that, in the circumstances, more pressure should be exerted against the illegal régime, especially through the strengthening and expansion of the sanctions.

The representative of the United States explained that the decision by his Government to issue a visa to Ian Smith had been made in exceptional circumstances and after very careful consideration. While deeply conscious of its obligations under the Charter and profoundly aware of the purpose of the sanctions, he said, the United States Government wished to continue the dialogue already under way in the hope that the opportunity might offer an additional chance to advance the cause of majority rule and peaceful settlement of the Southern Rhodesian question.¹²²²

The representatives of Canada and the Federal Republic of Germany¹²²³ felt that in view of the explanation given by the representative of the United States their Governments were convinced that all the pertinent aspects of the problem had been taken into account by the United States authorities; it was necessary to explore every avenue that might yield the desired result peacefully rather than through bloodshed. The representative of the Federal Republic of Germany added, however, that on account of the sanctions in force his Government could not permit Mr. Smith to enter the country.

The representative of the United Kingdom said that his Government was totally convinced that despite the admission of Ian Smith, which was purely a United States Government decision, the United States remained genuinely committed to the United Kingdom proposals. The United Kingdom Government had noted with interest the outcome of Mr. Smith's meetings with the United States officials in Washington. He informed the Council, however, that the United Kingdom Government had turned down a request that might have enabled Mr. Smith to visit London on his way back from the United States.¹²²⁴

The President, speaking in his capacity as the representative of France, expressed his delegation's hope that the United States Government officials might use the visit to correct Mr. Smith's attitude; nevertheless his delegation had voted for the resolution because the visit had been permitted contrary to the terms of Security Council resolution 253 (1968), which the United States had itself supported and approved.¹²²⁵

¹²¹⁸ For the text of paragraph 4 in its original form, see S/12887 OR 33rd year, Suppl. for Oct.-Dec. 1978, p. 9.

¹²¹⁹ At the time of consideration of the matter by the Security Council, Ian Smith and other members of the "internal settlement" scheme had already reportedly arrived in the United States.

¹²²⁰ 2090th mtg., paras. 6-8.

¹²²¹ Yeneruchi, Kuwait, China, USSR, Nigeria, Bolivia, Gabon and Czechoslovakia (*ibid.* paras. 9-15, 18-25, 26-28, 34-44, 65-78, 79-90, 92-97 and 100-104 respectively).

¹²²² 2090th mtg., paras. 29-31.

¹²²³ *Ibid.*, paras. 46-48 and paras. 58-61 respectively.

¹²²⁴ *Ibid.*, paras. 51-54.

¹²²⁵ *Ibid.*, paras. 109 and 110.

Decision of 8 March 1979 (2122nd meeting): resolution 445 (1979)

By a letter dated 14 February 1979 (S/13084),¹²²⁶ the representative of Equatorial Guinea, in his capacity as the Chairman of the African Group of States at the United Nations, transmitted the text of a statement made by the African Group at the United Nations that day, expressing dismay in connection with the reports of moves within the United States Congress to send an observer team to Southern Rhodesia to monitor the elections scheduled there in April 1979, under the so-called internal settlement constitution, which had already been rejected and condemned by the United Nations and the OAU.¹²²⁷

In a further letter dated 28 February 1979,¹²²⁸ the representative of Equatorial Guinea, on behalf of the African Group of States at the United Nations requested the urgent convening of the Security Council to discuss recent developments in Southern Rhodesia.

At the 2119th meeting on 2 March 1979, the Council included the letter from the representative of Equatorial Guinea in its agenda, which was adopted without objection,¹²²⁹ and the matter was discussed at four meetings held from 2 to 8 March 1979.

In the course of those meetings the President, with the consent of the Council, invited the representatives of Angola, Benin, Botswana, Cuba, Ethiopia, Ghana, Sri Lanka and Yugoslavia, at their request, to participate in the discussion without the right to vote. Also, in accordance with requests from the representatives of Gabon, Nigeria and Zambia, and in the absence of objection from any member of the Council, the President extended an invitation under rule 39 to Mr. Callistus Ndlovu, representative of the Patriotic Front.¹²³⁰

The representative of Ethiopia said that recent events in Southern Rhodesia had exacerbated the situation in that territory and increased the threat to international peace and security in the region: there was an intensification of the aggressive strikes against the neighbouring countries by the illegal régime in collusion with the *apartheid* régime of South Africa and now the illegal régime was arrogantly arranging to implement its self-devised constitution. He recalled that the Security Council had in its resolution 423 (1978) categorically rejected and condemned the so-called internal settlement: the Council could not therefore be expected to take any other action but to condemn the planned elections. He also appealed to the United Kingdom and the United States not to permit the sending of observer missions to monitor the elections, as that would tend to

lend legitimacy to the process and its results and thereby provide a pretext for lifting the sanctions.¹²³¹

Mr. Ndlovu reviewed the situation obtaining in the region and said that the Smith régime, having lost control of most of the country to the freedom fighters, had in desperation resorted to intensification of the repressive and discriminatory laws, brutal and genocidal prosecution of the war and unprovoked aggression against neighbouring countries. He alleged that the illegal régime was encouraged in its acts by the support it received from South Africa, and he called upon the international community to condemn that country for interfering in the internal affairs of Zimbabwe. He also blamed the Western countries for bolstering the illegal régime especially through their lax application of the sanctions.

With regard to the proposed elections, Mr. Ndlovu said that as part of the so-called internal settlement which had been rejected by the Security Council, they were illegal and unacceptable and could not in any case be fairly or democratically conducted. Consequently he called upon the Council to condemn the elections and to urge all countries not to have anything to do with them. He also appealed to the Council to condemn the illegal régime's raids into neighbouring countries, to warn South Africa against its interference in Zimbabwe and to tighten the sanctions against the illegal régime.¹²³²

The representative of Portugal expressed his country's solidarity with those Front-line States that had been subjected to aggressive raids by the forces of the illegal régime. He also declared his Government's position to the effect that the régime in Southern Rhodesia was illegal and that his Government fully supported the sanctions imposed against it. Furthermore, his Government did not consider the scheduled elections as valid and would discourage any Portuguese persons from travelling to Southern Rhodesia as observers of those elections.¹²³³

Several other speakers¹²³⁴ echoed and supported the pertinent points advanced by the representative of Ethiopia and by Mr. Ndlovu, emphasizing that the Security Council, in consistency with its earlier resolution 423 (1978), could not now condone the proposed elections, which must be considered illegal, and that the United Kingdom and the United States as proponents of the United Kingdom proposals should not be duped into embracing the so-called internal settlement by permitting observers from their countries to go and monitor those elections. Some of the speakers advocated that in view of the intransigence of the illegal régime, embellished by South Africa's support, the Security Council should not only strengthen the sanctions against the illegal régime but should also extend them to South

¹²²⁶ S/13084, OR, 34th year, Suppl. for Jan.-March 1979, p. 62.

¹²²⁷ Subsequently two other letters dated 9 and 16 April 1979, were received from the representatives of Zambia and Sri Lanka (the latter in his capacity as Chairman of the Co-ordinating Bureau of the Non-Aligned Countries) in connection with the proposed elections of the illegal régime's "constitution" (see S/13215 and S/13252, OR 34th year, Suppl. for April-June 1979, pp. 26 and 41 respectively).

¹²²⁸ S/13121, OR, 34th year, Suppl. for Jan.-March 1979, p. 91.

¹²²⁹ 2119th mtg., preceding para. 2.

¹²³⁰ For details concerning these invitations, see chapter III.

¹²³¹ 2119th mtg., paras. 8-19.

¹²³² *Ibid.*, paras. 20-39.

¹²³³ *Ibid.*, paras. 144-147 and 2122nd mtg., paras. 5-21.

¹²³⁴ Botswana, Angola, Zambia, Gabon, Cuba, Czechoslovakia, USSR, Norway, China, Bangladesh, Jamaica, Kuwait, Ghana, Benin, Yugoslavia, Sri Lanka, Bolivia and Nigeria (2199th mtg., paras. 43-64, 67-90, 94-128, 131-141, 150-165, 2120th mtg., paras. 8-15, 26-38, 41-48, 63-67, 71-86, 90-100, 104-113, 121-134, 139-163, 2121st mtg., paras. 7-20, 24-34, 37-41 and 44-64, respectively).

Africa. Others expressed their conviction that in the circumstances only the armed struggle by the Patriotic Front, for which they advocated international support, offered any promise for resolving the Southern Rhodesian question. The President of the Council, speaking in his capacity as the representative of Nigeria, expressed disquiet at the stalled momentum on the United Kingdom proposals and wondered what had happened to the assurances of the United Kingdom and the United States in that regard. The representative of Cuba, recalling relevant passages from the Maputo final communiqué¹²²⁵ asserted that imperialism was actually attempting to prevent political and social change in Zimbabwe in order to perpetuate the colonial capitalist economy there.

The representative of the United Kingdom began by expressing his Government's condemnation of the recent attack by the illegal régime against neighbouring countries. He then stated his Government's view that the best prospect of resolving the Southern Rhodesian question lay in an attempt for a wider agreement involving both sides to the conflict. He also reaffirmed the commitment of the United Kingdom and the United States to bring about a peaceful transition to independence and majority rule through elections supervised by the United Nations as opposed to those being organized in Salisbury. On the question of observers he warned that his delegation would not accept a draft resolution attempting to interfere with the parliamentary democratic process or to circumscribe the rights of the British Parliament.¹²²⁶

The representative of the United States addressed himself to the recent attacks by the illegal régime against neighbouring countries and said that those attacks were deplorable to his Government, and should be condemned by the Security Council.¹²²⁷

At the 2122nd meeting on 8 March 1979 the Security Council voted on a draft resolution (S/13140) on the matter which had been submitted by Bangladesh, Bolivia, Gabon, Jamaica, Kuwait, Nigeria and Zambia. The draft resolution received 12 votes in favour to none with three abstentions (France, United Kingdom and United States) and was adopted as resolution 445 (1979), the text of which reads as follows:

The Security Council.

Recalling its resolutions on the question of Southern Rhodesia, and in particular resolutions 253 (1968), 403 (1977), 411 (1977), 423 (1978), 424 (1978) and 437 (1978),

Taking note of the statement of the African Group contained in document S/13084,

Having heard the statements of the representatives of Angola and Zambia,

Having also heard the statement of the representative of the Patriotic Front of Zimbabwe,

Gravely concerned over the indiscriminate military operations by the illegal régime and the extension of its premeditated and provocative acts of aggression, not only against neighbouring independent countries but also against non-contiguous States, resulting in wanton killings of refugees and civilian populations,

Indignant at the continued executions by the illegal régime in Southern Rhodesia of persons sentenced under repressive laws,

Reaffirming that the existence of the illegal racist minority régime in Southern Rhodesia and the continuance of its acts of aggression against neighbouring independent States constitute a threat to international peace and security,

Reaffirming the inalienable right of the people of Southern Rhodesia (Zimbabwe) to self-determination and independence in accordance with General Assembly resolution 1514 (XV) of 14 December 1960 and the legitimacy of their struggle to secure the enjoyment of such rights as set forth in the Charter of the United Nations,

Gravely concerned over the moves within certain States to send missions to observe the so-called elections in April 1979 organized by the illegal racist minority régime in Southern Rhodesia for the purpose of according it some legitimacy and thereby eventually lifting sanctions,

Reaffirming resolution 423 (1978), particularly its provisions declaring as illegal and unacceptable any internal settlement under the auspices of the illegal régime and calling upon all States not to accord any recognition to such a settlement,

Bearing in mind the responsibility of every Member State to adhere scrupulously to Security Council resolutions and decisions, and their responsibility to ensure that institutions and citizens under their jurisdiction will observe the same,

1. *Strongly condemns* the recent armed invasions perpetrated by the illegal racist minority régime in the British colony of Southern Rhodesia against the People's Republic of Angola, the People's Republic of Mozambique and the Republic of Zambia, which constitute a flagrant violation of the sovereignty and territorial integrity of these countries;

2. *Commends* the People's Republic of Angola, the People's Republic of Mozambique and the Republic of Zambia and other front-line States for their support of the people of Zimbabwe in their just and legitimate struggle for the attainment of freedom and independence and for their scrupulous restraint in the face of serious provocations by the Southern Rhodesian rebels;

3. *Requests* all States to give immediate and substantial material assistance to enable the Governments of the front-line States to strengthen their defence capability in order to safeguard effectively their sovereignty and territorial integrity;

4. *Requests* the administering Power to take all necessary measures to prevent further illegal executions in Southern Rhodesia;

5. *Condemns* all attempts and manoeuvres by the illegal régime, including its so-called elections of April 1979, aimed at retaining and extending a racist minority rule and at preventing the accession of Zimbabwe to independence and genuine majority rule;

6. *Declares* that any elections held under the auspices of the illegal racist régime and the results thereof will be null and void and that no recognition will be accorded either by the United Nations or any Member State to any representatives or organs established by that process.

7. *Urges* all States to refrain from sending observers to these elections and to take appropriate action to discourage organizations and institutions within their respective areas of jurisdiction from doing so.

8. *Requests* the Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia to meet immediately to consider measures for strengthening and widening the sanctions against Southern Rhodesia and to submit its proposals not later than 23 March 1979;

9. *Decides* to meet, not later than 27 March 1979, to consider the report envisaged in paragraph 8 of the present resolution.

¹²²⁵ The final communiqué of the special session of the Co-ordinating Bureau of the Non-Aligned Countries held in Maputo, Mozambique, from 26 January to 2 February 1979 (see S/13185, *OR, 34th year, Suppl. for Jan.-March 1979*, p. 163)

¹²²⁶ 2120th mtg., paras 18-22

¹²²⁷ *Ibid.*, paras 116-118

Following the vote, the representatives of the United Kingdom, Norway, the United States and France¹²³⁸ made statements in explanation of vote. The representative of the United Kingdom repeated that the language of the resolution seeking to circumscribe the rights of Parliament or to restrict the freedom of movement was unacceptable. The representatives of France and the United States shared that view. In addition, the representative of France objected to the apparent confused use of "resolutions" and "decisions" of the Security Council in the resolution. The representative of the United States said that, according to his delegation's understanding, the resolution just adopted did not endorse the use of force. He also affirmed that any constitutional arrangements emanating from Salisbury which did not involve all political parties concerned would not have the support of the United States. With regard to paragraph 3 of the resolution the representative of Norway stated that, in conformity with its established policy, his Government would continue to provide only humanitarian and economic assistance.

Decision of 30 April 1979 (2143rd meeting): resolution 448 (1979)

In a letter dated 26 April 1979,¹²³⁹ the representative of the Ivory Coast, in his capacity as Chairman of the African Group of countries at the United Nations requested the President to convene an urgent meeting of the Security Council to consider the recent developments in Southern Rhodesia.

At the 2142nd meeting on 27 April 1979 the Security Council included the letter from the representative of the Ivory Coast in its agenda,¹²⁴⁰ which was adopted without objection, and the matter was discussed at two meetings held on 27 and 30 April 1979.

In the course of those meetings the President, with the consent of the Council, invited the representatives of Botswana, India, the Ivory Coast, Kenya, Sri Lanka, the Sudan and Yugoslavia, at their request, to participate in the discussion without the right to vote. Also, in accordance with requests from the representatives of Gabon, Nigeria and Zambia and in the absence of any objection from any member of the Council, the President extended an invitation under rule 39 to Mr. Callistus Ndlovu, representative of the Patriotic Front.¹²⁴¹

At the 2142nd meeting the representative of the Ivory Coast said the Council had been requested to meet in order to consider the situation that had just arisen following the holding of elections¹²⁴² in Southern Rhodesia which had been condemned by the Security Council

in its resolution 445 (1978). He recalled that the so-called internal settlement constitution itself, upon which the elections were based, had also been rejected by the Council in its resolution 423 (1977). He therefore appealed to the Council to reaffirm its position by condemning the elections and declaring them null and void.¹²⁴³

Mr. Ndlovu, referring to his analysis of the elections presented earlier,¹²⁴⁴ described the conduct of those elections and sought to show that, apart from being illegal, they had been based on discriminatory premises and had been conducted in blatantly repressive and unfair conditions for the African voters. He reiterated that the elections just conducted would do nothing to change the situation in Zimbabwe especially with regard to the liberation war being waged by the Patriotic Front. He also warned against the involvement of South Africa which he said was attempting to link the solution of the Southern Rhodesian problem to that of Namibia. He therefore called upon the Council to reaffirm its rejection of the election, to call upon all Member States not to recognize them or the resulting régime and to denounce South Africa's policies.¹²⁴⁵

The representative of Kenya, speaking on behalf of the Minister of Foreign Affairs of Kenya, Chairman of the OAU Council of Ministers at the time, affirmed that the elections were illegal, in any case, unfairly conducted and therefore unacceptable. Moreover, they could not bring peace to the country. The Council had thus a straightforward duty to reject them and instead urge Ian Smith and his colleagues to return to the negotiating table.¹²⁴⁶

At the 2143rd meeting on 30 April 1979 the representative of Kuwait, after reviewing some press reports on the conduct of the elections, said that the Council could not condone elections conducted under emergency conditions, with no opposition allowed, and where the proposed new Government was set merely to perpetuate white supremacy. The Council should therefore reaffirm its earlier resolutions with regard to the elections and to the so-called internal settlement. In the course of his statement he introduced a draft resolution (S/13282) sponsored by the delegations of Bangladesh, Bolivia, Gabon, Jamaica, Kuwait, Nigeria and Zambia.¹²⁴⁷

The representative of France, while admitting the elections had thrown the question of Southern Rhodesia into deeper confusion, reaffirmed his Government's position that the colonial territory of Southern Rhodesia was a special responsibility for the United Kingdom; France could not therefore associate itself with a draft resolution which did not permit an opportunity to the administering Power to handle its responsibilities first.¹²⁴⁸

The representative of the United States reaffirmed that his Government still adhered to the United King-

¹²³⁸ See 2122nd mtg., paras 24-31, 32, 33-38 and 39-40, respectively.

¹²³⁹ S/13276. *OR 34th yr. Suppl. for April-June 1979*, p. 64

¹²⁴⁰ 2142nd mtg., preceding para. 1.

¹²⁴¹ For details concerning these invitations, see chapter III.

¹²⁴² By a note dated 26 April 1979 the Permanent Mission of Benin to the United Nations transmitted the text of a statement entitled "The Elections of Ian Smith" consisting of an analytical and critical briefing presented by Mr. Callistus Ndlovu on the elections held in Southern Rhodesia in April 1979, under the constitution of the so-called internal settlement (see S/13217. *OR 34th year. Suppl. for April-June 1979*, p. 64)

¹²⁴³ 2142nd mtg., paras 7-15.

¹²⁴⁴ See footnote 1242.

¹²⁴⁵ 2142nd mtg., paras 17-36.

¹²⁴⁶ *Ibid.*, paras 85-93.

¹²⁴⁷ 2143rd mtg., paras 5-15.

¹²⁴⁸ *Ibid.*, paras 27-31.

dom proposals as the best and fairest solution to the problem of Southern Rhodesia. Quoting the United States Secretary of State he said that a broader solution required elections supervised by the United Nations. With regard to the draft resolution before the Council he reminded the Council that, according to United States law, the President of the United States had to determine whether the recent elections in Southern Rhodesia had been free and fair. Pending that determination the United States delegation could not take any position on the draft resolution and would therefore abstain on it, and would regard it as non-binding.¹²⁴⁹

At the same meeting the seven-Power draft resolution was put to the vote and was adopted by 12 votes to none with three abstentions (France, the United Kingdom and the United States) as resolution 448 (1979), the text of which reads as follows:

The Security Council,

Recalling its resolutions on the question of Southern Rhodesia and in particular resolutions 253 (1968), 403 (1977), 411 (1977), 423 (1978), 437 (1978) and 445 (1979) reaffirming the illegality of the Smith régime,

Having heard the statement of the Chairman of the African Group,

Having also heard the statement of the representative of the Patriotic Front of Zimbabwe,

Reaffirming resolution 445 (1979), particularly its provision declaring that any elections held under the auspices of the illegal racist régime and the results thereof would be null and void and that no recognition would be accorded either by the United Nations or any Member State to any representative or organ established by that process,

Gravely concerned that the illegal racist minority régime in Southern Rhodesia proceeded with the holding of sham elections in the Territory in utter defiance of the United Nations,

Convinced that these so-called elections did not constitute a genuine exercise of the right of the people of Zimbabwe to self-determination and national independence and were designed to perpetuate white racist minority rule,

Reaffirming the inalienable right of the people of Southern Rhodesia (Zimbabwe) to self-determination and independence in accordance with General Assembly resolution 1514 (XV) of 14 December 1960 and the legitimacy of their struggle to secure the enjoyment of such rights as set forth in the Charter of the United Nations,

Bearing in mind the responsibility of every Member State to adhere scrupulously to Security Council resolutions and decisions, and their responsibility to ensure that institutions and citizens under their jurisdiction will observe the same,

1 *Strongly condemns* all attempts and manoeuvres by the illegal régime, including the so-called elections of April 1979, aimed at retaining and extending a racist minority rule and at preventing the accession of Zimbabwe to independence and genuine majority rule.

2 *Reaffirms* the so-called elections held under the auspices of the illegal racist régime and the results thereof to be null and void;

3 *Reiterates* its call to all States not to accord recognition to any representative of or organ established by that process and to observe strictly the mandatory sanctions against Southern Rhodesia.

Speaking after the vote, the representative of the United Kingdom repeated that his delegation could not accept a resolution that attempted to circumscribe the rights of Parliament or the freedom of its actions. However, he informed the Council that since the

elections the United Kingdom Secretary of State for Foreign and Commonwealth Affairs had announced his intention to send his special envoy to Africa again for the purpose of exploring the possibility of holding a conference to be attended by all parties to the conflict.¹²⁵⁰

Decision of 21 December 1979 (2181st meeting): resolution 460 (1979)

By a letter dated 9 November 1979¹²⁵¹ the Chairman of the Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia transmitted the text of a statement adopted by the Committee that day expressing grave concern about measures contemplated by the United Kingdom to discontinue in the near future the application of Council sanctions against the illegal régime in Southern Rhodesia, a matter which the Committee felt should more appropriately be left to the Council itself, which had instituted the sanctions in the first place.

By a letter dated 12 December 1979¹²⁵² the representative of the United Kingdom informed the Council that on 3 December 1979 an order had been made providing for full resumption of United Kingdom authority over Southern Rhodesia. The foregoing arrangements were being worked out in the final stage of the constitutional conference on Southern Rhodesia under way at the time at Lancaster House, London. As a result, a British Governor had assumed his functions in Salisbury on 12 December and the state of rebellion had been brought to an end. Therefore, the United Kingdom Government held, the situation in Southern Rhodesia had been remedied and the obligations of Member States under Article 25 of the Charter had been discharged. Accordingly the United Kingdom was terminating the measures taken pursuant to the decisions adopted by the Security Council.

In a letter dated 14 December 1979¹²⁵³ the representative of Madagascar, in his capacity as Chairman of the African Group of countries at the United Nations, expressed the great concern felt by the African Group at the decision of the United Kingdom to cease to discharge its obligations with regard to the mandatory sanctions against Southern Rhodesia in resolution 253 (1968). The African Group considered the unilateral action of the United Kingdom to be illegal and completely unacceptable, and requested the Council to maintain its authority in the matter.

In a further letter dated 18 December 1979,¹²⁵⁴ the representative of the United Kingdom, referring to his earlier letter of 12 December, requested a meeting of the Council to consider the matter.

At the 2181st meeting on 21 December 1979, the Security Council included the two letters from the representative of the United Kingdom and the letter

¹²⁵⁰ *Ibid.*, paras 139-142.

¹²⁵¹ S/13617, *OR*, 34th yr., *Suppl for Oct-Dec 1979*, p. 61.

¹²⁵² S/13688, *ibid.*, p. 119.

¹²⁵³ S/13693, *ibid.*, p. 131.

¹²⁵⁴ S/13698, *ibid.*, p. 137.

¹²⁴⁹ *Ibid.*, paras 113-119.

from the representative of Madagascar in its agenda, which was adopted without objection,¹²⁵⁵ and considered the matter at that meeting.

In the course of that meeting the President with the consent of the Council, invited the representatives of Botswana, Cuba, Liberia, Madagascar, Mozambique and the United Republic of Tanzania, at their request, to participate in the discussion without the right to vote. Also, in accordance with requests from the representative of Kuwait and in absence of any objection from any member of the Council, the President extended an invitation under rule 39 to Mr. Clovis Maksoud.¹²⁵⁶

At the beginning of the Council's deliberations the President drew attention to a draft resolution (S/13699), which he said had been prepared in the course of prior consultations.¹²⁵⁷ The Council then proceeded to vote on the draft resolution, which was adopted by 13 votes to none with two abstentions (Czechoslovakia and the USSR) as resolution 460 (1979), and the text of which reads as follows:

The Security Council,

Recalling its resolutions 232 (1966) of 16 December 1966, 253 (1968) of 29 May 1968 and subsequent related resolutions on the situation in Southern Rhodesia,

Reaffirming the provisions of General Assembly resolution 1514 (XV) of 14 December 1960,

Noting with satisfaction that the conference held at Lancaster House in London has produced agreement on the Constitution for a free and independent Zimbabwe providing for genuine majority rule, on arrangements for bringing that Constitution into effect and on a cease-fire,

Noting also that the Government of the United Kingdom of Great Britain and Northern Ireland, having resumed its responsibility as the administering Power, is committed to decolonizing Southern Rhodesia on the basis of free and democratic elections which will lead Southern Rhodesia to genuine independence acceptable to the international community in accordance with the objectives of resolution 1514 (XV),

Deploing the loss of life, the waste and the suffering caused by the fourteen years of rebellion in Southern Rhodesia,

Conscious of the need to take effective measures for the prevention and removal of all threats to international peace and security in the region,

1. Reaffirms the inalienable right of the people of Zimbabwe to self-determination, freedom and independence, as enshrined in the Charter of the United Nations and in conformity with the objectives of General Assembly resolution 1514 (XV);

2. Decides, having regard to the agreement reached at the Lancaster House conference, to call upon Member States to terminate the measures taken against Southern Rhodesia under Chapter VII of the Charter pursuant to resolutions 232 (1966), 253 (1968) and subsequent related resolutions on the situation in Southern Rhodesia;

3. Further decides to dissolve the Committee established in pursuance of resolution 253 (1968) in accordance with rule 28 of the provisional rules of procedure of the Security Council;

4. Commends Member States, particularly the front-line States, for their implementation of its resolutions on sanctions against Southern Rhodesia in accordance with their obligation under Article 25 of the Charter.

5. Calls upon all Member States and the specialized agencies to provide urgent assistance to Southern Rhodesia and the front-line States for reconstruction purposes and to facilitate the repatriation of all refugees or displaced persons to Southern Rhodesia.

6. Calls for strict adherence to the agreements reached and for their full and faithful implementation by the administering Power and all the parties concerned;

7. Calls upon the administering Power to ensure that no South African or other external forces, regular or mercenary, will remain in or enter Southern Rhodesia, except those forces provided for under the Lancaster House agreement;

8. Requests the Secretary-General to assist in the implementation of paragraph 5 of the present resolution, particularly in organizing with immediate effect all forms of financial, technical and material assistance to the States concerned in order to enable them to overcome the economic and social difficulties facing them;

9. Decides to keep the situation in Southern Rhodesia under review until the Territory attains full independence.

After the vote the Secretary-General made a statement. He welcomed the formal signing that day in London of the constitutional agreement which he said had set in motion the process by which Southern Rhodesia would become free and independent under genuine majority rule. He also noted that the resolution just adopted had terminated the Security Council sanctions against Southern Rhodesia. During the subsistence of those sanctions, he further noted, certain countries in the region, particularly Zambia and Mozambique, had encountered enormous difficulties: their economic and social structures, like those of Southern Rhodesia itself, had been seriously disrupted and would, therefore, require massive international assistance for restoration. In the resolution the Security Council had appropriately addressed itself to that need. The Secretary-General assured the Council that, in consultation with the Governments concerned and with the appropriate international agencies, he would do everything possible to organize assistance to the front-line States and would soon enter into discussions with the new Government of Zimbabwe in order to organize an effective programme of financial, economic and technical assistance for the country. Finally, with regard to repatriation of refugees to Southern Rhodesia, he said that the United Nations High Commissioner for Refugees would act to facilitate such repatriation and settlement and was also willing to co-ordinate other international efforts to that end.¹²⁵⁸

The representative of the United Kingdom said that his delegation was pleased to support a resolution that, among other things, had terminated the sanctions, although the United Kingdom had already considered them automatically terminated with the return of the colonial territory to legality. He then referred to the constitutional settlement of the Southern Rhodesian question achieved in London, which he regarded as an event of great historical importance, and paid tribute to all those involved in that achievement. Looking to the future he urged that all the parties to the agreement should honour their commitments so as to make the agreement a success. He also expressed the hope that due attention would be paid to the resettlement of the refugees in Zimbabwe and the restoration of the economic and social structure there.¹²⁵⁹

¹²⁵⁵ 2181st mtg., preceding para. 1.

¹²⁵⁶ For details concerning these invitations, see chapter III.

¹²⁵⁷ 2181st mtg., para. 3.

¹²⁵⁸ *Ibid.*, paras. 6-15.

¹²⁵⁹ *Ibid.*, paras. 16-23.

The representative of Zambia also welcomed the constitutional agreement reached in London, which he said had been facilitated by the final communiqué adopted in August 1979 at Lusaka, Zambia, by the Commonwealth Heads of Government.¹²⁶⁰ He recalled how much Zambia had suffered through military attacks by the illegal régime and through its sacrificial application of the sanctions against the régime. He stated his Government's view that, contrary to the position of the United Kingdom and other countries that had acted unilaterally, the sanctions could only be abrogated by the Security Council itself. However, now that the Council had done so, he commended the Security Council Committee on sanctions for its work in monitoring the application of those sanctions, as well as those countries that had complied with them. He also urged the Council to warn South Africa to remove all its military forces and other personnel from Southern Rhodesia and against any contemplation that Government might harbour to intervene in Southern Rhodesia.¹²⁶¹

The representative of Mozambique reviewed the history of the struggle for independence in Zimbabwe and of the application of sanctions. He quantified some of the actual losses suffered by Mozambique in the process. He drew attention, however, to the difficulties soon to be encountered with the re-opening of the borders with Zimbabwe and stressed the need for international assistance to restore the damaged or disused means of communication in particular.¹²⁶²

Mr. Maksoud said that the Arab Group of States and the League of Arab States joined the international community in welcoming the constitutional agreement reached in London, and expressed the hope that the lessons learnt over the Southern Rhodesian question might facilitate the struggle by the Palestinian people in their own cause.¹²⁶³

The representatives of the United States and France similarly welcomed the constitutional resolution of the Southern Rhodesian issue and expressed the hope that all the parties concerned would act in good faith to promote a successful implementation of the agreement.¹²⁶⁴

The representatives of Czechoslovakia and the USSR expressed some doubts about the agreement reached in London, and without any guarantee of a positive outcome of the substance of the agreement said to have been concluded, they felt that the termination of the sanctions by the Council was a premature move. For that reason they had decided to abstain on the draft resolution just voted on by the Council.¹²⁶⁵

All the other speakers¹²⁶⁶ stressed similar points: concern about the implementation of the agreement concluded in London and anxiety about any sinister counter-moves by South Africa. Some of them looked at the agreement as a victory for the nationalist liberation forces of Zimbabwe and regarded it as an instructive lesson for the nationalist forces in Namibia, upon which matter they urged the Council to exercise close vigilance. Others maintained that the agreement had not absolved the United Kingdom of its primary responsibility for Southern Rhodesia and still looked to it for ensuring faithful implementation of the agreement; they also criticized the United Kingdom and the United States for their unilateral termination of the sanctions. Nevertheless, most of them regarded the London agreement as a welcome relief from a conflict of potential international proportions, and expressed satisfaction that the peaceful resolution of the crisis had reaffirmed the authority of the Security Council.

Decision of 2 February 1980 (2196th meeting): resolution 463 (1980)

By a letter dated 25 January 1980¹²⁶⁷ the representative of Malawi, in his capacity as Chairman of the African Group of Countries at the United Nations, and upon the instructions of the OAU, requested an urgent meeting of the Security Council to consider the situation in Southern Rhodesia which, he said, had arisen from gross violations by the United Kingdom Government of the constitutional agreement on Southern Rhodesia concluded in London in December 1979.

At the 2192nd meeting on 30 January 1980 the Council included the letter from Malawi in its agenda, which was adopted without objection,¹²⁶⁸ and the matter was considered at five meetings held from 30 January to 2 February 1980.

In the course of those meetings the President, with the consent of the Council, invited the representatives of Algeria, Botswana, Cuba, Egypt, Ghana, Kenya, Liberia, Malawi, Mozambique, Nigeria, Somalia, Uganda, the United Republic of Tanzania, Viet Nam, Yugoslavia and Zaire, at their request, to participate in the discussion without the right to vote. Also, in accordance with requests from the representatives of Nigeria, Tunisia and Zambia and in the absence of objection, the President extended invitations under rule 39 to Messrs. Tirivafi Kangai, Johnstone Makatini and Callistus Ndlovu.¹²⁶⁹

The Minister for Foreign Affairs of Liberia, speaking on behalf of the Chairman of the OAU, said that the meeting had been called so that the Security Council and the international community might be informed of Africa's concern at the serious violations of the constitu-

¹²⁶⁰ By a letter dated 24 August 1979 the representative of Zambia had transmitted the text of the communiqué, which was issued as a document of the Security Council (see S/13515).

¹²⁶¹ 2181st mtg., paras. 24-38.

¹²⁶² *Ibid.*, paras. 153-190.

¹²⁶³ *Ibid.*, paras. 265-272.

¹²⁶⁴ *Ibid.*, United States (paras. 71-76), France (paras. 77-82).

¹²⁶⁵ *Ibid.*, Czechoslovakia (paras. 116-121), USSR (paras. 133-136).

¹²⁶⁶ *Ibid.*, Nigeria (paras. 40-63), Gabon (paras. 64-70), Bolivia (paras. 83-90), Bangladesh (paras. 92-103), Jamaica (paras. 104-112), Norway (paras. 113-115), Kuwait (paras. 122-132), Portugal (paras. 137-141), China (paras. 143-149), the United Republic of Tanzania (paras. 193-209), Madagascar (paras. 212-225), Liberia (paras. 229-236), Botswana (paras. 239-252), Cuba (paras. 254-261).

¹²⁶⁷ S/13764, *OR*, 34th year, *Suppl. for Jan.-March 1980*, p. 23.

¹²⁶⁸ 2192nd mtg., preceding para. 1.

¹²⁶⁹ For details concerning these invitations, see chapter III.

tional agreement concluded in London for solving the Southern Rhodesian question. He said that it was a matter of great irony that the United Kingdom, as the administering Power primarily responsible for upholding the agreement, should itself be the violator of that accord. Of the violations complained of he singled out the following which he said were arousing the greatest concern: the continued presence of South African troops and mercenaries in Southern Rhodesia; the partiality shown by the British Governor in his implementation of the agreement; the deployment of the Southern Rhodesian forces by the Governor instead of confining them to their bases, and the renewal by the Governor of the emergency regulations for a further period of six months, contrary to the spirit and intent of the agreement.

Expounding on those complaints the Minister for Foreign Affairs of Liberia said that, contrary to assurances and explanations given by the United Kingdom authorities, there were up to 6,000 South African military and police personnel all over Southern Rhodesia and not just a few confined to the protection of the Beit Bridge.¹²⁷⁰ The continuation of the martial law and the emergency regulations would perpetuate a climate of intimidation, and any elections conducted under those conditions could not be less objectionable than those held previously under the so-called internal settlement, which had been rejected by the international community. For all those reasons, he said, the African countries appealed to the Security Council to prevail upon the United Kingdom to implement scrupulously the London agreement, which the Patriotic Front of Zimbabwe had been induced to sign in expectation of good faith. In particular, he enumerated the following measures which, in the opinion of the African countries, were necessary to ensure a fair implementation of the agreement: immediate expulsion of all South African military and mercenary personnel from Southern Rhodesia; immediate confinement of Southern Rhodesian security and auxiliary forces to their bases; the release of all political prisoners, and the freedom of all Zimbabwe exiles to return to Southern Rhodesia without harassment. He concluded by reading the text of a message sent to the Prime Minister of the United Kingdom by the President of Liberia on 14 January 1980, in which similar pleas were made to the United Kingdom Government.¹²⁷¹

The representative of the United Kingdom denied that there had been a deterioration of the situation in Southern Rhodesia; he sought to show on the contrary that since the coming into effect of the London agreement there was mounting evidence of a return to normalcy in the territory. Nevertheless, he gave a detailed account of incidents perpetrated by various interested parties which, he acknowledged, were making implementation of the agreement difficult. But he pointed out that all such incidents were being handled

by the Electoral and Cease-fire Commissions on which all the interested parties were represented.

Addressing himself to the specific complaints raised by the African countries, the representative of the United Kingdom informed the Council that on that very day the South African military contingent had been withdrawn from the Rhodesian side of the Beit Bridge. On the question of deployment of the Southern Rhodesian auxiliary forces, he said that, while recognized as part of the Southern Rhodesian forces, they had been deployed in accordance with the London agreement in order to help the police monitor effectively the cease-fire. He noted however that some members of the Patriotic Front force had not scrupulously observed the requirement to stay at their assembly points.

He further explained that the Governor's decision to renew the emergency regulations had been taken with a view to dealing with acts of lawlessness and violence in the country as a whole. The same rationale had applied to the continuation of martial law over a large area of Southern Rhodesia; however, the martial law courts were no longer functioning and many martial law detainees had been released. With regard to the repatriation of Zimbabwe refugees he said that although the programme had not gone as smoothly as expected there was no complicity to deny the refugees their right of return; already some 4,000 had returned from Botswana and arrangements were under way for the return of those from Mozambique and Zambia. Finally he gave assurance that the Governor was acting properly and impartially although his task was a difficult one, noting how each of the interested parties had variously accused the Governor of partiality.¹²⁷²

Mr. Kangai, speaking as representative of the Patriotic Front of Zimbabwe, commented on some of the principal complaints raised in the letter from Malawi and by the Minister for Foreign Affairs of Liberia, and added that, contrary to the assurance given by the representative of the United Kingdom, the Patriotic Front did not believe that all South African troops had left Southern Rhodesia. He claimed that the South African military personnel operating in Southern Rhodesia fell into three categories: those under direct South African command, those on secondment to the Southern Rhodesian forces and mercenaries. The Patriotic Front also rejected the deployment of the Southern Rhodesian auxiliary forces for monitoring the cease-fire, which it regarded as a clear violation of the London agreement. That was the duty of the Commonwealth observer forces, he said, which were also entrusted with monitoring the confinement of the forces of all the interested parties to their bases or assembly points.¹²⁷³

Mr. Ndlovu similarly accentuated the complaints of the Patriotic Front. He enumerated a number of instances which the Patriotic Front considered as clear manifestations of favouritism to the Administration of the rejected internal settlement. He said that the continued presence of South African troops on Zim-

¹²⁷⁰ The bridge at the border point on the highway linking Southern Rhodesia and South Africa.

¹²⁷¹ 2192nd mtg., paras. 13-34.

¹²⁷² *Ibid.*, paras. 35-64.

¹²⁷³ 2193rd mtg., paras. 4-36.

babwe soil, apart from being contrary to the London agreement, constituted a serious threat to internal peace. He appealed to the Council to redress the complaints raised, otherwise, he warned, a serious confrontation would ensue, jeopardizing the peaceful settlement agreement that had been achieved at the London conference.¹²⁷⁴

All the representatives of the other African countries that participated in the discussion¹²⁷⁵ repeated and reiterated with more or less emphasis the principal complaints raised against the implementation of the London agreement, and appealed to the Security Council to take the necessary measures to rectify the situation while there was still time. Many of them urged the Security Council to prevail upon the United Kingdom to adhere strictly to the provisions of resolution 460 (1979) and to ensure scrupulous implementation of the London agreement.

The representative of the USSR said¹²⁷⁶ that the statements made by the African representatives had borne out his delegation's doubts that the London agreement would ever be the basis for a peaceful resolution of the Southern Rhodesia question. He contended that the actions of the United Kingdom Government and of the Governor in Southern Rhodesia were deliberately intended to benefit those in power in the territory under the so-called and discredited internal settlement constitution. He claimed that such behaviour was in conformity with the design of certain Western countries to keep in power minority, racist régimes in southern Africa for the benefit of those countries and their transnational corporations. The views of the USSR delegation were supported by the representative of the German Democratic Republic.¹²⁷⁷

The representative of China supported the various views and proposals put forward by the African representatives and urged the Security Council to give serious consideration to them. His delegation also urged that the Council should strongly condemn South Africa for its interference in Southern Rhodesia's internal affairs and call upon the administering Power to ensure immediate withdrawal of all the South African forces and mercenaries from the territory.¹²⁷⁸

The representative of the United Kingdom made a further statement in reply to some of the statements made. He repeated that in conformity with the London agreement the Governor was entitled to call out the Rhodesian forces, which were themselves monitored, to monitor the cease-fire; but he also added that the deployment of the Rhodesian forces had been necessitat-

ed by the failure of the Zimbabwe African National Liberation Army (ZANLA)¹²⁷⁹ to assemble or remain at their assigned points. He pointed out, moreover, that there was a Cease-fire Commission established under the London agreement to which any relevant violations should be referred, rather than to the Security Council. He also denied the claims about the presence of South African forces in Southern Rhodesia apart from those recently withdrawn to the South African border of the Beit Bridge. On the contrary, he said, there were several military personnel of other nationalities, notably those of the Front for the Liberation of Mozambique, operating with ZANLA, which had not complied with the requirement to assemble at the assigned points. He concluded by informing the Council that, with regard to repatriation of the refugees, informal agreement had been reached as to the number of refugees expected to be repatriated daily from Botswana, Mozambique and Zambia. He also informed the Council that the United Kingdom Government had announced an allocation of £ 1.15 million to assist in such repatriation in response to the appeal by the United Nations High Commissioner for Refugees.¹²⁸⁰

At the 2196th meeting on 2 February 1980 the Council had before it a draft resolution (S/13777/Rev.1) sponsored by the delegations of Bangladesh, Jamaica, Mexico, Niger, the Philippines, Tunisia and Zambia, which was put to the vote and was adopted by 14 votes to none (the United Kingdom did not participate in the voting) as resolution 463 (1980), which reads as follows:

The Security Council,

Having considered the latest developments in Southern Rhodesia (Zimbabwe),

Recalling its resolutions on the situation in Southern Rhodesia, and in particular its resolution 460 (1979) of 21 December 1979,

Noting that the conference held at Lancaster House in London has produced agreement on the Constitution for a free and independent Zimbabwe providing for genuine majority rule, on arrangements for bringing that Constitution into effect and on a cease-fire,

Noting also that the Government of the United Kingdom of Great Britain and Northern Ireland, having resumed its responsibility as the administering Power, is committed to decolonizing Southern Rhodesia on the basis of free and democratic elections which will lead Southern Rhodesia to genuine independence acceptable to the international community, in accordance with the objectives of General Assembly resolution 1514 (XV) of 14 December 1960,

Concerned at the numerous violations of the terms of the Lancaster House agreement,

Reaffirming the need for strict compliance with the terms of paragraph 7 of resolution 460 (1979), which called upon the administering Power to ensure that no South African or other external forces, regular or mercenary, would remain in or enter Southern Rhodesia, except those forces provided for under the Lancaster House agreement,

1. *Reaffirms the inalienable right of the people of Zimbabwe to self-determination, freedom and independence, as enshrined in the Charter of the United Nations and in conformity with the objectives of General Assembly resolution 1514 (XV);*

2. *Calls upon all parties to comply with the Lancaster House agreement.*

¹²⁷⁴ 2195th mtg., paras 120-142.

¹²⁷⁵ The representatives of the United Republic of Tanzania (2192nd mtg., paras 67-98); Mozambique (*ibid.*, paras 101-128); Malawi (*ibid.*, paras 130-147); Egypt (*ibid.*, paras 149-157); Botswana (*ibid.*, paras 159-181); Zambia (2193rd mtg., paras 37-80); Somalia (2194th mtg., paras 4-18); Niger (*ibid.*, paras 49-58); Algeria (*ibid.*, paras 104-126); Zaire (*ibid.*, paras 169-189); Nigeria (2195th mtg., paras 12-30); Tunisia (*ibid.*, paras 33-42); Ghana (*ibid.*, paras 75-89); Kenya (*ibid.*, paras 93-98) and Uganda (*ibid.*, paras 110-117).

¹²⁷⁶ 2194th mtg., paras 59-88.

¹²⁷⁷ 2193rd mtg., paras 81-94.

¹²⁷⁸ 2194th mtg., paras 159-167.

¹²⁷⁹ A component of the armed forces of the Patriotic Front of Zimbabwe.

¹²⁸⁰ 2195th mtg., paras 144-166.

3. *Calls upon* the administering Power to ensure the full and impartial implementation of the letter and spirit of the Lancaster House agreement;

4. *Calls upon* the Government of the United Kingdom of Great Britain and Northern Ireland, while noting its announcement that the South African troops have been withdrawn from the Beit Bridge, to ensure the immediate, complete and unconditional withdrawal of any other South African forces, regular or mercenary, from Southern Rhodesia;

5. *Calls upon* the Government of the United Kingdom to take all necessary steps in order to ensure that eligible Zimbabwe nationals will freely participate in the forthcoming electoral process, including:

(a) The speedy and unimpeded return of Zimbabwe exiles and refugees in conformity with the Lancaster House agreement;

(b) The release of all political prisoners;

(c) The strict compliance by all the forces with the terms of the Lancaster House agreement and the confinement forthwith of the Rhodesian and auxiliary forces to their bases in conformity with that agreement;

(d) The according of equal treatment to all parties to the agreement;

(e) The rescinding of all emergency measures and regulations inconsistent with the conduct of free and fair elections;

6. *Calls upon* the Government of the United Kingdom to create conditions in Southern Rhodesia which will ensure free and fair elections and thereby avert the danger of the collapse of the Lancaster House agreement, which could have serious consequences for international peace and security;

7. *Calls upon* the Government of the United Kingdom to release any South African political prisoners, including captured freedom fighters, in Southern Rhodesia and to ensure their safe passage to any country of their choice;

8. *Strongly condemns* the racist régime in South Africa for interference in the internal affairs of Southern Rhodesia;

9. *Calls upon* all Member States to respect only the free and fair choice of the people of Zimbabwe;

10. *Decides* to keep the situation in Southern Rhodesia under review until the Territory attains full independence under genuine majority rule.

Following the vote the representative of the United Kingdom explained his delegation's non-participation in the vote, explaining that the draft resolution was unbalanced and selective, and purported to give guidance on the United Kingdom's administration of its colonial territory otherwise than in accordance with the terms of the London agreement; the United Kingdom delegation could not associate itself with such a resolution.¹²⁸¹

The representative of the United States said that, although difficulties had occurred during the implementation of the London agreement, it was necessary for the parties concerned to build on the positive elements that had so far emerged. He exhorted all others not party to the agreement to exercise patience and exhibit forbearance in their criticism. In explanation of vote he said that he understood that the resolution just adopted called on the United Kingdom and the parties concerned to play their part in implementing the agreement, but his delegation did not accept charges of violations of that agreement.¹²⁸²

The representative of Portugal said that his delegation had supported the resolution because it reflected the apprehension of the world community about the

developments in Southern Rhodesia, but that his delegation had trust in the ability of the United Kingdom to implement the London agreement impartially.¹²⁸³

THE SITUATION IN SOUTH AFRICA: KILLINGS AND VIOLENCE BY THE APARTHEID RÉGIME IN SOWETO AND OTHER AREAS

Decision of 19 June 1976 (1930th meeting): resolution 392 (1976)

By letter¹²⁸⁴ dated 18 June 1976 addressed to the President of the Security Council, the representatives of Benin, the Libyan Arab Republic and the United Republic of Tanzania, in accordance with the decision of the African Group, requested an emergency meeting of the Security Council to consider the measures of repression, including wanton killings, perpetrated by the *apartheid* régime in South Africa against the African people in Soweto and other areas in South Africa.

By telegram¹²⁸⁵ dated 18 June 1976 addressed to the Secretary-General, the President of Madagascar, in view of the outburst of violence in Soweto and several other places in South Africa, requested the Secretary-General to convene the Security Council as a matter of urgency and to call upon all nations, particularly the developed countries, to implement the relevant resolutions of the General Assembly and the Security Council.

At the 1929th meeting on 18 June 1976, the Council included the item in its agenda.¹²⁸⁶ In the course of the discussions the President, with the consent of the Council, invited the representatives of Algeria, Cuba, India, Liberia, Madagascar, South Africa, the United Republic of Cameroon, Yugoslavia and Zambia, at their request, to participate in the discussion without the right to vote.¹²⁸⁷

The Council also extended invitations under rule 39 of the provisional rules of procedure to Mr. Trami Mhlambiso of the African National Congress of South Africa and Mr. David Sibeko of the Pan Africanist Congress of Azania.¹²⁸⁸

The question was considered at the 1929th and 1930th meetings, held on 18 and 19 June 1976.

At the 1929th meeting the representative of Liberia, speaking on behalf of the African Group, stated that the events in Soweto were reminiscent of what took place in Sharpeville in 1960, constituted a violation of human rights and had become the concern of the international community. She pointed out that the African States condemned the atrocities by the Pretoria régime, which had resulted in the deaths of hundreds of innocent people, including children, and called on the Security Council to take bold and positive action against South Africa which for the past 30 years had flouted resolutions of both the Security Council and the General Assembly.¹²⁸⁹

¹²⁸¹ *Ibid.*, paras. 72 and 73.

¹²⁸⁴ S/12100, OR, 31st yr., Suppl. for April-June 1976, p. 64.

¹²⁸⁵ S/12101, *ibid.*

¹²⁸⁶ 1929th mtg., preceding para. 1.

¹²⁸⁷ For details, see chapter III.

¹²⁸⁸ *Ibid.*

¹²⁸⁹ 1929th mtg., paras. 6-17.

¹²⁸¹ 2196th mtg., paras. 5 and 6.

¹²⁸² *Ibid.*, paras. 34-43.

At the same meeting the representative of Algeria called on the Council to reaffirm unanimously the condemnation of *apartheid*, to express the solidarity of the Council with the African people in South Africa and to issue an absolute prohibition of any political, economic or military relations with the Pretoria régime.¹²⁹⁰

The representative of the United Republic of Tanzania reviewed the developments in South Africa which he called a direct threat to international peace and security and expressed his belief that the Council had to do everything within its power, in accordance with the appropriate provisions of the Charter, to ensure that an end was put to the *apartheid* system.¹²⁹¹

The representative of the USSR agreed with the press statement issued on 17 June 1976 by the Acting Chairman of the United Nations Special Committee against *Apartheid* in which an appeal had been made for a total embargo on all supplies to the armed forces and police of South Africa and for the complete international isolation of the South African racist régime, and supported the strongest sanctions against South Africa, as provided for in the Charter.¹²⁹²

At the same meeting, the President informed the Council of a letter dated 18 June 1976 from the Rapporteur of the Special Committee against *Apartheid* with a request to address the Council on the item. In accordance with previous practice, the President proposed that the Council extend an invitation, under rule 39 of the provisional rules of procedure, to the Rapporteur of the Special Committee against *Apartheid*. In the absence of objections, it was so decided.¹²⁹³

The Rapporteur of the Special Committee against *Apartheid* reiterated the Committee's appeal for a total embargo on all supplies for the armed forces and police in South Africa, and for the total isolation of the South African racist régime and expressed its view that the Council should not only condemn the latest atrocities in South Africa, but also demand that the régime end forthwith its violence against innocent black Africans and take immediate steps to abolish the system of *apartheid* and racial discrimination.¹²⁹⁴

The President informed the Council that the sponsors of the draft resolution contained in document S/12103 had asked to make the following additions: at the end of the second preambular paragraph, "1976", was added; a new second preambular paragraph was inserted before the existing second preambular paragraph reading as follows: "Having considered also the telegram from the President of the Democratic Republic of Madagascar addressed to the Secretary-General (S/12101)".

At the 1930th meeting on 19 June 1976, the representative of the United Republic of Tanzania introduced the draft resolution¹²⁹⁵ on behalf of the delegations of Benin, Guyana, the Libyan Arab Republic, Pakistan,

Panama, Romania, Sweden and the United Republic of Tanzania.

In explaining his participation in the debate the representative of South Africa stated that it should not be construed as modifying in any way the well-known position of his delegation on Article 2, paragraph 7, of the Charter, which was documented in the records of the Organization.¹²⁹⁶

In the course of the 1929th and 1930th meetings a number of speakers called for the imposition of measures stipulated in Chapter VII of the Charter of the United Nations.¹²⁹⁷

The representative of Italy proposed to adopt the draft resolution by consensus.¹²⁹⁸

The representative of Benin, on behalf of the sponsors of the draft resolution, said that there were no objections to the Council proceeding in the manner proposed by the representative of Italy.

The President announced that inasmuch as draft resolution S/12103 had unanimous support in the Council, there appeared to be no need to vote upon it formally.

At the same meeting draft resolution S/12103 was unanimously adopted by consensus as resolution 392 (1976).¹²⁹⁹

The resolution reads as follows:

The Security Council,

Having considered the letter of the representatives of Benin, the Libyan Arab Republic and the United Republic of Tanzania, on behalf of the African Group at the United Nations, concerning the measures of repression, including wanton killings, perpetrated by the *apartheid* régime in South Africa against the African people in Soweto and other areas in South Africa,

Having considered also the telegram from the President of the Democratic Republic of Madagascar to the Secretary-General,

Deeply shocked over large-scale killings and wounding of Africans in South Africa, following the callous shooting of African people including schoolchildren and students demonstrating against racial discrimination on 16 June 1976,

Convinced that this situation has been brought about by the continued imposition by the South African Government of *apartheid* and racial discrimination, in defiance of the resolutions of the Security Council and the General Assembly,

1. *Strongly condemns* the South African Government for its resort to massive violence against and killings of the African people including schoolchildren and students and others opposing racial discrimination;
2. *Expresses* its profound sympathy to the victims of this violence;
3. *Reaffirms* that the policy of *apartheid* is a crime against the conscience and dignity of mankind and seriously disturbs international peace and security;
4. *Recognizes* the legitimacy of the struggle of the South African people for the elimination of *apartheid* and racial discrimination;
5. *Calls upon* the South African Government urgently to end violence against the African people and to take urgent steps to eliminate *apartheid* and racial discrimination;
6. *Decides* to remain seized of the matter.

¹²⁹⁰ *Ibid.*, paras. 19-20.

¹²⁹¹ *Ibid.*, paras. 85-121.

¹²⁹² *Ibid.*, paras. 133-145.

¹²⁹³ *Ibid.*, paras. 146 and 147.

¹²⁹⁴ *Ibid.*, paras. 149-160.

¹²⁹⁵ 1930th mtg., paras. 135-147. S/12103 was adopted without change as resolution 392 (1976).

¹²⁹⁶ 1930th mtg., paras. 150-179.

¹²⁹⁷ 1929th mtg., para. 127 (Benin), para. 159 (Rapporteur of the Special Committee against *Apartheid*), 1930th mtg., para. 43 (Yugoslavia), para. 98 (Zambia), para. 143 (United Republic of Tanzania), para. 218 (Mr. Sibeko).

¹²⁹⁸ 1930th mtg., paras. 279-283.

¹²⁹⁹ *Resolutions and Decisions of the Security Council, 1976*, p. 11.

Speaking in explanation of joining the consensus the representative of the United States of America stated that he did so on the understanding that the language of the resolution fell under Chapter VI of the Charter and did not imply any Chapter VII determination. He emphasized the sensitiveness of the United States to the limits of the Security Council's jurisdiction imposed by Article 2, paragraph 7, of the Charter under which no organ of the United Nations was authorized to intervene in matters which were essentially within the domestic jurisdiction of any State, except where enforcement measures under Chapter VII were to be applied. He added that that resolution before the Council was not providing for enforcement measures.¹³⁰⁰

The representative of the United Kingdom explained that his support for the resolution in no way indicated any diminution of the importance the United Kingdom attached to the strictest adherence to Article 2, paragraph 7, of the Charter and that Article 2, paragraph 7, was qualified by the parallel duty of the United Nations under Articles 55 and 56 of the Charter to concern itself with questions of human rights and fundamental freedoms.¹³⁰¹

At the end of the meeting the President noted that in accordance with the resolution adopted by the Council it remained seized of the matter.¹³⁰²

On 3 August 1976, the Special Committee against *Apartheid* transmitted a special report¹³⁰³ entitled "The Soweto massacre and its aftermath". The Special Committee recommended that the Security Council again consider the situation in South Africa in the light of the defiance by the South African régime of the relevant resolutions of the Council, in particular resolution 392 (1976), and the continued aggravation of the situation by massive repression. The Special Committee further recommended that the Security Council declare that the rapidly worsening situation in South Africa resulting from the policies of *apartheid* of the Pretoria régime was a grave threat to international peace and security, and that the Council take early action under Chapter VII of the Charter of the United Nations.

COMPLAINT BY THE PRIME MINISTER OF MAURITIUS, CURRENT CHAIRMAN OF THE OAU, OF THE "ACT OF AGGRESSION" BY ISRAEL AGAINST THE REPUBLIC OF UGANDA

Decision of 14 July 1976 (1943rd meeting): rejection of the two-Power draft resolution

By letter¹³⁰⁴ dated 6 July 1976 addressed to the President of the Security Council, the Assistant Executive Secretary of the Organization of African Unity (OAU) transmitted the text of a telegram by the Prime Minister of Mauritius, the current Chairman of the OAU. The telegram stated that on 4 July, the Assembly of Heads of State and Government of the OAU in Mauritius had received information concerning the

invasion of Uganda by Israeli commandos and had decided to request the Security Council to meet urgently to consider that wanton act of aggression against a Member State of the United Nations.

By letter¹³⁰⁵ dated 6 July 1976 addressed to the President of the Security Council the representative of Mauritania, as Chairman of the African Group for the month of July, requested the President to convene a meeting of the Council as a matter of urgency to consider the contents of the telegram of 6 July from the Chairman of OAU.

By earlier letter¹³⁰⁶ dated 4 July 1976 addressed to the Secretary-General, the representative of Israel transmitted excerpts from a statement made by the Prime Minister of Israel with regard to an operation conducted by the Israeli Defence Forces at Entebbe international airport in Uganda. The Prime Minister stated that the decision to undertake the operation had been taken by the Government of Israel on its sole responsibility and described it as an achievement in the struggle against terrorism.

By another letter¹³⁰⁷ dated 5 July 1976 addressed to the President of the Security Council the representative of Uganda transmitted the text of a message dated 4 July from the President of the Republic of Uganda charging that the Israeli invasion had been well-planned with the full co-operation of some other countries, including Kenya and the Western Powers. Uganda requested that Israel be condemned in the strongest possible terms for its aggression.¹³⁰⁸

At the 1939th meeting on 9 July 1976 the Council included the four letters in its agenda¹³⁰⁹ and considered the item from the 1939th to 1943rd meetings between 9 and 14 July 1976.

In the course of its deliberations the Council invited the representatives of Cuba, the Federal Republic of Germany, Guinea, India, Israel, Kenya, Mauritania, Mauritius, Qatar, Somalia, Uganda, the United Republic of Cameroon and Yugoslavia at their request to take part in the discussions without the right to vote.¹³¹⁰

¹³⁰⁵ S/12128, *ibid.*, p. 7.

¹³⁰⁶ S/12123, *ibid.*, pp. 3, 4.

¹³⁰⁷ S/12124, *ibid.*, pp. 4, 5.

¹³⁰⁸ In a letter dated 7 July (S/12131, *OR, 31st yr., Suppl. for July-Sept. 1976*, p. 9) the representative of Kenya replied to the charges made by Uganda, denying that Kenya ever had been or ever would be used as a base for aggression against any other country. The Israeli aircraft had been permitted to land at Nairobi airport purely on humanitarian grounds and in accordance with international law. Kenya, therefore, could not be held responsible in any manner or form for collaborating with the forces hostile to Africa. In a subsequent letter dated 12 July (S/12140, *OR, 31st yr., Suppl. for July-Sept. 1976*, pp. 16, 17) the Minister for Foreign Affairs of Kenya stated that a very serious situation had arisen in the wake of the allegations by Ugandan authorities charging Kenya with collaboration in the Israeli raid at Entebbe airport. He charged that Uganda had recently built up its military forces along the border with Kenya, thus increasing tension and the danger of avoidable incidents in the area.

¹³⁰⁹ Preceding the adoption of the agenda the representative of the USSR expressed the understanding that the words in inverted commas, "act of aggression", were taken from the telegram from the Chairman of the OAU, the Prime Minister of Mauritius (S/12126, annex), which referred to "this unprecedented aggression against Uganda by Israel" (1939th mtg., para. 4).

¹³¹⁰ For details, see chapter III.

¹³⁰⁰ 1930th mtg., paras. 289-292.

¹³⁰¹ *Ibid.*, paras. 293-307.

¹³⁰² *Ibid.*, para. 337.

¹³⁰³ S/12130/Add.1.

¹³⁰⁴ S/12126, *OR, 31st yr., Suppl. for July-Sept. 1976*, p. 6.

At the 1939th meeting the Secretary-General stated that the case before the Council raised a number of complex issues because in this instance the response of one State to the results of an act of hijacking involved an action affecting another sovereign State. The world community was currently required to deal with unprecedented problems arising from acts of international terrorism, which raised many issues of a humanitarian, moral, legal and political character for which currently no commonly agreed rules or solutions existed. He hoped that the Council would find a way to point the world community in a constructive direction so that it might be spared a repetition of the human tragedies of the past and the type of conflict between States which was currently before the Council.¹³¹¹

The representative of Uganda gave a detailed account of the events at Entebbe on 28 June 1976 and said that his country had never condoned international piracy and it was therefore not true, as Israel had alleged, that Uganda had collaborated with the hijackers. The Ugandan Government became involved in the affair accidentally and purely on humanitarian considerations. He called upon the Council unreservedly to condemn in the strongest possible terms Israel's aggression and demanded full compensation from Israel for the damage to life and property caused during the invasion.¹³¹²

The representative of Mauritania speaking on behalf of the Group of African States in the United Nations said that Israel violated the sovereignty and independence of a State Member of the United Nations and the OAU. That was aggression in the meaning of article 1 of the annex to resolution 3314 (XXIX). It was also clear that this act of aggression was incompatible with Article 2 of the United Nations Charter and particularly paragraph 4 of that Article.¹³¹³

The representative of Israel giving his account of events at Entebbe charged that President Amin of Uganda was in fact co-operating with the hijackers. Israel was left with no alternative but to rescue the hostages and escort them to safety. He reiterated that Israel accepted full and sole responsibility for the action and that no other Government was at any stage party to the planning or the execution of the operation. Uganda had violated a basic tenet of international law in failing to protect foreign nationals on its territory, and had violated the 1970 Convention on the Suppression or Unlawful Seizure of Aircraft, which had been ratified by both Israel and Uganda. He called on the Council to declare war on international terror, to outlaw it and eradicate it wherever it might be.¹³¹⁴

The representative of Kenya stated that the Council had gathered to discuss aggression committed against Uganda by Israel. Unfortunately, in lodging its complaint Uganda had deemed it fitting to drag Kenya into that affair. The Israeli aggression came as a complete surprise to Kenya, contrary to some baseless accusations

that Kenya had had prior knowledge of it and had collaborated with Israel. Kenya had been duty-bound to allow the Israeli planes to land on purely humanitarian grounds and in accordance with international law. Kenya viewed with great concern the aggression committed by the Israelis against Uganda.¹³¹⁵

The representative of Qatar, speaking on behalf of the Arab Group of Member States, said that the implication of the Israeli action was that stronger countries could at any time land troops in smaller countries without a declaration of war and commit unpunished aggression. He called on the Security Council to condemn Israel in the strongest possible terms for its aggression against Uganda, and to show its disapproval of those Governments whose statements might be misunderstood as encouragement for that act of piracy, and to consider sanctions against the long-time violator of the United Nations Charter and of international law, including the suspension of its membership until it pledged to respect all provisions of the Charter and the resolutions of the various United Nations bodies.¹³¹⁶

The representative of France summarized the various stages of negotiations leading up to the Israeli military operation. He expressed regret that the Secretary-General was unable, because of the hijackers' opposition, to intervene in that matter and said it was clear that the Council was faced by a complex set of circumstances in which the events and the responsibilities were inextricably interwoven. It could not be denied that the tragic affair had been marked by violent and illegal acts. The initial action—the hijacking of a civilian aircraft and the taking of innocent hostages—was in particular an intolerable violation of international morality and of *jus gentium* which could not be justified by any cause and against which the international community had to adopt effective measures and resolve to implement them.¹³¹⁷

At the same meeting the representative of the United Republic of Cameroon called on the Security Council, which was responsible for international peace and security, to vigorously condemn the Israeli aggression against Uganda which constituted a flagrant violation of the norms of international law and flouted the spirit and letter of the United Nations Charter, Article 2, paragraph 4. It was the cornerstone of the Organization that there could be no justification for the use of force against the sovereignty, independence or territorial integrity of a State.¹³¹⁸

The representative of China held that the Security Council should adopt a resolution in support of the just demand of the African countries and the OAU summit conference, condemning Israel's aggression against Uganda and enjoining the Israeli authorities to compensate Uganda for all its losses and to guarantee against the recurrence of similar incidents in the future.¹³¹⁹

¹³¹¹ 1939th mtg., paras. 12-18.

¹³¹² *Ibid.*, paras. 21-39.

¹³¹³ *Ibid.*, paras. 43-53.

¹³¹⁴ *Ibid.*, paras. 56-139.

¹³¹⁵ *Ibid.*, paras. 148-160.

¹³¹⁶ *Ibid.*, paras. 168-176.

¹³¹⁷ *Ibid.*, paras. 180-204.

¹³¹⁸ *Ibid.*, paras. 210-222.

¹³¹⁹ *Ibid.*, paras. 224-226.

At the beginning of the 1940th meeting on 12 July 1976 the representative of the Libyan Arab Republic speaking on a point of order stated that he opposed the attempts to distract the Council from the agreed agenda by debating the hijacking and using it as a justification for the aggression against an African country.¹³²⁰

The President said that any item had always been interpreted with some latitude, and it was the duty of each participant to stick to the item, but not with such a restrictive interpretation.¹³²¹

The representative of Guinea expressed the conviction that the Israeli operation had aims other than the liberation of the hostages. The attacks against the Ugandan aircraft and the destruction of the airport were not measures of reprisal against the hijackers, but rather against the sovereignty of the State of Uganda, a Member of the United Nations. He called on the Security Council to condemn Israel's act of aggression against Uganda; to require of Israel immediate reparation for the material damages inflicted by its aircraft in Uganda; and to take all necessary measures to prevent international law from degenerating to the point where it might endanger world peace and security.¹³²²

The representative of Guyana strongly condemned Israel for its aggression against Uganda and noted that unless Israel's action was condemned by the Council, an extremely dangerous precedent for international lawlessness would be created. For such a precedent would seriously threaten the security of small States and leave the integrity of their territory and their sovereignty exposed to the caprices of emboldened States willing to employ the methods of bandits. In justification of Israel's action it was being argued that the principle of sovereignty was subordinate to the principle of human freedom and that Israel had the right to violate the sovereignty of other States in order to secure the freedom of its own citizens. That was nothing but a modern-day version of gunboat diplomacy; acceptance of such principle would send the international community down a slippery path to a situation in which might and power would reign supreme.¹³²³

The representative of the United Kingdom said it would seem incredible if the Council were to address itself to what had happened at Entebbe without at the same time considering what should be done about hijacking. What was needed was first to render the existing international action against hijacking, which had already been taken, as effective as possible and to ensure the maximum compliance with it by all members of the international community. Second, the Council should consider whether there was any further action which the international community could take to supple-

ment those measures so as to prevent further acts of hijacking and to punish those responsible. He introduced a draft resolution sponsored by the United Kingdom and the United States,¹³²⁴ the operative paragraphs of which would have the Security Council (1) condemn hijacking and all other acts which threatened the lives of passengers and crews and the safety of international civil aviation and call upon all States to take every necessary measure to prevent and punish all such terrorist acts; (2) deplore the tragic loss of human life which resulted from the hijacking of the French aircraft; (3) reaffirm the need to respect the sovereignty and territorial integrity of all States in accordance with the Charter of the United Nations and international law; and (4) enjoin the international community to give the highest priority to the consideration of further means of assuring the safety and reliability of international civil aviation.

He added that the debate in the Council involved questions that affected all its members. On the one hand there was the principle of territorial integrity; on the other hand, there was the equally valid consideration that States existed for the protection of their people, and they had the right, and perhaps the duty, to exercise that right.¹³²⁵

At the same meeting the representative of Sweden noted that the Israeli action involved an infringement of the national sovereignty and territorial integrity of Uganda. There were strong reactions against this action, which had cost the lives of many Ugandan citizens and had led to heavy material damage. At the same time there had been pressures to which the Israeli Government and people had been subjected faced with that unprecedented act of international piracy. Furthermore, when the decision to act had been taken, the Israeli Government had been in possession of evidence which, it had felt, had strongly suggested that the Government which had the responsibility for the protection of the hostages had not done everything in its power to fulfil that duty. The problem with which the Council was faced was thus multi-faceted. His Government, while unable to reconcile the Israeli action with the strict rules of the Charter, did not find it possible to join in a condemnation in that case.¹³²⁶

At the 1941st meeting on 12 July 1976 the representative of the Federal Republic of Germany requested the preparation of a convention on international measures against the taking of hostages which would ensure in particular that those perpetrating such acts were either extradited or prosecuted in the country where they were apprehended.¹³²⁷

The representative of the United States emphasized that Israel's action in rescuing the hostages necessarily involved a temporary breach of the territorial integrity of Uganda. Normally, such a breach would be impermissible under the United Nations Charter. However, there was a well-established right to use limited force

¹³²⁰ 1940th mtg., paras. 6-12, 20 and 21. At the 1942nd meeting, the representative of Mauritius raised a similar point and said that a draft resolution submitted by the United Kingdom and the United States was unacceptable, according to all norms of procedure and contrary to the issue which was before the Council (1942nd mtg., paras. 60-62). The President referred to his ruling made at the 1940th meeting (1942nd mtg., para. 63).

¹³²¹ 1940th mtg., paras. 22-23.

¹³²² *Ibid.*, paras. 28-46.

¹³²³ *Ibid.*, paras. 75-89.

¹³²⁴ S/12138, OR, 31st yr., Suppl. for July-Sept. 1976, p. 15.

¹³²⁵ 1940th mtg., paras. 92-109.

¹³²⁶ *Ibid.*, paras. 113-124.

¹³²⁷ 1941st mtg., paras. 50-61.

for the protection of one's own nationals from an imminent threat of injury or death in a situation where the State in whose territory they were located was either unwilling or unable to protect them. The right following from the right of self-defence was limited to such use of force as was necessary and appropriate to protect threatened nationals from injury. The requirements of that right to protect nationals were clearly met in the Entebbe case.

The Israeli military action had been limited to the sole objective of extricating the passengers and crew and had been terminated when that objective had been accomplished. The assessment of the legality of Israeli actions depended heavily on the unusual circumstances of that specific case. In particular, the evidence was strong that, given the attitude of the Ugandan authorities, co-operation with or reliance on them in rescuing the passengers and crew had been impracticable.¹³²⁸

The representative of the United Republic of Tanzania said that the Israeli action had resulted in the loss of human life, which could have been avoided had the normal process of negotiations been left to take its course. In that context, the Israeli action could be said to have constituted not only a violation of the sovereignty of Uganda, but indeed an act of aggression against a Member State of the United Nations. He then introduced a draft resolution¹³²⁹ sponsored by Benin, the Libyan Arab Republic and the United Republic of Tanzania, the operative paragraphs of which would have the Security Council (1) condemn Israel's flagrant violation of Uganda's sovereignty and territorial integrity; (2) demand that the Government of Israel meet the just claims of the Government of Uganda for full compensation for the damage and destruction inflicted on Uganda; and (3) request the Secretary-General to follow the implementation of the resolution.

He added that contrary to the normal procedures of the Council, in which due process of consultations took place, a draft resolution had already been introduced by the United Kingdom.¹³³⁰ Being faced with that situation the African members of the Council were unable to consult the other members in advance before presenting the text before the Council.¹³³¹

The representative of the USSR said that the wanton Israeli attack came fully within the definition of aggression adopted by the United Nations General Assembly. He urged the Security Council to condemn in the most vigorous manner the Israeli aggression against the sovereignty and territorial integrity of Uganda and to extend a serious warning to Israel that such acts would not go unpunished in future.¹³³²

At the 1942nd meeting on 13 July 1976 the representative of Panama said that it was obvious that the violation of the sovereignty and territorial integrity of Uganda by the Israeli military operation had constituted a use of force not authorized by the United Nations Charter, which only admitted of enforcement actions by the United Nations or legitimate individual or collective self-defence against armed attack. Israel had not been a victim of an armed attack by Uganda and therefore its action had not been legitimate. The Israeli military action was not a characteristic instance of the right of a State to protect its nationals, as that right was envisaged in the Charter, through peaceful means for the settlement of disputes, but rather constituted an act of armed intervention as frequently resorted to by powerful countries against the weakest countries.¹³³³

The representative of India, emphasizing that the Israeli attack was clearly a violation of Uganda's sovereignty and territorial integrity, noted that the Security Council should have taken up the question of the hijacking immediately after it occurred so that appropriate international measures might have been considered for dealing with it, and for preventing future hijackings. It would be tragic to ignore the Israeli attack and to concentrate only on anti-hijacking measures. If the Security Council was to maintain international peace and security in terms of its responsibilities under the Charter, it should pronounce itself also on the Israeli attack. If it did not do so, it might well set in train a chain reaction whose repercussions might be even more tragic and far-reaching.¹³³⁴

At the 1943rd meeting on 14 July 1976 the representative of the Libyan Arab Republic referred to the American involvement in the incident by quoting an article in the *Washington Post* which said the State Department had ruled that Israel had used three C-130 American transport planes in Uganda for "legitimate self-defence" permitted under the Foreign Military Sales Act. The newspaper called it an unusual application of self-defence terminology, because the raid took place 2,500 miles from Israeli territory.¹³³⁵

The representative of France suggested that if there was a violation of the sovereignty of Uganda its purpose was not to infringe the territorial integrity or the independence of that country but exclusively to save endangered human lives. In this connection he invoked article 2 of the annex to General Assembly resolution 3314 (XXIX), adopted on 14 December 1974,¹³³⁶ which deals with what was *prima facie* an act of aggression and said that it was permissible to judge it "in the light of other relevant circumstances".¹³³⁷

¹³²⁸ *Ibid.*, paras. 74-96.

¹³²⁹ S/12119, *OR, 31st yr. Suppl for July-Sept 1976*, pp. 15, 16.

¹³³⁰ At the same meeting the representative of the Libyan Arab Republic expressed his deep concern and disappointment that the representatives of the United Kingdom and the United States had departed from established practice and the normal procedures of the Council and introduced a draft resolution (S/12118) without any appropriate consultations (1941st mtg., paras. 179-193).

¹³³¹ 1941st mtg., paras. 100-120.

¹³³² *Ibid.*, paras. 149-171.

¹³³³ 1942nd mtg., paras. 10-33.

¹³³⁴ *Ibid.*, paras. 138-149.

¹³³⁵ 1943rd mtg., paras. 6-37.

¹³³⁶ Definition of aggression. The full text of article 2 reads as follows:

"The first use of armed force by a State in contravention of the Charter shall constitute *prima facie* evidence of an act of aggression although the Security Council may, in conformity with the Charter, conclude that a determination that an act of aggression has been committed would not be justified in the light of other relevant circumstances, including the fact that the acts concerned or their consequences are not of sufficient gravity."

¹³³⁷ 1943rd mtg., paras. 41-52.

The representative of Italy said that during the debate the African delegations had upheld the unconditional inviolability of the sovereignty and territorial integrity of a Member State, strongly rejecting any attempt to weaken or tone down the condemnation of the Israeli raid. On the other hand, Israel and other delegations had strongly upheld the right or the duty of a Government to use appropriate means, including limited and localized use of force, to protect the lives of its endangered nationals in the territory of another State when the latter had proven unable to ensure such protection. There seemed to be little ground for agreement on this point, also because the Council was essentially a political body and not an appropriate forum to settle such a delicate question. The problem, however, could not be ignored and at least might be referred to the International Law Commission in order to lay the groundwork for the adoption of a universally accepted doctrine on the matter and avoid a repetition of the differences which had emerged in the debate.¹³³⁸

The representative of Cuba questioned whether Uganda had resorted to the threat or use of force against Israel or threatened its territorial integrity or independence. The reply was negative. Uganda had been trying to find a solution to the fate of passengers who had been taken by force to its territory.¹³³⁹

Speaking before the vote the representative of the United Republic of Tanzania said that, in view of the confrontation in the Council and in view of the fact that there seemed to be a determination to ignore completely, or at least to gloss over, Africa's legitimate complaint, the sponsors of the three-Power draft resolution had agreed not to press for a vote.¹³⁴⁰

The representatives of Pakistan,¹³⁴¹ Guyana,¹³⁴² Benin¹³⁴³ and the USSR¹³⁴⁴ declared that the two-Power draft resolution dealt with a subject-matter—the problem of hijacking—which was not on the agenda of the Security Council. They would therefore not participate in the vote on that draft.

At the same meeting the two-Power draft resolution was put to vote and received 6 votes in favour, none against with 2 abstentions. Seven members did not participate in the vote. The draft resolution was not adopted, having failed to obtain the required majority of votes.¹³⁴⁵

Speaking in explanation of vote, the representative of Japan said that although Japan had supported the two-Power draft resolution, it wished to state that the Israeli military action, *prima facie*, constituted a violation of the sovereignty of Uganda which Japan very much deplored. The draft would have been much better if it had taken note of that point.¹³⁴⁶

The representative of the United Republic of Tanzania said that in taking the position of not participating in the vote his delegation had felt it would not have been proper either to abstain or to vote against the draft resolution as, by doing so, it would have been expressing its position on the merits of that draft resolution. He added that neither time nor circumstances permitted his delegation to do so.¹³⁴⁷

COMPLAINT BY ZAMBIA AGAINST SOUTH AFRICA

Decision of 30 July 1976 (1948th meeting): resolution 393 (1976)

By letter¹³⁴⁸ dated 19 July 1976 addressed to the President of the Security Council, the representative of Zambia requested an urgent meeting of the Council to consider racist South Africa's repeated acts of aggression against Zambia, the latest of which took place on 11 July 1976 at Sialola village in the Western Province. As a result of that attack, 24 people had been killed and 45 seriously injured. The letter stated that this and thirteen other wanton acts of aggression by racist South Africa, which had taken place that year alone, constituted a flagrant violation of Zambia's territorial integrity and a threat to international peace and security in the region.

In a letter¹³⁴⁹ dated 27 July 1976 addressed to the President of the Security Council the representative of Zaire stated that the President and people of Zaire firmly supported the Zambian complaint against South Africa.

At the 1944th meeting on 27 July 1976 the Security Council adopted¹³⁵⁰ the agenda and considered the question at the 1944th to 1948th meetings between 27 and 30 July 1976.

In the course of its deliberations the Council invited the representatives of Botswana, Cuba, Egypt, Ethiopia, Guinea, Liberia, Madagascar, Mauritania, Mauritius, Mozambique, Qatar, Sierra Leone, South Africa, Uganda, Yugoslavia, Zaire and Zambia, at their request, to participate, without vote, in the discussions of the item.¹³⁵¹

The Council also extended invitations as requested under rule 39 of the provisional rules of procedure to the Acting President and two members of the United Nations Council for Namibia, to a representative of the Special Committee against *Apartheid* and to Mr. O. T. Emvula of the South West Africa People's Organization of Namibia (SWAPO).¹³⁵¹

At the 1944th meeting, on 27 July 1976, the representative of Zambia stated that it was not the first time that the acts of aggression perpetrated against Zambia by South Africa and other racist régimes of southern Africa were brought to the attention of the Security Council and that the existence of these régimes consti-

¹³³⁸ 1943rd mtg., paras. 55-67

¹³³⁹ *Ibid.*, paras. 80-90.

¹³⁴⁰ *Ibid.*, paras. 144-148.

¹³⁴¹ *Ibid.*, paras. 151-155.

¹³⁴² *Ibid.*, paras. 156-158.

¹³⁴³ *Ibid.*, para. 159.

¹³⁴⁴ *Ibid.*, paras. 160 and 161.

¹³⁴⁵ *Ibid.*, para. 162.

¹³⁴⁶ *Ibid.*, para. 178.

¹³⁴⁷ *Ibid.*, paras. 187-189.

¹³⁴⁸ S/12147, *DR*, 31st year, *Suppl. for July-Sept.* 1976, p. 24.

¹³⁴⁹ S/12152, *ibid.*, pp. 27-28.

¹³⁵⁰ 1944th mtg., following para. 4.

¹³⁵¹ For details, see chapter III.

tuted therefore a grave threat to the peace and security of the independent African countries of the region and had implications for international peace and security in general. The act of aggression which took place on 11 July 1976 was committed inside Zambia and constituted a flagrant violation of its territorial integrity. He went on to say that these activities by South Africa were intended to put an end to Zambia's support for the liberation movements which were struggling for the inalienable right of their peoples to self-determination and independence and that such struggle was in accordance with the United Nations and its resolutions. He urged the Security Council to condemn South Africa's aggression against Zambia and its senseless murder of innocent people, demand that South Africa henceforth respect the sovereignty and territorial integrity of Zambia and other front-line States and declare that South Africa should relinquish its illegal hold on Namibia. It should also declare that peace and security in southern Africa were inextricably linked to the liberation of the region and express its unqualified support for SWAPO and other liberation movements in southern Africa.¹³⁵²

At the same meeting, the representative of South Africa said that his Government had no knowledge of an attack on a Zambian village and would never have authorized such an attack. He noted that there had been a number of incidents on both sides of the border in the past involving Zambian nationals and hostile elements enjoying refuge in Zambia, and South Africa had had occasion to make representations to the Zambian Government with respect to some of those incidents.¹³⁵³

The representative of Mauritania, speaking as Chairman of the Group of African States in the United Nations, demonstrated to the Council the concern of the Organization of African Unity (OAU) over the aggression committed by the South African régime against an African State. He said that under the pretext of the right of "hot pursuit" which some States were trying to impose on the rest of the international community, and particularly on Africa, the Pretoria régime was arrogating to itself the right to administer justice by violating the territorial integrity of neighbouring States.¹³⁵⁴

At the same meeting the representative of the United Nations Council for Namibia declared that the item before the Security Council had particular relevance to Namibia since its territory had been used by South Africa as a springboard for a military assault against Zambia. The presence of the South African administration in Namibia and the militarization of that Territory were incompatible with the commitments of South Africa as a State Member of the United Nations and contributed to the aggravation of tensions and threats to international peace and security in that area. He said that the Council for Namibia vigorously condemned the aggression of South Africa and called upon the Security

Council to demand the withdrawal of the Pretoria régime from Namibia.¹³⁵⁵

At the 1945th meeting on 28 July 1976, the representative of Romania expressed the view that the Zambian complaint against South Africa was well founded and that the acts of aggression committed by South Africa against Zambia were a threat to the peace and security of the peoples of southern Africa and of the whole world. He urged the Council resolutely to condemn the acts involving the use of force committed by South Africa against Zambia and to take all necessary steps to put an end to such provocations and to the South African policy of replacing law by force.¹³⁵⁶

At the same meeting the representative of the Special Committee against *Apartheid* stressed the imperative need for mandatory action against South Africa under Chapter VII of the Charter of the United Nations, not only a condemnation of South African aggression against Zambia but the imposition of an arms embargo against South Africa, as requested by the General Assembly.¹³⁵⁷

The representative of Liberia said that South Africa's categorical denial of any knowledge of the attack against Zambia raised serious questions. She asked the South African representative whether the Government of South Africa was willing to accept and co-operate fully with a fact-finding mission of the Security Council and whether it was willing to make available to that mission all relevant information on its troop movements during the period in question.¹³⁵⁸

At the 1946th meeting on 29 July 1976 the President drew the attention of members of the Council to the letter¹³⁵⁹ dated 29 July 1976 from the representative of South Africa to the President of the Security Council. The letter stated, in reply to the Liberian representative, that the authorities of the areas concerned had been consulted and had indicated their willingness to co-operate fully. Accordingly, it continued, the South African Government had in principle agreed to the proposal made by the representative of Liberia, and would give its full co-operation as requested.

Making a brief observation on that document the representative of the United Nations Council for Namibia stated that the Council was opposed to any action that would seek to confer any sort of legitimacy on the South African Government in relation to its presence or activities in Namibia. The sending of a fact-finding mission to Namibia with the co-operation of the South African Government would be such an act.¹³⁶⁰

At the same meeting the representative of the Libyan Arab Republic called upon all nations, particularly the developed countries and the Western powers to implement the relevant resolutions of the United Nations by discontinuing all economic and military assistance to the racist minority régime in South Africa. He urged the

¹³⁵² 1944th mtg., paras. 10-11.

¹³⁵³ *Ibid.*, paras. 48-69.

¹³⁵⁴ *Ibid.*, paras. 71-89.

¹³⁵⁵ *Ibid.*, paras. 92-100.

¹³⁵⁶ 1945th mtg., paras. 27-40.

¹³⁵⁷ *Ibid.*, paras. 44-58.

¹³⁵⁸ *Ibid.*, paras. 120-128.

¹³⁵⁹ S/12157, OR, 31st year, Suppl. for July-Sept. 1976, p. 29-30.

¹³⁶⁰ 1946th mtg., paras. 7-11.

Security Council: (1) to take appropriate measures, including action under Chapter VII of the United Nations Charter; (2) strongly to condemn the racist régime of South Africa for its aggression against the Republic of Zambia; (3) strongly to condemn the racist régime of South Africa for using the international Territory of Namibia as a base for aggression against the Republic of Zambia and other African countries.¹³⁶¹

The representative of the USSR declared that the Security Council had the right and the duty to apply against South African aggressors the strictest sanctions provided for in the United Nations Charter. South Africa had to be completely isolated in the international arena and an embargo binding upon all countries had to be placed on the delivery of weapons and on economic and other assistance.¹³⁶²

At the 1947th meeting on 30 July 1976, the representative of Guyana introduced the draft resolution¹³⁶³ on behalf of the delegations of Benin, Guyana, the Libyan Arab Republic, Pakistan, Panama, Romania and the United Republic of Tanzania. He also introduced two slight editorial alterations to the draft.

At the 1948th meeting on 30 July 1976, the representative of the United Kingdom said that his Government considered that South Africa was in unlawful occupation of Namibia, and that the international Territory could not and must not be used as a base for attacks on neighbouring countries. The United Kingdom did not believe that war, or increased guerrilla activity, was either inevitable or desirable: peaceful solutions were still possible.¹³⁶⁴

The representative of France stated that the abnormal situation of Namibia was at the root of the problem: there would have been no violation of Zambia's sovereignty if Namibia exercised true self-determination and independence.¹³⁶⁵

At the same meeting the draft resolution was adopted by 14 votes to none with 1 abstention as resolution 393 (1976).¹³⁶⁶

The resolution reads as follows:

The Security Council,

Taking note of the letter of the representative of the Republic of Zambia contained in document S/12147,

Having considered the statement of the Minister for Foreign Affairs of the Republic of Zambia,

Gravely concerned at the numerous hostile and unprovoked acts by South Africa violating the sovereignty, air space and territorial integrity of the Republic of Zambia, resulting in death and injury of innocent people as well as in the destruction of property and culminating on 11 July 1976 in an armed attack which resulted in the regrettable loss of 24 innocent lives and the injury of 45 other persons,

Gravely concerned at South Africa's use of the international Territory of Namibia as a base for attacking neighbouring African countries,

Reaffirming the legitimacy of the struggle of the people of Namibia to liberate their country from the illegal occupation of the racist régime of South Africa,

Convinced that the continuance of the deteriorating situation in southern Africa could constitute a threat to international peace and security,

Conscious of the need to take effective steps for the prevention and removal of threats to international peace and security,

Recalling its resolution 300 (1971) of 12 October 1971, which, inter alia, called upon South Africa to respect fully to sovereignty and territorial integrity of Zambia,

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 in any other manner inconsistent with the purposes of the United Nations,

1. *Strongly condemns the armed attack of South Africa against the Republic of Zambia, which constitutes a flagrant violation of the sovereignty and territorial integrity of Zambia;*

2. *Demands that South Africa scrupulously respect the independence, sovereignty, air space and territorial integrity of the Republic of Zambia;*

3. *Demands that South Africa desist forthwith from the use of the international Territory of Namibia as a base for launching armed attacks against the Republic of Zambia and other African countries;*

4. *Commends the Republic of Zambia and other "front-line" States for their steadfast support of the people of Namibia in their legitimate struggle for the liberation of their country from illegal occupation by the racist régime of South Africa;*

5. *Declares that the liberation of Namibia and Zimbabwe and the elimination of apartheid in South Africa are necessary for the attainment of justice and lasting peace in the region;*

6. *Further declares that, in the event of South Africa committing further acts of violation of the sovereignty and territorial integrity of Zambia, the Security Council will meet again to consider the adoption of effective measures, in accordance with the appropriate provisions of the Charter of the United Nations.*

Explaining his abstention, the representative of the United States said that several paragraphs of the resolution contained language which was too categorical in the light of the evidence that had been made available. He added that it would have been appropriate for the Council to welcome in its resolution current efforts towards a solution in southern Africa, which the Security Council had long advocated, and to encourage every possible assistance to them.¹³⁶⁷

Speaking in explanation of vote, the representative of the USSR stated that although his delegation voted in favour of the draft resolution, it would have been ready to adopt a more decisive, more specific text, condemning South Africa and its actions. Such a resolution would have helped to halt the acts of aggression of the racist South African régime.¹³⁶⁸

The representative of the United Kingdom explained that in accordance with the well-known position of principle of his country his delegation supported the reference to the "struggle", in the fifth preambular paragraph and in operative paragraph 4 of the draft resolution, on the basis that that was a struggle by peaceful means and that problems of this kind were best solved by means set out in Chapter VI of the Charter of the United Nations.¹³⁶⁹

¹³⁶¹ 1946th mtg., paras. 65-84.

¹³⁶² *Ibid.*, paras. 88-110.

¹³⁶³ 1947th mtg., paras. 28-50 S/12158, was adopted as amended orally as resolution 393 (1976).

¹³⁶⁴ 1948th mtg., paras. 7-10.

¹³⁶⁵ *Ibid.*, paras. 110-115.

¹³⁶⁶ *Resolutions and Decisions of the Security Council, 1976*, p. 12.

¹³⁶⁷ 1948th mtg., paras. 132-137.

¹³⁶⁸ *Ibid.*, paras. 138-143.

¹³⁶⁹ *Ibid.*, para. 144.

Decision of 11 April 1980 (2211th meeting): resolution 446 (1980)

By letter dated 8 April 1980^{1369a} the representative of Zambia requested an urgent meeting of the Security Council, with a view to the Council taking effective measures to compel the Pretoria régime to desist from committing aggression against Zambia and to respect its sovereignty and territorial integrity.

At the 2209th meeting on 10 April 1980, the Security Council included the letter in its agenda. Following the adoption of the agenda, the Council decided to invite, at the same meeting, the representatives of Angola, Cuba, Liberia, Mauritius, Nigeria and Yugoslavia, at the 2210th meeting, the representatives of Algeria, Guyana, the United Arab Emirates and Zaire, and at the 2211th meeting, the representative of India, at their request, to participate, without vote, in the discussion of the question.^{1369b} The Council considered the issue at its 2209th to 2211th meetings on 10 and 11 April 1980.

At the 2209th meeting on 10 April 1980, the representative of Zambia pointed out that the impending independence of the people of Zimbabwe, after years of sacrifice and struggle, was the most significant event in southern Africa. But while the international community welcomed Zimbabwe, the Government of Zambia felt compelled to complain before the Security Council about the escalating South African aggression against Zambia. This complaint showed that the process of liberation in southern Africa was not yet complete, as the people of Namibia were denied their independence and the vast majority of the people of South Africa continued to languish under the oppressive system of *apartheid*.

He recalled earlier instances of systematic South African aggression and referred in particular to Zambia's letter dated 14 September 1979^{1369c} bringing to the attention of the international community a list of South African acts of aggression against Zambia from January to September 1979. He stressed the damage incurred by Zambia in this situation and provided a long list of new aggressive acts launched by South Africa and causing loss of life and massive material damage. He noted that Zambia did not share a common border with South Africa, but only with Namibia whose freedom fight under SWAPO his Government fully supported. He added that his Government had once again come to the United Nations Security Council to urge the following course of action against the racist régime in South Africa: The Council should condemn the intensified and unprovoked acts of aggression against Zambia, demand that South Africa withdraw forthwith all its military forces from Zambian territory and respect the sovereignty and territorial integrity of Zambia, and warn South Africa that if new attacks occurred the Council would meet to take measures against it under Chapter VII of the Charter. These pronouncements by the Council constituted the minimum action required in view

of the threat posed to international peace and security by the *apartheid* régime.^{1369d}

The subsequent statements during the 2209th, 2210th and 2211th meetings showed unanimous condemnation of the South African acts of aggression against Zambia and general support for a strong warning by the Security Council that it would adopt further measures under the Charter if the South African régime did not heed the demands of the international community.^{1369e}

At the beginning of the 2211th meeting on 11 April 1980, the president drew attention to the text of a draft resolution which had been prepared in the course of consultations.^{1369f} At the same meeting, the draft resolution was put to the vote, received fifteen votes in favour and was unanimously adopted as resolution 466 (1980).^{1369g} It reads as follows:

The Security Council,

Taking note of the letter dated 8 April 1980 from the Permanent Representative of the Republic of Zambia contained in document S/13878,

Having considered the statement of the representative of the Republic of Zambia,

Gravely concerned at the escalation of hostile and unprovoked acts by the racist régime of South Africa, violating the sovereignty, air space and territorial integrity of the Republic of Zambia,

Recalling its resolution 455 (1979), in which, inter alia, it strongly condemned the collusion by racist South Africa with the then illegal régime in Southern Rhodesia in acts of aggression against the Republic of Zambia,

Grieved at the tragic loss in human life and concerned about the damage and destruction of property resulting from the escalated acts and armed incursions by the racist régime of South Africa against the Republic of Zambia,

Deeply concerned that the wanton acts by the racist régime of South Africa are aimed at the destabilization of the Republic of Zambia,

Conscious of the need to take effective measures to maintain international peace and security,

1. *Strongly condemns* the racist régime of South Africa for its continued, intensified and unprovoked acts against the Republic of Zambia, which constitute a flagrant violation of the sovereignty and territorial integrity of Zambia;

2. *Demands* that South Africa withdraw forthwith all its military forces from the territory of the Republic of Zambia, cease all violations of Zambia's air space and, henceforth, scrupulously respect the sovereignty and territorial integrity of the Republic of Zambia;

3. *Solemnly warns* South Africa that, in the event of any further armed incursions against the Republic of Zambia, the Security Council will meet to consider further appropriate action under the provisions of the Charter of the United Nations, including Chapter VII thereof;

4. *Commends* the Republic of Zambia for exercising maximum restraint in the face of serious provocations repeatedly committed against it by the racist régime of South Africa;

5. *Decides* to remain seized of the matter.

^{1369d} 2209th meeting (PV), pp. 3-16.

^{1369e} See the following statements: at the 2209th meeting: Angola, Cuba (speaking for the Non-Aligned Movement), Liberia (representing the current Chairman of the Organization of African Unity), and Mauritius (speaking on behalf of the African Group), at the 2210th meeting: Algeria, China, the German Democratic Republic, Jamaica, the United Arab Emirates, Yugoslavia and Zaire, and at the 2211th meeting: Bangladesh, France, Guyana, India, Niger, Nigeria, Norway, the Philippines, Portugal, the President (Mexico), Tunisia, USSR, United Kingdom and the United States.

^{1369f} S/13887, subsequently adopted without change as resolution 466 (1980).

^{1369g} For the vote see 2211th meeting (PV), p. 58-60. See also chapter IV in this Supplement.

^{1369a} S/13878, OR, 35th yr., Suppl. for April-June 1980.

^{1369b} For details see chapter III in this Supplement.

^{1369c} S/13539, OR, 34th yr., Suppl. for July-September 1979.

COMPLAINT BY GREECE AGAINST TURKEY

Decision of 25 August 1976 (1953rd meeting): resolution 395 (1976)

By letter¹³⁷⁰ dated 10 August 1976 addressed to the President of the Security Council, the Permanent Representative of Greece requested that a meeting of the Security Council be urgently convened to consider repeated violations by Turkey of Greece's sovereign rights in the Aegean.

At the 1949th meeting on 12 August 1976, the Council included the item in its agenda and invited the representatives of Greece and Turkey to participate in the discussion.¹³⁷¹ The question was considered at the 1949th, 1950th and 1953rd meetings on 12, 13 and 25 August 1976.

At the 1949th meeting the representative of Greece¹³⁷² said his Government's request for a meeting on the basis of Article 35 of the Charter was due to the dangerous situation in the Eastern Mediterranean caused by provocative Turkish acts. On 6 August, while consultations between the two countries on the dispute over the Aegean continental shelf were proceeding, Turkey dispatched a research ship, *Sismik-1*, in order to carry out seismic explorations of certain areas of the continental shelf that Greece was entitled to consider as belonging to it. Greece considered a provocation the Turkish seismic tests conducted while negotiations were under way and in spite of a note of protest, Turkish operations did not cease. The Council was not asked to take a decision on the legal dispute, since the International Court of Justice had already been seized with the matter, but it was up to the Council to call upon Turkey to cease provocative activities in the Eastern Mediterranean.

At the same meeting the representative of Turkey, regretting the absence of his Foreign Minister, expressed surprise at the move of the Greek Government in bringing the Aegean situation before the Council, since Greece was to be blamed for its lack of co-operation, militarization of some islands and harassment of Turkish research vessels in yet undelimited areas of the Aegean.¹³⁷³

At the 1950th meeting on 13 August, the Minister for Foreign Affairs of Turkey¹³⁷⁴ charged that Greece had resorted to military harassment of a Turkish civilian ship conducting research outside Greek territorial waters. Furthermore, the allegation of Turkish violations of Greek sovereign rights on the continental shelf was unfounded since both countries had conflicting claims over it and the question was under negotiations.

Turkey considered Greek claims as unilateral and not based on international law since the legal concepts in that regard were still evolving. The mission of the research ship should have been considered in the context

of the preparation of the Turkish Government to negotiate with Greece in full possession of relevant scientific data.¹³⁷⁵

Speaking in exercise of its right of reply, the Greek representative stressed that in the absence of a bilateral agreement on the continental shelf, applicable international law, both conventional and customary, determined the extent of the rights of the parties. In this regard Turkey should have asked for Greek consent to carry out scientific research by virtue of the 1958 Geneva Conventions on the law of the sea which, according to the International Court of Justice, were binding upon non-signatories.¹³⁷⁶

The Turkish representative replied that if Greece wished to discuss the legal aspects of the problem instead of concentrating on the question of the threat to the peace, he was also ready to do so.¹³⁷⁷

At the 1953rd meeting on 25 August 1976, the representative of the United Kingdom introduced¹³⁷⁸ a draft resolution¹³⁷⁹ jointly submitted by France, Italy, the United Kingdom and the United States which, he said, reflected the concern of the Council over the disagreement between Greece and Turkey and called upon both parties to resume negotiations in view of reaching a satisfactory settlement.

A number of representatives, noting the complexity of the issue, involving legal, political and economic aspects, stressed that the criteria to resolve the dispute were to be found in the Charter and in particular in article 1, 2(3), 33 and 36.¹³⁸⁰

At the same meeting, the draft resolution was adopted by consensus as resolution 395 (1976). It reads as follows:¹³⁸¹

The Security Council.

Taking note of the letter of the Permanent Representative of Greece dated 10 August 1976 (S/12167).

Having heard and noted the various points made in the statements by the Ministers for Foreign Affairs of Greece and Turkey.

Expressing its concern over the present tensions between Greece and Turkey in relation to the Aegean Sea.

Bearing in mind the principles of the Charter of the United Nations concerning the peaceful settlement of disputes, as well as the various provisions of Chapter VI of the Charter concerning procedures and methods for the peaceful settlement of disputes.

Noting the importance of the resumption and continuance of direct negotiations between Greece and Turkey to resolve their differences.

Conscious of the need for the parties both to respect each other's international rights and obligations and to avoid any incident which might lead to the aggravation of the situation and which, consequently, might compromise their efforts towards a peaceful solution.

1. *Appeals to the Governments of Greece and Turkey to exercise the utmost restraint in the present situation;*

¹³⁷⁵ *Ibid.*, paras. 11-26.

¹³⁷⁶ *Ibid.*, paras. 28-38.

¹³⁷⁷ *Ibid.*, paras. 41-43.

¹³⁷⁸ 1953rd mtg., para. 3-12.

¹³⁷⁹ S/12187, adopted without change as resolution 395 (1976).

¹³⁸⁰ 1953rd mtg., statements by Italy (paras. 13-22); United States (paras. 23-33); France (paras. 34-42); Panama (paras. 43-49); Romania (paras. 50-57); USSR (paras. 58-69); Pakistan (paras. 70-82); China (paras. 83-85) and the Libyan Arab Republic (paras. 86 and 87).

¹³⁸¹ Resolution 395 (1976).

¹³⁷⁰ S/12167, OR, 31st yr., Suppl. for July-Sept. 1976, p. 36.

¹³⁷¹ 1949th meeting, paras. 1-3. For details see chapter III.

¹³⁷² *Ibid.*, paras. 7-29.

¹³⁷³ *Ibid.*, paras. 32-37.

¹³⁷⁴ 1950th mtg., paras. 5-10.

2. *Urges* the Governments of Greece and Turkey to do everything in their power to reduce the present tensions in the area so that the negotiating process may be facilitated;

3. *Calls upon* the Governments of Greece and Turkey to resume direct negotiations over their differences and appeals to them to do everything within their power to ensure that these negotiations will result in mutually acceptable solutions;

4. *Invites* the Governments of Greece and Turkey in this respect to continue to take into account the contribution that appropriate judicial means, in particular the International Court of Justice, are qualified to make to the settlement of any remaining legal differences which they may identify in connexion with their present dispute.

COMPLAINT BY LESOTHO AGAINST SOUTH AFRICA

INITIAL PROCEEDINGS

By letter¹³⁸² dated 16 December 1976 addressed to the President of the Security Council the representative of Lesotho requested that a meeting of the Council be convened to consider the grave situation affecting his country, following the closure of the border by the Republic of South Africa, between the south-eastern part of Lesotho and that part of South Africa referred to as Transkei.

In a previous letter¹³⁸³ dated 27 October 1976 addressed to the President of the Security Council, the representative of Lesotho had transmitted a communication to the President of the Council from the Prime Minister of Lesotho calling attention to problems faced by his country due to instability created on its borders. The area was seething with discontent of the inhabitants of Transkei, who moved from one so-called bantustan to another, as an expression of their dissatisfaction with political arrangements of the newly styled "Republic of Transkei". He said that conditions of that nature were bound to affect the prevailing peace and stable economy of Lesotho and appealed for support for the African people of South Africa in their struggle for basic rights and for his country, which had become part and parcel of that struggle.

In a letter¹³⁸⁴ dated 12 November 1976, addressed to the President of the Security Council, the representative of the Libyan Arab Republic, on behalf of the African Group, drew attention to the explosive situation created by South Africa's action which not only posed a serious economic problem to Lesotho but constituted a threat to the peace and security in the region. The letter maintained that the international community had to assume its responsibility to give every support required by Lesotho.

By letter¹³⁸⁵ dated 16 November 1976, the representative of South Africa transmitted to the Secretary-General a letter from the South African Minister for Foreign Affairs stating that the Republic of Transkei had already denied that it had closed the borders between Lesotho and Transkei, but merely insisted on valid travel documents for people crossing the border into

Transkei. The allegation that South Africa had breached international law was completely without foundation.

At the 1981st meeting on 21 December 1976 the Security Council adopted¹³⁸⁶ the agenda and considered the item at the 1981st and 1982nd meetings held on 21 and 22 December 1976. At the 1981st meeting the representatives of Lesotho and Madagascar¹³⁸⁷ and at the 1982nd meeting those of Botswana and Mauritius¹³⁸⁸ were invited, at their request, to take part in the discussion without the right to vote.

Decision of 22 December 1976 (1982nd meeting): resolution 402 (1976)

At the 1981st meeting on 21 December 1976, at the opening of the discussion, the representative of Lesotho said that the closure of the border by South Africa which had had profound consequences for the politico-economic life of his country was meant to constitute pressure on Lesotho because of its refusal to recognize Transkei. Lesotho reiterated its right to exercise one of the basic attributes of sovereignty, namely, to accord recognition to States that it held qualified for recognition. The Lesotho Government could not be pressured into entering into bilateral negotiations with Transkei, a step that would be tantamount to recognizing the homeland's independence and thereby giving legitimacy to *apartheid*. He went on to say that closing the borders of a landlocked country was tantamount to an act of aggression. The adoption of a positive and constructive resolution by the Council would reaffirm and uplift the cardinal principles of the Charter and remove a possible threat to international peace and security in the region.¹³⁸⁹

The representative of Madagascar speaking on behalf of the African Group stated that the facts of which the Government of Lesotho was complaining fell into the same category as acts of blackmail and open aggression directed against neighbouring independent States in order to force them to renounce their support for the liberation movements and thus to abandon their opposition to colonial domination and *apartheid*. He declared that the Council should take such decisions that would (1) contribute to strengthening the position of those who formed the overwhelming majority in southern Africa and who did not intend in any way to give up their rights, their dignity and to jeopardize the territorial integrity of their countries, (2) repeat once again the various appeals which had been made by the General Assembly in favour of sanctions against South Africa, whether through economic blockade, an obligatory arms embargo or the ending of military co-operation and relations between banks and transnational corporations on the one hand and the racist régime on the other hand, and (3) give the highest priority to ensuring that Lesotho's right of transit be respected in all circum-

¹³⁸² S/12257, OR, 31st year, Suppl. for Oct-Dec 1976, p. 54

¹³⁸³ S/12221, *ibid.*, p. 14

¹³⁸⁴ S/12227, *ibid.*, p. 22

¹³⁸⁵ S/12231, *ibid.*, p. 24

¹³⁸⁶ 1981st mtg., preceding para. 1

¹³⁸⁷ *Ibid.*, paras. 2-4

¹³⁸⁸ 1982nd mtg., paras. 2 and 3

¹³⁸⁹ 1981st mtg., paras. 8-29

stances by South Africa. He also said that South Africa had to be forced to respect its contractual obligations and to fulfil all the norms of international relations relating to the preservation of international peace and security. But above all, the international community had to help Lesotho to improve its internal means of communication thus reducing its vulnerability to acts of blackmail. The Charter contained provisions concerning the granting of assistance to those countries that find themselves in economic difficulties as a result of measures decreed by the Organization.¹³⁹⁰

At the same meeting the representative of the Libyan Arab Republic called on the Security Council to implement effective measures against South Africa to end its defiance of United Nations resolutions, to condemn the plans of South Africa to create so-called independent bantustans and to support the Government of Lesotho in its plans for an emergency programme to offset the effects of the closing of the border.¹³⁹¹

The representative of China urged the Security Council to endorse General Assembly resolution 31/6 A and, in the spirit of that resolution, sternly condemn the South African authorities for their scheme of concocting the sham "independence" of Transkei and their criminal activities against Lesotho and other countries.¹³⁹²

At the 1982nd meeting on 22 December 1976, the representative of Mauritius noted that in deciding not to recognize the so-called independent Transkei, Lesotho had made an important contribution to the realization of United Nations objectives in South Africa and had helped the Organization to uphold the purposes and principles of the Charter. For this, Lesotho deserved the active support and assistance of the international community. On behalf of the OAU, he urged all members of the Security Council to support the programme of assistance presented by the Foreign Minister of Lesotho.¹³⁹³

The representative of Panama said that the Security Council would be justified in making an appeal to all United Nations Member States to co-operate in resolving the financial and economic crisis from which Lesotho was suffering and to co-operate in its programme for economic development. Such United Nations bodies as the Economic and Social Council, the World Food Programme, the United Nations Development Programme and others might consider direct assistance to Lesotho and the Secretary-General, in co-operation with the competent organizations, might prepare and provide a programme of technical and financial assistance for Lesotho to overcome the difficulties it was encountering because of the closure of the border posts between that country and South Africa. He suggested that the Security Council should keep the

matter under review so that the situation would not deteriorate but rather be resolved.¹³⁹⁴

At the same meeting the representative of France proposed the Secretary-General to send a team of experts to proceed to evaluate the aid which Lesotho would need in order to set up a communication system that would enable it to maintain its economy. By expressing censure and recommending that the required aid be granted to Lesotho the Security Council would be carrying out an act of solidarity and justice. He went on to say that he did not believe that it would serve any useful purpose to extend his comments beyond the item on the agenda. In the same spirit, the draft resolution which would be submitted should be limited to the subject of the debate.¹³⁹⁵

The representative of Botswana pointed out that the international community should not allow any State to be blackmailed into recognizing bantustans as independent entities because of the hardships they might encounter as a result of implementing decisions of the United Nations. The decisions relating to the Transkei were those of the international community, and so the solutions to the problem should be the collective responsibility of the international community.¹³⁹⁶

The representative of the USSR urged the Security Council to stand fully behind the General Assembly's decisions as expressed in its resolution 31/6 A. South Africa, in his view, was striving to conduct relations with the liberated African countries from a position of brute force and overt coercion, with the collusion of certain circles in Western countries and the broad economic co-operation of certain transnational monopolies which facilitated the development of South Africa's economy and military potential. The USSR, he said, would support a resolution by which the Council, condemning South Africa's actions and practices, would set forth steps that would force South Africa to end its blockade of Lesotho, require the implementation of General Assembly and Security Council decisions demanding an end to military assistance, economic co-operation and other forms of help to South Africa, and envisage steps to be taken to respond to the burdensome economic situation that had arisen in Lesotho.¹³⁹⁷

At the same meeting a draft resolution¹³⁹⁸ sponsored by Benin, Guyana, the Libyan Arab Republic, Panama, Romania and the United Republic of Tanzania was introduced by the representative of the United Republic of Tanzania.

The representative of Romania supported the appeal of several delegations that the draft resolution be adopted by consensus.¹³⁹⁹

¹³⁹⁰ *Ibid.*, paras. 41-42.

¹³⁹¹ *Ibid.*, paras. 53-63.

¹³⁹² *Ibid.*, paras. 76-82.

¹³⁹³ 1982nd mtg., paras. 5-13.

¹³⁹⁴ *Ibid.*, paras. 14-23.

¹³⁹⁵ *Ibid.*, paras. 25-29.

¹³⁹⁶ *Ibid.*, paras. 37-44.

¹³⁹⁷ *Ibid.*, paras. 81-81.

¹³⁹⁸ *Ibid.*, paras. 84-98. S/12260, was adopted without change as resolution 407 (1976).

¹³⁹⁹ *Ibid.*, paras. 129-134.

At the same meeting the draft resolution S/12260 was unanimously adopted by consensus as resolution 402 (1976).¹⁴⁰⁰

The resolution reads as follows:

The Security Council,

Having heard the statement of the Minister for Foreign Affairs of the Kingdom of Lesotho on 21 December 1976,

Gravely concerned at the serious situation created by South Africa's closure of certain border posts between South Africa and Lesotho aimed at coercing Lesotho into according recognition to the bantustan Transkei,

Recalling relevant General Assembly resolutions, in particular resolution 3411 D (XXX) of 28 November 1975, condemning the establishment of bantustans and calling on all Governments to deny recognition to the bantustans,

*Recalling further General Assembly resolution 31/6 A of 26 October 1976, on the so-called independent Transkei and other bantustans, which, *inter alia*, calls upon all Governments to deny any form of recognition to the so-called independent Transkei and to refrain from having any dealings with the so-called independent Transkei or other bantustans,*

Noting with appreciation the decision of the Government of Lesotho not to recognize the bantustan Transkei in compliance with United Nations decisions,

Considering that the decision of Lesotho constitutes an important contribution to the realization of United Nations objectives in southern Africa in accordance with the principles and purposes of the Charter of the United Nations,

Taking note of the urgent and special economic needs of Lesotho arising from the closure of the border posts,

1. *Endorses* General Assembly resolution 31/6 A, which, *inter alia*, calls upon all Governments to deny any form of recognition to the so-called independent Transkei and to refrain from having any dealings with the so-called independent Transkei or other bantustans;

2. *Commends* the Government of Lesotho for its decision not to recognize the so-called independence of the Transkei;

3. *Condemns* any action by South Africa intended to coerce Lesotho into according recognition to the bantustan Transkei;

4. *Calls upon* South Africa to take immediately all necessary steps to reopen the border posts;

5. *Appeals* to all States to provide immediate financial, technical and material assistance to Lesotho so that it can carry out its economic development programmes and enhance its capacity to implement fully the United Nations resolutions on *apartheid* and bantustans;

6. *Requests* the United Nations and the organizations and programmes concerned, in particular the United Nations Development Programme, the World Food Programme and all the United Nations specialized agencies, to assist Lesotho in the present situation and to consider periodically the question of economic assistance to Lesotho as envisaged in the present resolution,

7. *Requests* the Secretary-General, in collaboration with the appropriate organizations of the United Nations system, to organize, with immediate effect, all forms of financial, technical and material assistance to the Kingdom of Lesotho to enable it to overcome the economic difficulties arising from the closure of the border posts by South Africa owing to the refusal of Lesotho to recognize the so-called independence of the Transkei.

8. *Further requests* the Secretary-General to keep the situation under constant review, to maintain close liaison with Member States, regional and other intergovernmental organizations, the specialized agencies and international financial institutions, and to report to the Security Council at its subsequent meeting on the question;

9. *Decides* to remain seized of the question.

Speaking in explanation of joining the consensus, the representative of the United States noted that one of the

paragraphs of the resolution quoted and endorsed General Assembly resolution 31/6 A, on which the United States had abstained. He said his Government had already made it clear that it had no intention of recognizing the so-called Transkei. However, it reserved the right to attend to the welfare and protection of American citizens and the occasion might arise when it would be necessary to have some contact with the authorities of the entity in question. The main purpose of the resolution, he added, was clearly to encourage assistance to Lesotho, and the United States had accordingly joined in the consensus.¹⁴⁰¹

The representative of the United Kingdom said that in endorsing the appeal for economic assistance he did not think it appropriate for a Security Council resolution to endorse a resolution of the General Assembly. The functions of the Assembly and the Council were separate and it was neither appropriate nor necessary for one to have the endorsement of the other for its actions.¹⁴⁰²

Decision of 25 May 1977 (2009th meeting): resolution 407 (1977)

By note¹⁴⁰³ dated 30 March 1977, the Secretary-General transmitted to the Security Council the report of the Mission appointed by him pursuant to paragraph 7 of resolution 402 (1976) which had visited Lesotho in order to consult with its Government and obtain an assessment of the assistance it needed so that the Secretary-General could organize an international programme of financial, technical and material assistance. The report identified areas of assistance necessary to enable Lesotho to carry out its economic development programmes and enhance its capacity to implement fully the United Nations resolutions on *apartheid* and bantustans. Furthermore, it covered the assistance necessary to enable Lesotho to overcome the economic difficulties arising from the closure of certain border posts by South Africa because of Lesotho's refusal to recognize the so-called independence of Transkei.

By letter¹⁴⁰⁴ dated 18 April 1977 addressed to the Governments of all Member States and members of the specialized agencies, the Secretary-General transmitted the report of the Mission to Lesotho and said he had designated the Assistant Secretary-General for Special Political Questions to co-ordinate action by the United Nations system. He also expressed the hope that all Governments would respond positively to the appeal of the Security Council for immediate financial, technical and material assistance to Lesotho.

At the 2007th meeting on 24 May 1977, the Council included the note of the Secretary-General in its agenda. Following the adoption of the agenda¹⁴⁰⁵ the representatives of Lesotho and Sierra Leone were invited, at their request, to participate in the discussion without the

¹⁴⁰¹ 1982nd mtg., paras. 138-143.

¹⁴⁰² *Ibid.*, paras. 147-153.

¹⁴⁰³ S/12315, OR, 32nd year, Suppl. for Jan.-March 1977, pp. 51-77.

¹⁴⁰⁴ S/12325, *ibid.*, Suppl. for April-June 1977, pp. 35-36.

¹⁴⁰⁵ 2007th mtg., preceding para. 1.

¹⁴⁰⁰ *Resolutions and Decisions of the Security Council, 1976*, p. 13.

right to vote.¹⁴⁰⁶ The Council considered the item at the 2007th and 2009th meeting on 24 and 25 May 1977.

At the 2007th meeting the Secretary-General submitted the report of the Mission for the consideration of the Council. He noted that it was vital for Lesotho to receive from the international community the assistance to overcome the economic difficulties with which it was faced. He expressed the hope that the Security Council would endorse the two programmes recommended by the report.¹⁴⁰⁷

At the same meeting the representative of Mauritius introduced, on behalf of the non-aligned members of the Council, the draft resolution¹⁴⁰⁸ sponsored by Benin, India, the Libyan Arab Jamahiriya, Mauritius, Pakistan, Panama and Romania.

The representative of Lesotho declared that the implementation of the recommendations of the report would enable the Government and the people of Lesotho to uphold and abide by the principles of the Charter of the United Nations, effectively to implement the decisions and resolutions of the United Nations and to safeguard their independence and sovereignty.¹⁴⁰⁹

At the 2009th meeting, the representative of India noted that the Security Council was dealing with a situation which was very special and which, apparently, had not been envisaged by those who drafted the Charter of the United Nations. Even so, the Charter provided the General Assembly and the Security Council with ample general powers to rectify situations which were the direct consequences of the discredited policies of the Pretoria régime.¹⁴¹⁰

The representative of France voiced the wish that the unanimous position of the international community in the matter under consideration would prompt those responsible for the situation which had been imposed on Lesotho to face up to reality. The common attitude of the Security Council should help them to understand that it was an illusion for them to hope to obtain international recognition for any of the entities which they might set up artificially.¹⁴¹¹

At the same meeting, the representative of the USSR reiterated that the inter-governmental relations should be based on such principles as the rejection of the use or the threat of the use of force, respect for the sovereignty and territorial integrity of States, the inviolability of State frontiers, non-interference in internal affairs and the peaceful settlement of disputes. He said that the Security Council not only should condemn the racist policies of South Africa but also adopt more effective measures which would put an end to the aggression and other hostile activities of the racists and their supporters against independent African States.¹⁴¹²

Then the draft resolution was adopted unanimously without a vote.¹⁴¹³

It reads as follows:

The Security Council,

Recalling its resolution 402 (1976) of 22 December 1976,

Taking note of the letter dated 18 April 1977 addressed to all States by the Secretary-General in accordance with paragraph 8 of resolution 402 (1976),

Having examined the report of the Mission to Lesotho, appointed by the Secretary-General in accordance with resolution 402 (1976),

Having heard the statement of the Minister for Foreign Affairs of Lesotho,

Noting with deep concern the continued acts of coercion and harassment against the people of Lesotho by South Africa in complete disregard of resolution 402 (1976),

Reaffirming its endorsement of General Assembly resolution 31/6 A of 26 October 1976 on the so-called independent Transkei and other bantustans,

Fully aware that the decision of the Government of Lesotho not to recognize the bantustan Transkei has imposed a special economic burden upon Lesotho,

Convinced that international solidarity with Lesotho, as a neighbouring State of South Africa, is essential to counteract effectively South Africa's policy to coerce Lesotho into recognizing the so-called independent Transkei,

1. *Commends* the Government of Lesotho for its decision not to recognize the so-called independent Transkei;

2. *Expresses its appreciation* to the Secretary-General for having arranged to send a Mission to Lesotho to ascertain the assistance needed;

3. *Takes note with satisfaction* of the report of the Mission to Lesotho;

4. *Fully endorses* the assessment and recommendations of the Mission to Lesotho under resolution 402 (1976);

5. *Further fully endorses* the appeal made by the Secretary-General in his letter of 18 April 1977 to all States for immediate financial, technical and material assistance to Lesotho;

6. *Welcomes* the establishment by the Secretary-General of a special account at Headquarters to receive contributions to Lesotho;

7. *Requests* the United Nations and the organizations and programmes concerned, including the Economic and Social Council, the Food and Agriculture Organization of the United Nations, the International Fund for Agricultural Development, the United Nations High Commissioner for Refugees, the United Nations Educational, Scientific and Cultural Organization, the United Nations Conference on Trade and Development, the United Nations Development Programme and the World Health Organization, to assist Lesotho in the fields identified in the report of the Mission to Lesotho;

8. *Requests* the Secretary-General to give the matter of assistance to Lesotho his continued attention and to keep the Security Council informed;

9. *Decides* to remain seized of the question.

COMPLAINT OF THE GOVERNMENT OF BOTSWANA AGAINST THE ILLEGAL RÉGIME IN SOUTHERN RHODESIA CONCERNING VIOLATIONS OF ITS TERRITORIAL SOVEREIGNTY

Decision of 14 January 1977 (1985th meeting): resolution 403 (1977)

By a letter dated 22 December 1976¹⁴¹⁴ the representative of Botswana submitted his Government's complaint that the illegal régime in Southern Rhodesia had committed serious acts of aggression against Botswana.

¹⁴⁰⁶ *Ibid.*, para. 2.

¹⁴⁰⁷ *Ibid.*, paras. 5-17.

¹⁴⁰⁸ S/12335, adopted without change as resolution 407 (1977).

¹⁴⁰⁹ 2007th mtg., paras. 37-46.

¹⁴¹⁰ 2009th mtg., paras. 2-11.

¹⁴¹¹ *Ibid.*, paras. 47-53.

¹⁴¹² *Ibid.*, paras. 63-76.

¹⁴¹³ *Ibid.*, following the President's statement (para. 98) adopted as resolution 407 (1977).

¹⁴¹⁴ S/12262, *OR, 31st Year, Suppl. for Oct.-Dec. 1976*, p. 56.

the most recent of which had occurred between 17 and 19 December 1976. The letter also quoted the Vice-President of Botswana as stating that since 27 December 1966 there had been 31 such violations of Botswana's territorial sovereignty by forces of the illegal régime. In a further letter dated 12 January 1977¹⁴¹⁵ the representative of Botswana transmitted additional information concerning his Government's complaint.

In a letter dated 11 January 1977¹⁴¹⁶ the representative of Morocco, in his capacity as Chairman of the African Group of nations at the United Nations, expressed the African Group's support for Botswana's request for an urgent meeting of the Council with expectation that the Council would take the necessary measures.

At the 1983rd meeting on 12 January 1977 the Security Council decided to include the letter of 22 December 1976 from Botswana in its agenda, which was adopted without objection,¹⁴¹⁷ and the matter was considered at five meetings held in two sessions: between 12 and 14 January and on 24 and 25 May 1977.

In the course of the three meetings held during the first session, the President, with the consent of the Council, invited the representatives of Botswana, Cuba, Equatorial Guinea, the German Democratic Republic, Kenya, Lesotho, Mali, Morocco, Mozambique, Nigeria, Sierra Leone, Somalia, Togo, the United Republic of Tanzania, Yugoslavia and Zambia, at their request, to participate in the discussion without the right to vote.¹⁴¹⁸

At the 1983rd meeting the Minister for External Affairs of Botswana opened the discussion by listing and describing some of the specific incidences when violations of Botswana's territorial sovereignty had occurred since 1966. The violations had often consisted of overflying Botswana's air space by military aircraft of the illegal régime, actual air landings inside Botswana, and crossings into Botswana by groups of soldiers on foot, particularly those of the commando type known as the Selous Scouts, who made clandestine and sporadic incursions into the country. He reported that those raids had often resulted in harassment of citizens of Botswana, some of whom had been illegally abducted, and that the invaders had often mounted bombing raids which had resulted in loss of human life, physical injury to persons and damage to property. He said that those incidences manifested unprovoked acts of war by the illegal régime in Southern Rhodesia, which had declared the entire Botswana-Southern Rhodesia border area a war zone. Nevertheless, he affirmed, Botswana was determined to defend itself within the limits of its resources and would maintain its resolve to assist the victims of oppression in southern Africa. In view of the increase in expenditure on self-defence at the cost of development programmes, he appealed to the United Nations and to the international community in general for financial assistance to Botswana in order to enable the country to sustain its infrastructure.¹⁴¹⁹

The representative of Mauritius said that the attacks against Botswana must be seen in the light of the struggle of the freedom fighters of Zimbabwe against the illegal régime in Southern Rhodesia; that struggle had the full backing of the whole membership of the Organization of African Unity (OAU), and that backing was in conformity with the relevant United Nations resolutions which affirmed and reaffirmed the legitimacy of the struggle of all people striving for their freedom and independence. Out of desperation in view of its impending defeat, he said, the illegal régime had resorted to indiscriminate acts of aggression against its neighbours on the pretext of the so-called policy of hot pursuit of the freedom fighters. He therefore urged the Council to treat the situation as a threat to peace in the area and take decisive measures.¹⁴²⁰

The representative of the Libyan Arab Jamahiriya said that the troubles in the region stemmed from the denial to the people of Zimbabwe of their rights to self-determination and independence and the adamant clinging to power by the illegal minority régime there in defiance of various efforts by the Security Council and General Assembly to put an end to that régime. In order to ameliorate the situation he suggested that the Council should: ensure the removal of the illegal régime and the granting of independence to the people of Zimbabwe; condemn the illegal régime for its acts of aggression against Botswana; call for effective enforcement by all States of the sanctions against the illegal régime and the extension of those sanctions to South Africa, a country that continued to defy world public opinion and the relevant United Nations resolutions.¹⁴²¹

The representative of Venezuela also underlined that there could be no peace for Botswana so long as it was surrounded by the *apartheid*-practising countries in southern Africa; it was therefore necessary to ensure the attainment of independence in Namibia and the change of conditions in both Southern Rhodesia and South Africa.¹⁴²²

At the 1984th meeting on 13 January 1977 the Minister for Foreign Affairs of Zambia recalled similar previous attacks on the neighbouring countries, including his own, by the forces of the illegal régime in Southern Rhodesia and said that such attacks were a clear manifestation of the minority racist régimes intentions in southern Africa, that is, to destabilize the neighbouring countries and to manipulate the local populations into submission through the system of divide and rule. The object of those régimes was to ensure their own perpetuation. Furthermore, he said that the illegal régime aimed at forcing Botswana to abandon its stand on racism, oppression and on giving refuge to freedom fighters and victims of such injustices. He too called for the condemnation of the illegal régime and also appealed to the Council to ensure that Botswana received generous assistance from the United Nations and the international community in order to enable the country to maintain its development programmes.¹⁴²³

¹⁴¹⁵ S/12275, OR, 32nd Year, Suppl. for Jan-March 1977, p. 4.

¹⁴¹⁶ S/12273, *ibid.*, p. 3.

¹⁴¹⁷ 1983rd mtg., preceding para. 18.

¹⁴¹⁸ For details concerning these invitations, see chapter III.

¹⁴¹⁹ 1983rd mtg., paras. 24-44.

¹⁴²⁰ *Ibid.*, paras. 50-63.

¹⁴²¹ *Ibid.*, paras. 96-106.

¹⁴²² *Ibid.*, paras. 108-113.

¹⁴²³ 1984th mtg., paras. 5-24.

The representative of Panama urged the Council to reach a consensus in condemning the illegal régime in Southern Rhodesia and also expressed the hope that the Council would show interest in the procedures under way, referring to the Geneva Conference on Zimbabwe at the time, for agreement on the constitutional future of that country in accordance with the relevant resolutions adopted by the General Assembly and Security Council.¹⁴²⁴

The representative of China stated that the violation of Botswana's territorial sovereignty was undoubtedly contrary to the Charter of the United Nations. He noted, however, that the situation in southern Africa was aggravated by the contradictory and self-serving policies pursued in the region by the super-Powers: one Power supporting and aiding the racist, minority régime and the other exploiting the nationalist liberation movements. He expressed the conviction that the people of southern Africa would nevertheless heighten their vigilance, strengthen their unity and persevere in the struggle until complete victory was achieved.¹⁴²⁵

The representative of Canada said that the Security Council had two primary and overriding responsibilities: to do everything possible to stop the violations of Botswana's territorial sovereignty, and to assist the country in its special economic hardship resulting from the defence obligations imposed upon it. In that connection he mentioned specific assistance programmes already extended to Botswana by his Government on a bilateral basis.¹⁴²⁶

The representative of the United Republic of Tanzania said that the humanitarian act of Botswana in accepting refugees from the oppressive illegal régime in Southern Rhodesia was in conformity with the OAU call to all States to render assistance to the people of Zimbabwe in their struggle for their freedom. He therefore invited the Council to bear in mind that the attack against Botswana constituted also an attack against the principles and ideals for which the OAU stood. He said that mere condemnation of the illegal régime was not enough, and urged that in addition the Council should extend against the régime all the mandatory sanctions provided for under Article 41 of the Charter.¹⁴²⁷

The representative of India referred to the position of Botswana, which, like Lesotho, he characterized as being surrounded by hostile, illegal régimes. For that reason those two countries merited special consideration and assistance from the United Nations. With regard to the complaint under discussion he said that his delegation would support any action to liquidate the illegal régime in Southern Rhodesia and to provide the assistance needed by Botswana.¹⁴²⁸

The representative of the United States said that the best solution to the problem of relations among the

neighbouring countries in the area lay in the advent of majority rule in Southern Rhodesia; for that reason his delegation had been instructed by his Government to follow closely and support the negotiations by the United Kingdom Government under way on Southern Rhodesia's future.¹⁴²⁹

At the 1985th meeting on 14 January 1977 the representative of Mozambique said that as one of the countries in the area that had suffered similar attacks from the racist, minority régimes in Southern Rhodesia and South Africa, Mozambique had sympathy for Botswana in its plight and fully deplored the acts of aggression committed against that country. He reiterated that Botswana deserved the full support of the international community so as to enable the country to cope with the resulting economic hardships.¹⁴³⁰

The representative of the Federal Republic of Germany said that his Government considered the unilateral declaration of independence by the régime in Southern Rhodesia to be illegal, and that the Government had strictly applied the Security Council sanctions imposed against the illegal régime since 1968, even before the Federal Republic was a member of the United Nations. What was now required was support for the Geneva Conference sponsored by the United Kingdom and extension of assistance to Botswana; for its part the Federal Republic Government was already co-operating with the Government of Botswana in certain development programmes.¹⁴³¹

The representative of the German Democratic Republic said that the aggression committed against Botswana was deplorable and he wondered how the illegal régime in Southern Rhodesia was able to disregard world opinion with such impunity. He suggested that the situation required the Security Council to institute stern measures against both the Pretoria and Salisbury régimes, namely: to extend the sanctions and to ensure their strict implementation against Southern Rhodesia, to impose a mandatory arms embargo against South Africa, to isolate the two racist régimes politically, and to recognize and support the national liberation movement.¹⁴³²

In the course of the 1985th meeting, the representative of Mauritius introduced a draft resolution co-sponsored by the delegations of Benin, India, the Libyan Arab Jamahiriya, Mauritius, Pakistan, Panama, Romania and Venezuela,¹⁴³³ which was subsequently adopted without change at the same meeting as resolution 403 (1977).¹⁴³⁴ He said that the draft resolution concentrated on three main objectives: the cessation of hostilities, the despatch of a mission by the Secretary-General and the question of financial and other assistance to Botswana.¹⁴³⁵

¹⁴²⁴ *Ibid.*, paras. 36-39.

¹⁴²⁵ *Ibid.*, paras. 54-58.

¹⁴²⁶ *Ibid.*, paras. 77-84.

¹⁴²⁷ *Ibid.*, paras. 91-104.

¹⁴²⁸ *Ibid.*, paras. 111-117.

¹⁴²⁹ *Ibid.*, paras. 162-167.

¹⁴³⁰ 1985th mtg., paras. 6-22.

¹⁴³¹ *Ibid.*, paras. 36-48.

¹⁴³² *Ibid.*, paras. 99-118.

¹⁴³³ Circulated in document S/12276.

¹⁴³⁴ For the full text of the resolution see p. 300.

¹⁴³⁵ 1985th mtg., paras. 24-27.

The representative of the USSR referred to the policy of his Government in southern Africa and declared that only by the elimination once and for all of the illegal racist régimes there would the people of southern Africa be able to enjoy conditions of peace and stability. But the acts of provocation and aggression against its neighbouring countries showed that the illegal régime in Southern Rhodesia was resorting to such methods in efforts to maintain its racist, minority domination in the country. In the circumstances, he said that his delegation supported the draft resolution before the Council.¹⁴³⁶

The representative of the United Kingdom informed the Council that his Government already provided substantial economic aid to Botswana and would continue to do so. With regard to Botswana's specific complaint he said that it stemmed from the continuing problem of Southern Rhodesia, which had to be resolved if peace was to be maintained in the area. In that connection he referred to the course of the negotiations under way in Geneva and announced that in efforts to maintain the momentum and goodwill necessary for those delicate negotiations, his delegation would be obliged to abstain on the draft resolution before the Council.¹⁴³⁷

Similarly, the representative of the United States, citing the desire of his Government to maintain its contribution to the United Kingdom's effort, announced his delegation's intention to abstain from the vote.¹⁴³⁸

The draft resolution was then put to vote and was adopted as resolution 403 (1977) by 13 votes to none with 2 abstentions (the United Kingdom and the United States).¹⁴³⁹ The text of the resolution reads as follows:

The Security Council.

Taking note of the letters dated 22 December 1976 (S/12262) and 12 January 1977 (S/12275) from the Permanent Representative of Botswana to the United Nations, and having heard the statement of the Minister for External Affairs of Botswana concerning hostile acts against Botswana by the illegal minority régime in Southern Rhodesia,

Gravely concerned at the dangerous situation created by the provocative and hostile acts committed by the illegal régime in Southern Rhodesia against the security and well-being of Botswana,

Reaffirming the inalienable right of the people of Southern Rhodesia to self-determination and independence in accordance with General Assembly resolution 1514 (XV) of 14 December 1960, and the legitimacy of their struggle to secure the enjoyment of such rights as set forth in the Charter of the United Nations,

Recalling its resolutions 232 (1966) of 16 December 1966 and 253 (1968) of 29 May 1968, by which it determined and reaffirmed respectively that the situation in Southern Rhodesia constituted a threat to international peace and security,

Taking note of General Assembly resolution 31/154 of 20 December 1976,

Convinced that the recent provocative and hostile acts perpetrated by the illegal régime against Botswana aggravate the situation,

Deeply grieved and concerned at the loss of human life and damage to property caused by the acts of the illegal régime in Southern Rhodesia against Botswana,

Noting with appreciation Botswana's decision to continue to give asylum to political refugees fleeing from inhuman oppression by the illegal racist minority régime,

Realizing the need for Botswana to strengthen its security in order to safeguard its sovereignty, territorial integrity and independence,

Reaffirming the legal responsibility of the Government of the United Kingdom of Great Britain and Northern Ireland over Southern Rhodesia, in accordance with the relevant resolutions of the United Nations,

1. *Strongly condemns* all acts of provocation and harassment, including military threats and attacks, murder, arson, kidnapping and destruction of property, committed against Botswana by the illegal régime in Southern Rhodesia;

2. *Condemns* all measures of political repression by the illegal régime that violate fundamental rights and freedoms of the people of Southern Rhodesia and contribute to instability and lack of peace in the region as a whole;

3. *Deplores* all acts of collaboration and collusion which sustain the illegal régime in Southern Rhodesia and encourage defiance with impunity of the resolutions of the Security Council, with adverse consequences for peace and security in the region;

4. *Demands* the immediate and total cessation of all hostile acts committed against Botswana by the illegal régime in Southern Rhodesia;

5. *Takes cognizance* of the special economic hardship confronting Botswana as a result of the imperative need to divert funds from ongoing and planned development projects to hitherto unplanned and unbudgeted security measures necessitated by the urgent need effectively to defend itself against attacks and threats by the illegal régime in Southern Rhodesia;

6. *Accepts* the invitation of the Government of Botswana to dispatch a mission to assess the needs of Botswana in carrying out its development projects under the present circumstances and, accordingly, requests the Secretary-General, in collaboration with appropriate organizations of the United Nations system, to organize with immediate effect financial and other forms of assistance to Botswana and to report to the Security Council not later than 31 March 1977;

7. *Requests* the United Nations and the organizations and programmes concerned, including the Economic and Social Council, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the United Nations Development Programme, the Food and Agriculture Organization of the United Nations and the International Fund for Agricultural Development, to assist Botswana in carrying out the ongoing and planned development projects without interruption as stated in paragraph 5 and envisaged under paragraph 6 of the present resolution;

8. *Appeals* to all States to respond positively in providing assistance to Botswana, in the light of the report of the Mission of the Secretary-General, in order to enable Botswana to carry out its planned development projects;

9. *Decides* to remain seized of the matter.

After the vote the Secretary-General made a statement in which he informed the Council that pursuant to the request in the resolution just adopted he would carry out the responsibilities indicated, and that he was arranging to assign to the mission to Lesotho established by him under resolution 402 (1976)¹⁴⁴⁰ the additional mandate to visit Botswana as well and ascertain the situation there.¹⁴⁴¹

The representative of Canada said that in view of Canada's substantial involvement in development programmes with Botswana already in progress, his Government intended to study carefully the impact of any proposals arising out of paragraph 6 of the resolution.¹⁴⁴²

¹⁴³⁶ 1985th mtg., paras. 173-185.

¹⁴³⁷ *Ibid.*, paras. 191-197.

¹⁴³⁸ *Ibid.*, paras. 199-201.

¹⁴³⁹ *Ibid.*, paras. 202.

¹⁴⁴⁰ See the item entitled "Complaint by Lesotho against South Africa", p. 294.

¹⁴⁴¹ 1985th mtg., paras. 204-206.

¹⁴⁴² *Ibid.*, paras. 209-212.

The representative of Botswana expressed his Government's deep appreciation for the sympathy and solidarity with his country shown by various delegations in their statements, and expressed gratitude to the Council for the resolution just adopted, despite the regrettable abstentions by the United Kingdom and United States.¹⁴⁴³

Decision of 25 May 1977 (2008th meeting): resolution 406 (1977)

On 28 March 1977 the Secretary-General issued the report of the mission to Botswana¹⁴⁴⁴ assigned there pursuant to resolution 403 (1977). The report described the situation of Botswana and recommended a number of new development programmes. It also suggested ways in which assistance to Botswana could be effected by the international community to enable the country to continue with its normal development, the cost for which the report estimated at \$53.5 million over the following three years. By a letter dated 18 April 1977,¹⁴⁴⁵ the Secretary-General transmitted the report to all Member States and members of the specialized agencies.

At the 2006th meeting on 24 May the Security Council included the Secretary-General's report in its agenda, which was adopted without objection,¹⁴⁴⁶ and resumed its consideration of the complaint by Botswana at two meetings held on 24 and 25 May 1977.

At the 2006th meeting the President, with the consent of the Council again invited the representatives of Botswana and Sierra Leone at their request to participate in the discussion without the right to vote.¹⁴⁴⁷

At the same meeting the Secretary-General made a statement in which he introduced the report on Botswana before the Council. He said that in asking him to make an appraisal of the situation of Botswana the Council had recognized the main problem of the country to consist in the diversion of development funds to security requirements. But he noted also that the country was shouldering a heavy financial burden in catering to the influx of refugees from Southern Rhodesia and South Africa. In view of the importance Botswana attached to its livestock industry he drew particular attention to the country's difficulties in carrying out veterinary control programmes bordering on Southern Rhodesia. He concurred with the mission's assessment that in all Botswana would need some \$53 million to maintain its existing and new programmes for the following three years. He announced that as part of the measures he proposed to mobilize assistance for Botswana he intended to convene a meeting at Headquarters on 6 June 1977 of all the Governments interested in contributing, to which he would invite the Minister for External Affairs of Botswana.¹⁴⁴⁸

The representative of Mauritius, after reviewing some of the salient points of the report, introduced a draft resolution¹⁴⁴⁹ co-sponsored by Benin, India, the Libyan Arab Jamahiriya, Mauritius, Pakistan, Panama, Romania and Venezuela. He analysed the relevant operative paragraphs of the draft resolution in the course of which he drew special attention to the role to be played by the Secretary-General and the United Nations specialized agencies in implementing the recommendations of the report.¹⁴⁵⁰

The Minister for External Affairs of Botswana said that even as the Council had convened to consider the report of the mission to Botswana further acts of aggression were continuing to be committed against his country by the forces of the illegal régime. He recounted a number of such attacks which had occurred before 2 March and 16 May 1977 of which he said the most serious had been the bombardment of the Francistown Mopane Club by about 150 troops of the illegal régime in helicopters and troop-carriers, who had employed heavy machinery and had tossed hand grenades into the club premises.¹⁴⁵¹

The representative of Sierra Leone, speaking on behalf of the African Group at the United Nations, condemned the aggressive attacks committed against Botswana and, in view of the findings and recommendations of the mission, he urged the Council to adopt the draft resolution by consensus as a natural consequence to resolution 403 (1977).¹⁴⁵²

At the 2008th meeting on 25 May 1977 all the other 13 members of the Council made statements in which they variously commented on the findings and recommendations of the mission's report; they commended the work of the mission and expressed their appreciation for the Secretary-General's role. Some of them urged unanimous adoption of the draft resolution before the Council; others reiterated their delegations' position presented at meetings during the first session. The representatives of the United Kingdom, the Federal Republic of Germany, Canada, the United States and France¹⁴⁵³ referred to their Governments' existing or proposed bilateral co-operation with Botswana, or the assistance being rendered by the European Economic Community and indicated that relevant discussions with the Government of Botswana would be undertaken in the light of the mission's report.

At the conclusion of the 2008th meeting the draft resolution contained in document S/12334 was adopted unanimously as resolution 406 (1977), the text of which reads as follows:

The Security Council,

Recalling its resolution 403 (1977) of 14 January 1977,

Taking note of the letter dated 18 April 1977 (S/12326) addressed to all States by the Secretary-General in accordance with paragraph 8 of resolution 403 (1977),

¹⁴⁴³ *Ibid.*, paras. 222-227.

¹⁴⁴⁴ S/12307. *OR, 32nd Yr., Suppl. for Jan.-March 1977*, p. 21.

¹⁴⁴⁵ S/12326. *OR, 32nd Yr., Suppl. for April-June 1977*, p. 36.

¹⁴⁴⁶ 2006th mtg., preceding para. 1.

¹⁴⁴⁷ For details of these invitations, see chapter III.

¹⁴⁴⁸ 2006th mtg., paras. 7-17.

¹⁴⁴⁹ S/12334, subsequently adopted as resolution 406 (1977).

¹⁴⁵⁰ 2006th mtg., paras. 18-29.

¹⁴⁵¹ *Ibid.*, paras. 32-48.

¹⁴⁵² *Ibid.*, paras. 52-60.

¹⁴⁵³ 2008th mtg., paras. 5-8, 12-19, 42-46, 53-56 and 72-76, respectively.

Recalling further its resolutions 232 (1966) of 16 December 1966 and 253 (1968) of 29 May 1968, by which it determined and reaffirmed, respectively, that the situation in Southern Rhodesia constituted a threat to international peace and security,

Having examined the report (S/12307) of the Mission to Botswana established under resolution 403 (1977),

Having heard the statement of the Minister for External Affairs of Botswana on the continued attacks and acts of provocation by the illegal racist régime in Southern Rhodesia against Botswana,

Convinced that international solidarity with Botswana, as a neighbouring State to Southern Rhodesia, is essential for the promotion of a solution to the question of Southern Rhodesia,

1. Expresses full support for the Government of Botswana in its efforts to safeguard its sovereignty, territorial integrity and independence;

2. Expresses its appreciation to the Secretary-General for having arranged to send a Mission to Botswana to ascertain the assistance needed;

3. Takes note with satisfaction of the report of the Mission to Botswana (S/12307);

4. Fully endorses the assessment and recommendations of the Mission to Botswana under resolution 403 (1977);

5. Further fully endorses the appeal made by the Secretary-General in his letter of 18 April 1977 (S/12326) to all States to give the matter of assistance to Botswana their most urgent attention and to provide Botswana with the financial and material help it urgently needs;

6. Welcomes the establishment by the Secretary-General of a special account at Headquarters to receive contributions for assistance to Botswana through the United Nations;

7. Requests the United Nations and the organizations and programmes concerned, including the Economic and Social Council, the Food and Agriculture Organization of the United Nations, the International Fund for Agricultural Development, the United Nations High Commissioner for Refugees, the United Nations Educational, Scientific and Cultural Organization, the United Nations Conference on Trade and Development, the United Nations Development Programme and the World Health Organization, to assist Botswana in the fields identified in the report of the Mission to Botswana;

8. Requests the Secretary-General to give the matter of assistance to Botswana his continued attention and to keep the Security Council informed;

9. Decides to remain seized of the matter.

COMPLAINT BY BENIN

Decision of 8 February 1977 (1987th meeting): resolution 404 (1977)

In a letter¹⁴⁵⁴ dated 26 January 1977, the representative of Benin requested, in accordance with Article 35 of the Charter, that a meeting of the Security Council be convened for the purpose of discussing the cowardly and barbarous aggression committed by the imperialists and their mercenaries against the People's Republic of Benin. The letter charged that on 16 January 1977 a commando unit of mercenaries, brought by a military aircraft, had attacked the airport and city of Cotonou but had been forced to retreat, abandoning a considerable quantity of weapons and ammunition after causing the loss of some lives and material damage.

By a letter¹⁴⁵⁵ dated 4 February 1977, the representative of Guinea transmitted a message from the President

of Guinea in which he objected to the alleged attempt by some members of the Security Council to refer the complaint by Benin to the Organization of African Unity (OAU) and requested the President of the Security Council to call an immediate meeting of that organ.

At the 1986th meeting on 7 February 1977, the Security Council included the two letters in its agenda and considered the item at its 1986th and 1987th meetings on 7 and 8 February 1977. During these two meetings, the Council decided to invite the representatives of Algeria, Cuba, Guinea, Madagascar, Mali, Rwanda, Senegal, Somalia and Togo to participate, without vote, in the discussions.¹⁴⁵⁶

At the 1986th meeting, the representative of Benin opened the discussion with a very detailed description of the events of 16 January 1977 at Cotonou and charged that the aim of the act of aggression carried out by a group of mercenaries was to immobilize the armed forces of Benin and to place the city under military occupation as a first stage. He pointed out that the mercenaries carried highly sophisticated equipment in large quantities and gave rise to severe fighting leading to death and injury of soldiers and civilians as well as to substantial material damage. He accused imperialist and neo-colonialist Powers of having instigated this attack and called for a special Security Council mission to ascertain the facts, to determine who was responsible and who carried out the armed aggression and to help assess the damage caused. He also expressed hope that in a second phase appropriate action should be taken to prevent the recurrence of such barbaric acts of aggression by mercenaries.¹⁴⁵⁷

The representative of Mauritius also condemned the mercenary attack on Cotonou and called for the dispatch of a Security Council mission of inquiry to Benin as soon as possible. In this connexion he introduced a draft resolution co-sponsored by the delegations of Benin, Libyan Arab Republic and Mauritius under which the Council would decide to send such a mission to investigate the *de facto* aggression.¹⁴⁵⁸

Members of the Security Council and other speakers joined the representative of Benin in denouncing the attack on Cotonou and in seeking the establishment of the relevant facts surrounding the act of aggression by a Council mission.¹⁴⁵⁹ Several representatives underlined

of Non-Aligned Countries a communiqué issued by that body regarding the attack on Cotonou; a letter dated 8 February 1977 (S/12284, *ibid.*, pp. 7-8) from the representative of Jordan who as Chairman of the Arab Group transmitted a communiqué from that group; a letter dated 8 February 1977 (S/12285, *ibid.*, p. 8) from the representative of Rwanda who as Chairman of the African Group reported that the African countries had expressed unanimous support for Benin's request.

¹⁴⁵⁶ For details, see chapter III.

¹⁴⁵⁷ 1986th mtg., paras. 10-41.

¹⁴⁵⁸ *Ibid.*, paras. 43-50. The draft resolution S/12282 was subsequently slightly revised and adopted as resolution 404 (1977). For the text of the original draft see *OR, 32nd yr., Suppl. for Jan.-March 1977*, pp. 16-17.

¹⁴⁵⁹ See the interventions by Rwanda, Madagascar, Guinea, Algeria at the 1986th mtg. and by the USSR, Libyan Arab Republic, France, Romania, Pakistan, China, India, Togo, Somalia, Mali and Panama at the 1987th mtg.

¹⁴⁵⁴ S/12278, *OR, 32nd yr., Suppl. for Jan.-March 1977*, p. 6.

¹⁴⁵⁵ S/12881, *ibid.*, p. 6. The President of the Council received three other letters supporting Benin's request: a letter dated 7 February 1977 (S/12883, *ibid.*, p. 7) from the representative of Sri Lanka, transmitting in his capacity as Chairman of the Co-ordinating Bureau

the basic responsibility of the Council to look into such situations,¹⁴⁶⁰ others emphasized the universal validity of the basic Charter norms regarding the maintenance of international peace and security and the non-use of the threat or use of force.¹⁴⁶¹

At the end of the 1987th meeting on 8 February 1977, the President stated that as a result of informal consultations, the members of the Council were agreed to adopt the revised draft resolution¹⁴⁶² by consensus, without putting it to the vote, and accordingly, he declared the draft resolution adopted as resolution 404 (1977).¹⁴⁶³ The resolution reads as follows:

The Security Council,

Taking note of the letter dated 26 January 1977 from the Chargé d'Affaires, a.i., of the Permanent Mission of the People's Republic of Benin to the United Nations addressed to the President of the Security Council,

Having heard the statement of the Permanent Representative of the People's Republic of Benin,

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 in any other manner inconsistent with the purposes of the United Nations,

1. *Affirms* that the territorial integrity and political independence of the People's Republic of Benin must be respected;

2. *Decides* to send a Special Mission composed of three members of the Security Council to the People's Republic of Benin in order to investigate the events of 16 January 1977 at Cotonou and report not later than the end of February 1977;

3. *Decides* that the members of the Special Mission will be appointed after consultations between the President and the members of the Security Council;

4. *Requests* the Secretary-General to provide the Special Mission with the necessary assistance;

5. *Decides* to remain seized of the question.

Following the adoption of the resolution, the President announced that he would begin consultations with the members of the Council on the appointment of the members of the Special Mission and keep the members informed of progress.¹⁴⁶⁴

In a note¹⁴⁶⁵ dated 10 February 1977, the President of the Security Council reported that the Council members had agreed to appoint three Council members: India, the Libyan Arab Republic and Panama as members of the Special Mission and the Ambassador of Panama as Chairman.

In a further note¹⁴⁶⁶ issued on 23 February 1977, the President informed the Council members that on 22 February he had received a telegram from the Chairman of the Special Mission to Benin requesting, in view of the extensive volume of evidence acquired in the course of its investigation, an extension until 8 March of the deadline for submission of its report. The President

added that the members of the Council had agreed to the request.

On 7 March 1977, the Security Council Special Mission to the People's Republic of Benin submitted its report,¹⁴⁶⁷ in which it gave an account of its investigation of the events of 16 January 1977 at Cotonou. During its visit to Benin from 16 to 25 February, the Special Mission had interviewed members of the diplomatic corps, witnesses of the attack and a captured mercenary and had examined material evidence including documentation left behind by the invaders. The report offered a detailed reconstruction of the events of 16 January, described step by step the operation launched by the mercenaries, the number and background of the attackers and the action of the Beninese forces who successfully repulsed the invasion.

The report concluded that on the basis of the testimony received and evidence examined, the attack of 16 January had been launched with the primary objective of overthrowing the Government of Benin and that the act of aggression had been carried out by mercenaries for pecuniary motives. According to the testimony of the prisoner held in Benin and parts of the documentation left behind by the attacking force, the attackers had been recruited in Europe and Africa, trained near Marrakesh, Morocco, transported from Morocco to Gabon on 15 January and flown in different aircraft to Cotonou arriving on the morning of 16 January. A Colonel Maurin, who was in charge of the operation, had been hired by an organization called the Front de Libération et de Réhabilitation du Dahomey, whose objective was to replace the Government of Benin with a régime of its own choice. According to the documents, a French national, Gilbert Bourgeaud, had been employed as an adviser to the President of Gabon since August 1976, and his photograph had been identified by the prisoner as that of Colonel Maurin. However, the Special Mission had decided that the terms of its mandate and the time at its disposal did not permit it to investigate further and verify the testimony of the prisoner pertaining to those matters.

By letter¹⁴⁶⁸ dated 28 March 1977, the Secretary-General transmitted a copy of a telegram from the President of Gabon who expressed astonishment at the conclusion contained in the report of the Special Mission and disappointment at the cursory manner in which the inquiry had been conducted. He requested the documentation on which the report was based and invited the members of the Mission to visit Gabon to supplement their information and reiterated that his country had at no time been involved in the alleged aggression. Subsequently, by a letter¹⁴⁶⁹ dated 4 April 1977, the Secretary-General transmitted to the Council a letter dated 23 March from the President of Gabon who complained that a charade had been staged to discredit his country and requested that another fact-

¹⁴⁶⁰ See, for example, 1986th mtg.: Madagascar, para. 68 (Article 39), 1987th mtg.: Pakistan, para. 50 (Article 24).

¹⁴⁶¹ See, for example, 1987th mtg.: Pakistan, para. 48 (Article 1(1)), India, para. 64 (Article 2(4)).

¹⁴⁶² S/12282/Rev.1, adopted as resolution 404 (1977). The revision involved the deadline in paragraph 2 and the addition of paragraph 4 regarding the assistance to be provided by the Secretary-General.

¹⁴⁶³ 1987th mtg., para. 123.

¹⁴⁶⁴ *Ibid.*, para. 131.

¹⁴⁶⁵ S/12286, *OR*, 32nd yr., *Suppl. for January-March 1977*, p. 8.

¹⁴⁶⁶ S/12289, *ibid.*, p. 9.

¹⁴⁶⁷ S/12994 and Add.1, replaced by S/12994/Rev.1, issued in *OR*, 32nd yr., *Special Supplement No. 3*.

¹⁴⁶⁸ S/12313, *ibid.*, *Suppl. for January-March 1977*, p. 50.

¹⁴⁶⁹ S/12317, *OR*, 32nd yr., *Suppl. for April-June 1977*, p. 2.

finding mission should be authorized to visit Gabon together with the witness to conduct a full counter-investigation on the spot.

Decision of 14 April 1977 (2005th meeting): resolution 405 (1977)

At the 2000th meeting on 6 April 1977, the Security Council included the report of the Special Mission to the People's Republic of Benin in its agenda and considered the item during its 2000th to 2005th meetings from 6 to 14 April 1977. During these meetings, the Council decided to invite the representatives of Algeria, Botswana, Cuba, Egypt, Equatorial Guinea, Gabon, Guinea, the Ivory Coast, the Lao People's Democratic Republic, Madagascar, Mali, Mauritania, Mongolia, Morocco, Mozambique, Niger, Saudi Arabia, Senegal, Somalia, Togo, United Republic of Tanzania and Upper Volta to participate, without vote, in the discussion of the question.¹⁴⁷⁰

At the beginning of the meeting, the President drew the attention of the Council members to additional documents, including the two communications from the Government of Gabon,¹⁴⁷¹ and two letters¹⁴⁷² dated 4 April from the Chargé d'affaires a.i. of Benin requesting the circulation of reports prepared by his Government.¹⁴⁷³

The representative of Panama, speaking in his capacity as Chairman of the Special Mission, opened the deliberations of the Council and introduced the report giving special emphasis to its principal conclusions.¹⁴⁷⁴

The representative of Benin expressed his appreciation for the thorough report submitted by the Special Mission and noted that other investigations carried out under Beninese or African auspices corroborated the conclusions of the Security Council inquiry. It was clear in the judgement of his Government that the act of aggression had been organized by the reactionary neo-colonialist circles in France who had never accepted the revolution of 1972 in Benin. He appealed to the representative of France to see to it that the criminals who had launched the operation from French soil be brought to justice. He stated that as a result of the attack on Cotonou, Benin was forced to pay particular attention to problems of defence and security; the civilian and military population had been mobilized since 16 January 1977, and for reasons of security, the Government had been obliged to close Benin's western frontiers for a time. He addressed an urgent appeal to the international community for assistance in repairing the extensive damages caused by the aggression and in ensuring its defence and security in the future.¹⁴⁷⁵

The representative of Mauritius mentioned that the Council of Ministers of the OAU had already adopted a

resolution condemning the act of armed aggression against Benin; the consideration by the Security Council should lead not only to condemnation of the events of 16 January and to compensation to the Government of Benin for the damages suffered, but it should also result in a further attempt by the Council to come to terms with the spreading disease of "mercenaryism". He reviewed some recent provisions in resolutions of the General Assembly dealing with mercenary activities and international norms designed to prevent such occurrences, reported to the Council that the OAU was currently reviewing a regional draft convention on mercenaries and called upon the Security Council to seek actively a solution at the global level for this growing problem.¹⁴⁷⁶

During the subsequent extensive discussion of the report of the Special Mission and in particular of the causes and effects of the attack on Cotonou there was general agreement that the Republic of Benin had been the victim of a mercenary attack and that the Council should condemn this criminal act. Several African representatives and the representative of France, however, took exception to charges and allegations that were contained in the report¹⁴⁷⁷ prepared and distributed by the Government of Benin. The resulting exchange involved also the representatives of Benin and Guinea.¹⁴⁷⁸

At the beginning of the 2004th meeting on 14 April 1977, the representative of Mauritius introduced a draft resolution¹⁴⁷⁹ sponsored initially by the delegations of Benin, the Libyan Arab Jamahiriya and Mauritius and subsequently also by the representatives of India and Panama;¹⁴⁸⁰ he presented its provisions in detail and expressed his pleasure that the draft would be adopted by the Council members by consensus.¹⁴⁸¹

At the conclusion of the 2005th meeting on 14 April 1977, the President stated that, as a result of consultations, the draft resolution would be adopted without putting it to a vote, and declared the text adopted by consensus as resolution 405 (1977).¹⁴⁸² The resolution reads as follows:

The Security Council,

Having considered the report of the Security Council Special Mission to the People's Republic of Benin established under resolution 404 (1977) of 8 February 1977,

Gravely concerned at the violation of the territorial integrity, independence and sovereignty of the State of Benin,

¹⁴⁷⁶ *Ibid.*, paras. 89-116.

¹⁴⁷⁷ See note 1472, for the report issued as S/12139/Add.1.

¹⁴⁷⁸ For arguments disputing Benin's charges see 2000th mtg.: Gabon, paras. 139-160; 2001st mtg.: Senegal, paras. 33-46; France, paras. 52-67; Morocco, paras. 72-96; Ivory Coast, paras. 101-138; 2002nd mtg.: Togo, paras. 57-90; 2004th mtg.: Senegal, paras. 57-83; 2005th mtg.: Gabon, paras. 30-42; Ivory Coast, paras. 108-126; Senegal, paras. 128-144. For views in support of Benin's position, see 2000th mtg.: Guinea, paras. 163-179; 2003rd mtg.: Benin, paras. 73-110; 2004th mtg.: Guinea, paras. 85-116; 2005th mtg.: Guinea, paras. 150-156.

¹⁴⁷⁹ S/12322, subsequently adopted without change as resolution 405 (1977).

¹⁴⁸⁰ The co-sponsorship of India and Panama was announced by the President at the 2004th mtg., para. 55.

¹⁴⁸¹ For the statement by the representative of Mauritius, *ibid.*, paras. 5-22.

¹⁴⁸² See 2005th mtg., para. 207, for the statement of the President.

¹⁴⁷⁰ For details, see chapter III of this Supplement.

¹⁴⁷¹ See notes 1468 and 1469.

¹⁴⁷² For the letters and the attached reports see S/12138 and Add.1, *OR*, 32nd yr., *Suppl. for Jan-March 1977*, pp. 2-5, and S/12139 and Add.1, *ibid.*, pp. 5-26.

¹⁴⁷³ 2000th mtg., para. 9. See also his extensive statement at the 2005th mtg., paras. 166-203.

¹⁴⁷⁴ 2000th mtg., paras. 18-34.

¹⁴⁷⁵ *Ibid.*, paras. 49-83.

Deeply grieved at the loss of life and substantial damage to property caused by the invading force during its attack on Cotonou on 16 January 1977,

1. Takes note of the report of the Special Mission and expresses its appreciation for the work accomplished;
2. Strongly condemns the act of armed aggression perpetrated against the People's Republic of Benin on 16 January 1977;
3. Reaffirms its resolution 239 (1967) of 10 July 1967, by which, *inter alia*, it condemns any State which persists in permitting or tolerating the recruitment of mercenaries and the provision of facilities to them, with the objective of overthrowing the Governments of Member States;
4. Calls upon all States to exercise the utmost vigilance against the danger posed by international mercenaries and to ensure that their territory and other territories under their control, as well as their nationals, are not used for the planning of subversion and recruitment, training and transit of mercenaries designed to overthrow the Government of any Member State;
5. Further calls upon all States to consider taking necessary measures to prohibit, under their respective domestic laws, the recruitment, training and transit of mercenaries on their territory and other territories under their control;
6. Condemns all forms of external interference in the internal affairs of Member States, including the use of international mercenaries to destabilize States and/or to violate their territorial integrity, sovereignty and independence;
7. Requests the Secretary-General to provide appropriate technical assistance to help the Government of Benin in assessing and evaluating the damage resulting from the act of armed aggression committed at Cotonou on 16 January 1977;
8. Appeals to all States to provide material assistance to the People's Republic of Benin in order to enable it to repair the damage and losses inflicted during the attack;
9. Notes that the Government of Benin has reserved its right with respect to any eventual claims for compensation which it may wish to assert;
10. Calls upon all States to provide the Security Council with any information they might have in connexion with the events at Cotonou on 16 January 1977 likely to throw further light on those events;
11. Requests the Secretary-General to follow closely the implementation of the present resolution;
12. Decides to remain seized of this question.

Decision of 24 November 1977 (2049th meeting): resolution 419 (1977)

By letter¹⁴⁴³ dated 13 October 1977, the representative of Benin transmitted the revised report by his Government evaluating the damages resulting from the act of armed aggression committed at Cotonou on 16 January 1977. The revised report¹⁴⁴⁴ was based on new statistical data and on the reports prepared by two expert consultants who had visited Cotonou in accordance with paragraph 7 of resolution 405 (1977). Copies of the reports of the two expert consultants on material damage and on damage to persons were annexed.

By letter¹⁴⁴⁵ dated 4 November 1977, the representative of Benin requested the President of the Security Council to convene a meeting of the Council to resume consideration of the question of armed aggression of 16 January 1977 against Benin.

At the 2047th meeting on 22 November 1977, the Security Council included the letter dated 4 November in its agenda and considered the item at its 2047th to 2049th meetings from 22 to 24 November 1977. During these meetings, the Council decided to invite the representatives of Algeria, Angola, the Congo, Cuba, Equatorial Guinea, Guinea, Madagascar, Mali, Mozambique and Viet Nam to participate, without vote, in the discussion of the item.¹⁴⁴⁶

The representative of Benin opened the deliberations by recalling the resolutions 404 and 405 (1977) which the Council had adopted in response to the events at Cotonou and charged that the hostility against his country continued in overt and covert ways: after the imperialist aggression in January Benin was now subject to economic reprisals consisting of denial of credits that were routinely granted in the past and other forms of economic coercion. The Government of Benin regretted in particular that the Government of France had not yet responded to its request for assistance in investigating the origin of the mercenary aggression of 16 January as far as it could be traced to French nationals acting on French territory.

He urged the Council members to consider the attack on Cotonou once again for two reasons: The case offered an exceptional opportunity to adopt effective measures to eliminate the scourge of international mercenaries. Moreover, paragraph 7 of resolution 405 (1977) had requested the Secretary-General to assist the Government of Benin in assessing and evaluating the damage resulting from the aggression against Cotonou. Two experts whom the Secretary-General had made available conducted surveys regarding human losses and material damages and arrived at a total estimate of 7 billion CFA or \$28 million. The reports prepared by the two experts indicated that their estimate was on the low side. The Government of Benin did not ask for charity but only for justice, as far as these damages were concerned.¹⁴⁴⁷

At the same meeting, the representative of France rejected the charges of the Beninese representative, reiterated his Government's commitment to the principle of respect for the independence of States and non-interference in their internal affairs and noted that his Government had carried out an independent investigation, following the request by the Benin authorities, which, however, had produced nothing; the Government of Benin had been informed of the outcome of the French inquiry. He concluded by once again declaring his Government's principled condemnation of all forms of interference and by reiterating its denial of any involvement in actions by adventure-seekers, such as the attack of 16 January.¹⁴⁴⁸

General support in the subsequent discussion for the concerns expressed by the representative of Benin result-

¹⁴⁴³ S/12415, *OR, 32nd yr., Suppl. for Oct.-Dec. 1977*, pp. 27-33.

¹⁴⁴⁴ It superseded the first report circulated on 5 April as document S/12318/Add.1 (see note 1472)

¹⁴⁴⁵ S/12417, *ibid.*, p. 51

¹⁴⁴⁶ For details, see chapter III

¹⁴⁴⁷ 2047th mtg., paras. 8-31

¹⁴⁴⁸ *Ibid.*, paras. 78-83.

régime in Southern Rhodesia. Its policy was inflexible and aggressive and it had, through foreign investment and foreign loans, created a garrison State to prevent, not promote, change.¹⁴⁹⁸

The representative of Nigeria, in his capacity of current Chairman of the African Group of Member States and Chairman of the Special Committee against *Apartheid*, stated that the Security Council continued to adopt resolutions on mandatory sanctions against Southern Rhodesia but would not apply any sanctions against South Africa, which provided the main loophole in those sanctions. It was easy for the Security Council to apply Chapter VII of the Charter against Southern Rhodesia because Western vested interests in that country had been limited at the time of the unilateral declaration of independence by Ian Smith and because Southern Rhodesia was no major source of raw materials and was of little strategic importance. He hoped that Powers which had in the past vetoed mandatory arms embargoes against South Africa would heed the appeals from the overwhelming majority of Member States.¹⁴⁹⁹

At the same meeting the representative of Egypt drew the attention of the Council to the danger of the increasing ties between South Africa and Israel, which continued to refuse to implement resolutions of the United Nations and to participate in the search for peaceful and just solutions. He expressed his conviction that the violence and repression by the South African régime had greatly aggravated the situation in South Africa and would certainly lead to violent conflict and racial conflagration, with serious international repercussions. The Council should call on the South African régime to take steps to comply with its obligations under the Charter and the provisions of the relevant resolutions of the Council and to report within a specific time-limit on the steps it had taken. If that régime failed to comply with such resolutions, the Council should consider immediate action under all the appropriate provisions of the Charter, including those of Articles 5 and 6 and Chapter VII.¹⁵⁰⁰

At the 1990th meeting on 23 March 1977 the representative of Sierra Leone noted that a repeated call by the world body for a mandatory arms embargo against South Africa under Chapter VII of the Charter had failed to gain acceptance from the Western Powers in the Security Council on the grounds that the situation in South Africa did not constitute aggression or a threat to peace and security in the area. But the Council was well aware of South Africa's aggression against Zambia and Botswana, and the involvement of that régime in Angola, after its accession to independence, was now in the open. Therefore, the excuse that South Africa was not an aggressor and a threat to peace and security could not be seriously maintained.¹⁵⁰¹

At the 1991st meeting on 24 March 1977 the representative of China observed that the South African

authorities, while continuing their political manoeuvres, had intensified their violent repression of the Azanian and Namibian peoples and their armed provocations against the neighbouring independent African countries, thereby demonstrating once again to people the world over that the nature of the racists would never change.¹⁵⁰²

At the 1992nd meeting on 25 March 1977 the representative of Zambia stated that the time had come for the United Nations to re-examine its methods. The Security Council had to decide what role it was going to play regarding the grave threat to international peace and security in southern Africa. Since the voluntary arms embargo against South Africa had not been effective the Security Council should no longer leave it to the good will of States to ban arm sales and other forms of military collaboration with South Africa. He called on the Council to impose a mandatory arms embargo against South Africa under Chapter VII of the Charter and prevent any further foreign economic investments in South Africa.¹⁵⁰³

At the same meeting Mr. Abdul S. Minty stated that the international arms embargo against South Africa was being evaded in a number of ways. The United Kingdom, for example, claimed to implement it, yet the way in which it interpreted and applied the embargo left gaping loopholes which permitted the South African armed forces to obtain a wide range of British equipment.¹⁵⁰⁴

Speaking in exercise of his right of reply the representative of the United Kingdom said that he rejected the allegations of Mr. Minty and reiterated the British Government's commitment to implementing its undertakings in respect of the United Nations arms embargo.¹⁵⁰⁵

At the 1998th meeting, on 30 March 1977 the representative of Canada suggested that the Council depart for a time from the kind of approach which had so far proved ineffective and instead adopt a declaration of principles on southern Africa which would serve as a statement of purpose for all members of the Council in terms of their objectives in that region of the world. The adoption by consensus of such a document would serve as an unequivocal declaration to South Africa of the Council's intentions and as a vehicle to mobilize public opinion towards the Council's objectives.¹⁵⁰⁶

At the same meeting the representative of the United Republic of Tanzania stated that the South African régime was determined to perpetuate its white supremacy, using maximum violence and other repressive measures. Furthermore, to accomplish this objective, the régime had embarked on a frenzied military build-up. That excessive militarization was taking place not only in South Africa itself but also in the international territory of Namibia. South Africa's military power was

¹⁴⁹⁸ 1988th mtg., paras. 16-47.

¹⁴⁹⁹ *Ibid.*, paras. 49-95.

¹⁵⁰⁰ *Ibid.*, paras. 110-148.

¹⁵⁰¹ 1990th mtg., paras. 5-30.

¹⁵⁰² 1991st mtg., paras. 25-33.

¹⁵⁰³ 1992nd mtg., paras. 39-58.

¹⁵⁰⁴ *Ibid.*, paras. 124-162.

¹⁵⁰⁵ *Ibid.*, paras. 164-167.

¹⁵⁰⁶ 1998th mtg., paras. 5-20.

being used for internal oppression of the African people and external aggression against neighbouring independent African States. South Africa was the only country in the history of the Organization ever to be specifically condemned by the Security Council as an aggressor.¹⁵⁰⁷

At the 1999th meeting on 31 March 1977 the representative of France said that the Council and the world community had three basic complaints against South Africa: its *apartheid* policies; its illegal occupation of a territory with international status, Namibia; and its failure to comply with the mandatory measures imposed by the Security Council against the illegal régime in Southern Rhodesia. But he did not agree with those who said that they had no further use for moral condemnation, the time for which had passed, or for pressure, the effectiveness of which they questioned, and with those who believed the time had come for obligatory sanctions. He expressed the belief that the most appropriate course would be to collect in a solemn document the principles which should be incorporated in the reforms that the Council would call upon South Africa to put into effect. He hoped the Pretoria Government would not be mistaken about the significance of the declaration that had been worked out in the working groups of the Council: the draft text rejected the basis of *apartheid*, the conduct of the South African authorities and the different aspects of the way of life unjustly imposed upon the black majority, and called upon Pretoria to carry out precise changes, to undertake a re-examination in depth of its policy.¹⁵⁰⁸

During the Council's discussions, a large number of speakers criticized South Africa's policies of *apartheid* as violating the provisions of the Charter. They called for action under Chapter VII against South Africa.¹⁵⁰⁹

Four draft resolutions were submitted to the Council, each sponsored jointly by Benin, the Libyan Arab Republic and Mauritius.¹⁵¹⁰

Under the first draft resolution,¹⁵¹¹ the Security Council would, *inter alia*, strongly condemn the South African racist régime, demand that régime end violence and repression against the black people and request the Secretary-General to report to the Council on the implementation of this resolution.

Under the text of the second draft resolution¹⁵¹² the Security Council would:

1. Declare that the South African racist régime had flagrantly and persistently violated the principles contained in the Charter of the United Nations.

¹⁵⁰⁷ 1998th mtg., paras. 46-55.

¹⁵⁰⁸ 1999th mtg., paras. 64-78.

¹⁵⁰⁹ 1989th mtg., paras. 18-21, 28 (Nigeria); *ibid.*, paras. 33, 43 (Liberia); *ibid.*, paras. 47, 61 (India); *ibid.*, paras. 79, 80 (Bahrain); *ibid.*, para. 98 (Zambia); 1990th mtg., para. 39 (Yugoslavia); 1991st mtg., para. 84 (Madagascar); 1992nd mtg., para. 116 (Mr. Makatini); *ibid.*, para. 146 (Mr. Minty); 1994th mtg., para. 26 (Libyan Arab Republic); *ibid.*, para. 43 (Ghana); *ibid.*, para. 60 (Kenya); *ibid.*, para. 76 (Mongolia); 1996th mtg., paras. 63, 73 (Somalia); 1998th mtg., para. 54 (United Republic of Tanzania); *ibid.*, para. 81 (Romania); 1999th mtg., paras. 31, 62 (Panama)

¹⁵¹⁰ 1998th mtg., para. 4.

¹⁵¹¹ S/12309, *OR*, 32nd yr., *Suppl. for Jan.-March 1977*, p. 48. (This draft resolution was revised and adopted at subsequent meetings of the Council in October-November 1977 as resolution 417 (1977)).

¹⁵¹² S/12310, *ibid.*, p. 49.

2. Further declare that the policies and actions of the South African racist régime had seriously disturbed peace in the region and constituted a grave threat to international peace and security;

3. Urgently call on the South African racist régime to take steps to comply with its obligations under the Charter and the provisions of the relevant resolutions of the Security Council;

4. Request the Secretary-General to follow the situation and report on the implementation of the present resolution not later than 31 August 1977;

5. Decide that, in case of non-compliance with paragraph 3 of the present resolution, the Security Council should consider appropriate action under all the provisions of the Charter, including Articles 39 to 46 of Chapter VII.

Under the operative paragraphs of the third draft resolution¹⁵¹³ the Security Council would:

1. Decide that all States should cease forthwith the sale and shipment to South Africa of arms, ammunition of all types and military equipment and vehicles, and equipment and materials for the manufacture and maintenance of arms, ammunition and military equipment and vehicles;

2. Further decide that all States should:

(a) Fully implement the provisions of paragraph 4 of resolution 282 (1970), adopted by the Security Council on 23 July 1970, for the strengthening of the arms embargo;

(b) Refrain from any co-operation with the South African racist régime in nuclear development;

(c) Take necessary steps to prevent corporations under their jurisdiction from providing any form of direct or indirect assistance to the South African Government in its military build-up;

3. Request all States to report to the Secretary-General not later than 31 July 1977 on measures taken to implement the present resolution;

4. Request the Secretary-General to report to the Security Council on the progress of the implementation of the present resolution, the first report to be made not later than 31 August 1977;

5. Decide to maintain this item on its agenda for further action as appropriate in the light of developments.

Under the text of the fourth draft resolution¹⁵¹⁴ the Security Council would:

1. Call upon all Governments:

(a) To refrain from any investments in, or loans to, the South African racist régime or companies registered in South Africa;

(b) To take all appropriate steps to ensure that companies and financial institutions within their jurisdiction cease all further investments in, or loans to, the South African racist régime or companies registered in South Africa;

(c) To refrain from any agreements or measures to promote trade or other economic relations with South Africa;

2. Further call upon all the specialized agencies and other international institutions of the United Nations to refrain from any loans, credits or assistance to the South African racist régime or companies registered in South Africa.

3. Request all States Members of the United Nations or members of the specialized agencies to report to the Secretary-General by 31 July 1977 on measures taken to implement the present resolution.

4. Request the Secretary-General to report to the Security Council on the progress of the implementation of the present resolution, the first report to be made not later than 31 August 1977;

5. Decide to maintain this item on its agenda for further action as appropriate in the light of developments.

The four above-mentioned draft resolutions were not put to the vote.

¹⁵¹³ S/12311, *ibid.*, pp. 49-50.

¹⁵¹⁴ S/12312, *ibid.*, p. 50.

Decision of 31st October 1977 (2045th meeting): resolution 417 (1977)

Decision of 31st October 1977 (2045th meeting): rejection of three draft resolutions

Decision of 4th November 1977 (2046th meeting): resolution 418 (1977)

By letter¹⁵¹⁵ dated 20 October 1977 addressed to the President of the Security Council the representative of Tunisia, Chairman of the African Group for the month of October, requested the convening of a meeting of the Security Council to resume urgent consideration of the question of South Africa in the light of the series of repressive measures which the racist régime had taken recently against the South African people.

By a letter¹⁵¹⁶ dated 21 October 1977 addressed to the Secretary-General the representative of Sri Lanka transmitted the text of a communiqué issued on that date by the Co-ordinating Bureau of Non-Aligned Countries on the most recent repressive measures adopted by the South African régime. The Co-ordinating bureau called, *inter alia*, upon all supporters of black African rights to demand that a time-limit be set to the negotiations being conducted by the five Western Powers and that, after the expiration of the time-limit, Chapter VII of the Charter of the United Nations be invoked against the Pretoria régime.

At the 2036th meeting on 24 October 1977 the Security Council adopted the agenda and considered the item at the 2036th to 2040th and 2042nd to 2046th meetings between 24 October and 4 November 1977.

In the course of its deliberations the Council invited the representatives of Algeria, Botswana, Ghana, Guinea, Guyana, Lesotho, Mauritania, the Niger, Nigeria, Saudi Arabia, Senegal, Somalia, the Sudan, Togo, Tunisia, the United Republic of Cameroon and Viet Nam.¹⁵¹⁷ It also extended invitations to representatives of the Pan Africanist Congress, to the Chairman of the Special Committee against *Apartheid*, to Mr. Horst Gerhard Kleinschmidt, External Representative of the Christian Institute of Southern Africa, and to Mr. Elias L. Ntloedibe of the Pan Africanist Congress of Azania.¹⁵¹⁸

At the 2036th meeting the representative of Tunisia recalled that the General Assembly, by its decisions on 9 November 1976, had asked the Security Council to take action under Chapter VII of the Charter to implement military sanctions against South Africa, and to consider steps to achieve the cessation of further foreign investments there. But the measures advocated by the international community had not been adopted. South Africa had taken advantage of the situation to step up its repression, continue its *apartheid* policy, try to create more bantustans and pursue with impunity its attacks on neighbouring countries. He said that the situation in

South Africa was deteriorating swiftly, posing a greater threat to the area and to international peace and security. He expressed the hope of the African group of Member States that the Security Council would give unanimous approval to the four draft resolutions which had been submitted in March by three African members.¹⁵¹⁹

At the 2037th meeting on 25 October 1977 the representative of China strongly condemned the South African racist régime for the new series of grave crimes it had committed recently against the Azanian people. He called on the Security Council to adopt a resolution to condemn strongly the atrocities of the South African authorities, impose a mandatory arms embargo and economic sanctions against South Africa.¹⁵²⁰

At the same meeting Mr. Makatini said that the condemnations of and appeals to the South African régime by the international community through the United Nations had been ignored with impunity. The same went for the appeals to some States which had continued their economic, diplomatic and military collaboration with Pretoria. The result had been the intensification of repression and repeated massacres, as well as the aggression against Angola, the continued occupation of Namibia, economic and military support for the Smith régime, economic aggression against Lesotho, the repeated violation of the territorial integrity and sovereignty of land-locked States such as Botswana, Lesotho and Swaziland. He charged that some of the major trading partners of South Africa had increased their military collaboration with the Pretoria régime by furnishing it with licences which enabled it to be virtually self-sufficient in the production of war equipment and by supplying it with the technological know-how for producing atomic weapons.¹⁵²¹

At the 2039th meeting on 26 October 1977 the representative of the USSR noted that the system of violence and repression, which had been elevated by the South African régime to the level of State policy, and its acts of aggression against sovereign African States had created a situation in that part of the world that poses a direct threat to peace and security. The régime's military machine was being continuously improved; its intention of acquiring weapons of mass destruction including nuclear weapons was a challenge to Africa and to the whole world and was contrary to the proposal of the United Nations and the OAU that the continent of Africa be declared a nuclear-free zone. It was also contrary to the United Nations efforts to prevent the danger of the spread of nuclear weapons throughout the planet. He supported the African proposals before the Security Council that demanded, among other things, that South Africa cease its violence and repression of opponents of *apartheid*, release political prisoners, desist from the policy of bantustanization and end its attacks against African countries. However, it could not be expected that South Africa would heed the demands of the Security Council unless they were backed by

¹⁵¹⁵ S/12420, *OR*, 32nd yr., *Suppl. for Oct.-Dec., 1977*, p. 40.

¹⁵¹⁶ S/12422, *ibid.*, p. 46.

¹⁵¹⁷ For details, see chapter III.

¹⁵¹⁸ *Ibid.*

¹⁵¹⁹ 2036th mtg., paras. 9-18. See footnotes 1511-1514 for details.

¹⁵²⁰ 2037th mtg., paras. 30-35.

¹⁵²¹ *Ibid.*, paras. 71-87.

sanctions under Chapter VII of the Charter, a step that he considered long overdue.¹⁵²¹

At the 2040th meeting on 26 October 1977 the representative of Mauritius introduced¹⁵²¹ the revised texts (S/12309/Rev.1, S/12310/Rev.1, S/12311/Rev.1, S/12312/Rev.1) of the draft resolutions¹⁵²² which were originally submitted to the Council jointly by Benin, the Libyan Arab Republic and Mauritius in March 1977 during the discussion of the question of South Africa and which had been revised — in general to update the texts and set new dates for the submission of reports to the Council. In some cases new provisions had been added.

The first draft resolution (S/12309/Rev.1) was revised to make reference to events since 19 October 1977 and to add a demand for abrogation of bans on organizations and news media.

The second draft resolution (S/12310/Rev.1) was updated.

In the revised text of the third draft resolution (S/12311/Rev.1) two new preambular paragraphs were added so that the Council would take note of the Lagos Declaration for Action against *Apartheid* adopted at the World Conference in August 1977, and would express grave concern that South Africa was at the threshold of producing nuclear weapons. A new operative paragraph was added by which the Council would call upon all States to take measures to revoke contractual arrangements with South Africa and all existing licences granted to South Africa relating to the manufacture and maintenance of arms, ammunition of all types and military equipment and vehicles. The resolution was also updated.

The fourth draft resolution (S/12312/Rev.1) was updated and revised so that the Council would call on Governments to refrain from any investments in, loans to, "or any export and import credits" to the South African racist régime.

At the 2042nd meeting on 28 October 1977 the representative of the United Kingdom said that his country wanted a peaceful and democratic transformation in South Africa, rather than a disintegration into violence. The conflict could still be averted, but only if the South African Government began to change its present policies. For many years Britain had observed a voluntary arms embargo against South Africa and did not co-operate in the nuclear field. It had come to the conclusion that the acquisition by South Africa of arms and related material in the current situation constituted a threat to the maintenance of international peace and security and she would therefore accept and vote in favour of a mandatory arms embargo under Chapter VII of the Charter. South Africa had to begin serious steps to dismantle *apartheid*. Cosmetic changes were not enough.¹⁵²³

At the 2043rd meeting on 28 October 1977 the representative of Canada observed that the fact that the Security Council debate on South Africa and its policy of *apartheid* had been suspended for several months did not reflect any lack of interest but, on the contrary, was the result of the intensive international diplomatic efforts to resolve the problems of South Africa. South Africa had been advised that it travelled on a road to disaster, which only a commitment in favour of fundamental change could avert. But the response had been uncompromising. He went on to say that the Canadian Government was prepared to support the imposition of a mandatory arms embargo against South Africa under Chapter VII of the Charter and to support a call to all Governments to review their economic relations with South Africa. If adopted it would be the first time that a Member State was to be the subject of such measures.¹⁵²⁶

At the same meeting the representative of India noted that five generations of Africans had endured injustice peacefully in the hope that the international community would be able to bring about a change in South Africa. The African people of South Africa had now apparently no hope of any peaceful change for the better. There were only two choices open — either armed struggle or mandatory action by the Security Council.¹⁵²⁷

At the 2044th meeting on 31 October 1977 the representative of the Federal Republic of Germany said that the events of 19 October were a challenge to all who had worked for a peaceful change in South Africa. The acquisition of arms by South Africa in the current circumstances constituted a threat to peace and security. Consequently his Government was ready to accept and vote in favour of a mandatory arms embargo under Chapter VII.¹⁵²⁸

The representative of France stated that the international community had to take measures to make South Africa understand that it had to end its reprehensible and dangerous practices. He noted that in their statements a number of African representatives had suggested that some latitude should be allowed for negotiations. France shared their concern and wanted to preserve opportunities of arriving at peaceful solutions of the problems of that part of Africa. He added that in strictly legal terms, no country could be denied the right of self-defence provided for in Article 51 of the Charter, but the intention here, in the aftermath of the recent crackdown by the South African Government, was to protest against the stockpiling of weapons intended for purposes of internal repression. The French Government had therefore decided to vote in favour of a mandatory embargo on arms shipments to South Africa.¹⁵²⁹

At the 2045th meeting on 31 October 1977 the representative of the United States said that his Government was prepared to join with others in supporting

¹⁵²¹ 2039th mtg., paras. 38-48.

¹⁵²² 2040th mtg., paras. 78-84.

¹⁵²³ S/12309, *OR, 32nd yr., Suppl. for Jan.-March 1977*, p. 48; S/12310, *ibid.* p. 49; S/12311, *ibid.* pp. 49-50; S/12312, *ibid.* p. 50.

¹⁵²⁴ 2042nd mtg., paras. 108-115.

¹⁵²⁵ 2043rd mtg., paras. 26-36.

¹⁵²⁶ *Ibid.*, paras. 38-50.

¹⁵²⁷ 2044th mtg., paras. 19-29.

¹⁵²⁸ *Ibid.*, paras. 30-40.

Security Council action to establish a mandatory arms embargo. He urged South Africa, as well as others which had not signed the Treaty on the Non-Proliferation of Nuclear Weapons, to do so promptly and to put all their nuclear facilities under full international safeguards.¹⁵³⁰

In their statements before the vote the representatives of Canada¹⁵³¹ and the United States¹⁵³² indicated that they were unable to support three of the proposed four draft resolutions, namely S/12310/Rev.1, S/12311/Rev.1 and S/12312/Rev.1. They called upon the members of the Council to have preliminary discussions that would enable them to come to a consensus.

The representatives of the Libyan Arab Jamahiriya,¹⁵³³ Benin¹⁵³⁴ and Mauritius¹⁵³⁵ on behalf of the African Group and as sponsors of the draft resolutions requested the President to proceed to put them to the vote.

At the same meeting the Council proceeded to vote on the first draft resolution (S/12309/Rev.1) and adopted it unanimously as resolution 417 (1977).¹⁵³⁶

The resolution reads as follows:

The Security Council,

Recalling its resolution 392 (1976) of 19 June 1976, strongly condemning the racist régime of South Africa for its resort to massive violence against and wanton killings of the African people, including schoolchildren and students and others opposing racial discrimination, and calling upon the South African racist régime urgently to end violence against the African people and to take urgent steps to eliminate apartheid and racial discrimination,

Noting with deep anxiety and indignation that the South African racist régime has continued violence and massive repression against the black people and all opponents of apartheid in defiance of the resolutions of the Security Council,

Gravely concerned over reports of torture of political prisoners and the deaths of a number of detainees, as well as the mounting wave of repression against individuals, organizations and the news media since 19 October 1977,

Convinced that the violence and repression by the South African racist régime have greatly aggravated the situation in South Africa and will certainly lead to violent conflict and racial conflagration with serious international repercussions,

Reaffirming its recognition of the legitimacy of the struggle of the South African people for the elimination of apartheid and racial discrimination,

Affirming the right to the exercise of self-determination by all the people of South Africa as a whole, irrespective of race, colour or creed,

Mindful of its responsibilities under the Charter of the United Nations for the maintenance of international peace and security,

1. *Strongly condemns the South African racist régime for its resort to massive violence and repression against the black people, who constitute the great majority of the country, as well as all other opponents of apartheid,*

2. *Expresses its support for, and solidarity with, all those struggling for the elimination of apartheid and racial discrimination and all victims of violence and repression by the South African racist régime.*

3. *Demands that the racist régime of South Africa:*

(a) *End violence and repression against the black people and other opponents of apartheid,*

(b) *Release all persons imprisoned under arbitrary security laws and all those detained for their opposition to apartheid,*

(c) *Cease forthwith its indiscriminate violence against peaceful demonstrators against apartheid, murders in detention and torture of political prisoners,*

(d) *Abrogate the bans on organizations and the news media opposed to apartheid,*

(e) *Abolish the "Bantu education" system and all other measures of apartheid and racial discrimination,*

(f) *Abolish the policy of bantustanization, abandon the policy of apartheid and ensure majority rule based on justice and equality.*

4. *Requests all Governments and organizations to take all appropriate measures to secure the implementation of paragraph 3 of the present resolution;*

5. *Further requests all Governments and organizations to contribute generously for assistance to the victims of violence and repression, including educational assistance to student refugees from South Africa;*

6. *Requests the Secretary-General, in co-operation with the Special Committee against Apartheid, to follow the situation and report to the Security Council, as appropriate, on the implementation of the present resolution, and to submit a first report not later than 17 February 1978.*

The Council then proceeded to vote on the remaining three draft resolutions (S/12310/Rev.1, S/12311/Rev.1 and S/12312/Rev.1) which received 10 votes in favour to 5 against and were not adopted owing to negative votes of three permanent members.¹⁵³⁷

Following a brief suspension of the meeting¹⁵³⁸ the President¹⁵³⁹ informed the Council that in order to seek a consensus he took the initiative as the representative of India to circulate informally a new draft resolution for consideration as the basis of a consensus. Some members of the Council wanted more time to study it. As a result of the consultations, a draft resolution sponsored by Canada and the Federal Republic of Germany had been circulated¹⁵⁴⁰ by which the Council, *inter alia*, would determine, having regard to the policies and acts of the South African Government, that the acquisition by South Africa of arms and related material constituted a threat to the maintenance of international peace and security and would direct all States to cease forthwith any provision of arms to South Africa.

After a brief procedural discussion regarding the terms of rule 33 of the provisional rules of procedure the President adjourned the meeting.¹⁵⁴¹

At the 2046th meeting on 4 November 1977 the President informed the Council that the draft resolution sponsored by Canada and the Federal Republic of Germany (S/12433) had been withdrawn. He also announced that a draft resolution¹⁵⁴² had been prepared in the course of consultations.¹⁵⁴³

¹⁵³⁰ 2045th mtg., paras. 5-20

¹⁵³¹ *Ibid.*, paras. 30-35

¹⁵³² *Ibid.*, paras. 36-43

¹⁵³³ *Ibid.*, paras. 44 and 45

¹⁵³⁴ *Ibid.*, paras. 46-48

¹⁵³⁵ *Ibid.*, paras. 49 and 50

¹⁵³⁶ *Resolutions and Decisions of the Security Council, 1977*, pp. 4-5

¹⁵³⁷ 2045th mtg., paras. 51-53

¹⁵³⁸ *Ibid.*, para. 56

¹⁵³⁹ *Ibid.*, paras. 57-59

¹⁵⁴⁰ S/12433, *OR, 32nd yr., Suppl. for Oct.-Dec. 1977*, pp. 50-51

¹⁵⁴¹ 2045th mtg., para. 91

¹⁵⁴² S/12436, adopted without change as resolution 418 (1977)

¹⁵⁴³ 2046th mtg., paras. 3 and 4

At the same meeting the draft resolution was put to a vote and was adopted unanimously.¹⁵⁴⁴ It reads as follows:

The Security Council.

Recalling its resolution 392 (1976) of 19 June 1976, strongly condemning 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, and calling upon that Government urgently to end violence against the African people and to take urgent steps to eliminate *apartheid* and racial discrimination.

Recognizing that the military build-up by South Africa and its persistent acts of aggression against the neighbouring States seriously disturb the security of those States.

Further recognizing that the existing arms embargo must be strengthened and universally applied, without any reservations or qualifications whatsoever, in order to prevent a further aggravation of the grave situation in South Africa.

Taking note of the Lagos Declaration for Action against *Apartheid*.

Gravely concerned that South Africa is at the threshold of producing nuclear weapons.

Strongly condemning the South African Government for its acts of repression, its defiant continuance of the system of *apartheid* and its attacks against neighbouring independent States.

Considering that the policies and acts of the South African Government are fraught with danger to international peace and security.

Recalling its resolution 181 (1963) of 7 August 1963 and other resolutions concerning a voluntary arms embargo against South Africa.

Convinced that a mandatory arms embargo needs to be universally applied against South Africa in the first instance.

Acting therefore under Chapter VII of the Charter of the United Nations.

1. *Determines*, having regard to the policies and acts of the South African Government, that the acquisition by South Africa of arms and related *matériel* constitutes a threat to the maintenance of international peace and security;

2. *Decides* that all States shall cease forthwith any provision to South Africa of arms and related *matériel* of all types, including the sale or transfer of weapons and ammunition, military vehicles and equipment, paramilitary police equipment, and spare parts for the aforementioned, and shall cease as well the provision of all types of equipment and supplies and grants of licensing arrangements for the manufacture or maintenance of the aforementioned.

3. *Calls upon* all States to review, having regard to the objectives of the present resolution, all existing contractual arrangements with and licences granted to South Africa relating to the manufacture and maintenance of arms, ammunition of all types and military equipment and vehicles, with a view to terminating them.

4. *Further decides* that all States shall refrain from any co-operation with South Africa in the manufacture and development of nuclear weapons.

5. *Calls upon* all States, including States non-members of the United Nations, to act strictly in accordance with the provisions of the present resolution.

6. *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 not later than 1 May 1978.

7. *Decides* to keep this item on its agenda for further action, as appropriate, in the light of developments.¹⁵⁴⁵

Following the adoption of the resolution the Secretary-General said that it was the first time in the 32-year history of the Organization that action was taken under Chapter VII of the Charter against a Member State. It was clear that the policy of *apartheid* as well as the measures taken by the South African Government to implement it were such a gross violation of human rights and so fraught with danger to international peace and security that response commensurate with the gravity of the situation had been required. He asked the Governments to provide him with the most complete information as quickly as possible on the measures taken by them to comply with this binding decision.¹⁵⁴⁶

The representative of the United States stated that the Council had sent a clear message to the Government of South Africa that its measures announced on 19 October had created a new situation in South Africa's relationship with the rest of the world. At the same time he looked forward to the day when South Africa would no longer be an issue before the Council and hoped that its resolution would not mark the beginning of a process of increasing international sanctions against South Africa but, rather, the end of a period of growing confrontation between South Africa and the rest of the world.¹⁵⁴⁷

The representative of the USSR observed that the resolution bore the traces of compromise and thus did not go as far as might have been wished. Nevertheless, the USSR was able to support it since, by its adoption, the Security Council was in essence taking the first definite step in the application against South Africa of mandatory sanctions in accordance with Chapter VII of the Charter.¹⁵⁴⁸

Decision of 9 December 1977 (2052nd meeting): resolution 421 (1977)

By letter¹⁵⁴⁹ dated 5 December 1977 addressed to the President of the Security Council the representative of the United Republic of Cameroon on behalf of the group of African States requested the convening, as soon as possible, of a meeting of the Security Council to consider the establishment of a body to supervise the implementation of Council resolution 418 (1977) concerning the mandatory arms embargo against South Africa.

At its 2052nd meeting on 9 December 1977, the Council adopted¹⁵⁵⁰ the agenda and considered the item at the 2052nd and 2053rd meetings on 9 December 1977.

At the 2052nd meeting the representative of the United Republic of Cameroon was invited, at his request, to participate in the discussion without the right to vote. Subsequently such invitation was extended to the representative of Saudi Arabia at his request.¹⁵⁵¹

¹⁵⁴⁴ 2046th mtg., preceding para. 5.

¹⁵⁴⁵ By a letter dated 4 November 1977 (S/12439, *OR, 32nd yr., Suppl. for Oct-Dec 1977*, pp. 62-63) the representative of South Africa communicated the text of a statement issued by the Minister for Foreign Affairs of South Africa on 4 November in which South Africa strongly protested the adoption of resolutions 417 (1977) and 418 (1977).

¹⁵⁴⁶ S/12439, *OR, 32nd yr., Suppl. for Oct-Dec 1977*, paras. 6-9.

¹⁵⁴⁷ 2046th mtg., paras. 22-28.

¹⁵⁴⁸ *Ibid.*, paras. 49-52.

¹⁵⁴⁹ S/12470, *OR, 32nd yr., Suppl. for Oct-Dec 1977*, p. 89.

¹⁵⁵⁰ 2052nd mtg., preceding para. 4.

¹⁵⁵¹ For details, see chapter III.

The Council also agreed to extend invitations under rule 39 of the provisional rules of procedure to Mr. M. J. Makatini of the African National Congress and to the Chairman of the Special Committee against *Apartheid*, Mr. Leslie O. Harriman, to participate in the debate.¹⁵⁵¹

At the 2052nd meeting the representative of Cameroon in his capacity as Chairman of the African Group for the month of December said that the adoption of resolution 418 (1977) opened up new prospects for the expansion and strengthening of measures of more substantial and more energetic external pressure against the racist minority at Pretoria. The draft resolution to be presented to the Council on behalf of the African countries was an extension of resolution 418 (1977) and thus intended to set up machinery to provide the Secretary-General with an additional means of discharging the difficult and delicate mission entrusted to him under that resolution.¹⁵⁵²

At the same meeting the representative of Benin introduced the draft resolution¹⁵⁵³ sponsored by Benin, the Libyan Arab Jamahiriya and Mauritius.

The resolution was adopted unanimously as resolution 421 (1977).¹⁵⁵⁴

The resolution reads as follows:

The Security Council.

Recalling its resolution 418 (1977) of 4 November 1977, in which it determined, having regard to the policies and acts of the South African Government, that the acquisition by South Africa of arms and related matériel constituted a threat to the maintenance of international peace and security and established a mandatory arms embargo against South Africa,

Mindful of the need to have appropriate machinery in order to examine the progress of implementation of the measures envisaged in resolution 418 (1977),

Noting that it requested the Secretary-General to report to the Council on the progress of the implementation of resolution 418 (1977),

1. Decides to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council, consisting of all the members of the Council, to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) To examine the report on the progress of the implementation of resolution 418 (1977) which will be submitted by the Secretary-General;

(b) To study ways and means by which the mandatory arms embargo could be made more effective against South Africa and to make recommendations to the Council;

(c) To seek from all States further information regarding the action taken by them concerning the effective implementation of the provisions laid down in resolution 418 (1977);

2. Calls upon all States to co-operate fully with the Committee in regard to the fulfilment of its tasks concerning the effective implementation of the provisions of resolution 418 (1977) and to supply such information as may be sought by the Committee in pursuance of the present resolution;

3. Requests the Secretary-General to provide all necessary assistance to the Committee and to make the necessary arrangements in the Secretariat for that purpose, including the provision of appropriate staff for the servicing of the Committee

At the same meeting the representative of China observed that since the adoption of resolution 418 (1977) the régime of South Africa had totally ignored the Council's decisions, and instead had stepped up its brutal repression of the just struggle of the Azanian people against racism and for national liberation. China supported the proposal of African countries to establish a Council Committee to examine and supervise the implementation of the mandatory arms embargo against South Africa. But in the light of the Rhodesian experience, he considered it imperative to urge all States Members of the United Nations strictly to implement resolution 418 (1977).¹⁵⁵⁵

The representative of Canada recommended that when the Committee began its work it should adopt procedures similar to those evolved over the years by the Committee on sanctions against Southern Rhodesia.¹⁵⁵⁶

The representatives of the Federal Republic of Germany,¹⁵⁵⁷ the United Kingdom¹⁵⁵⁸ and France¹⁵⁵⁹ shared that view.

The representative of the USSR said his country regarded the Council's decision on the mandatory arms embargo as the basis for further effective measures in the struggle against *apartheid* in southern Africa and as a point of departure for the application of effective economic and other mandatory sanctions against the Pretoria régime.¹⁵⁶⁰

At the same meeting the representative of Panama noted that the Security Council had already established similar Committees made up of all members of the Council. It was logical, therefore, that the work of the Committee which had just been established should be governed by the same procedural rules.¹⁵⁶¹

At the 2053rd meeting Mr. Makatini stated that the Committee on Sanctions against Southern Rhodesia was riddled with so many loopholes that it was never intended to be effective. He hoped that the shortcoming of that Committee would not be repeated, that the new Committee would hold open public hearings of experts in the various fields and that decisions would be taken by vote.¹⁵⁶²

By letter¹⁵⁶³ dated 25 January 1978 addressed to the President of the Security Council the representatives of Gabon, Mauritius and Nigeria, on behalf of the African Group, requested the convening of the Security Council to resume consideration of the question of South Africa.

At the 2056th meeting on 26 January 1978 the Security Council adopted¹⁵⁶⁴ the agenda, which also included a note¹⁵⁶⁵ dated 23 January 1978 from the Secretary-General transmitting the text of a letter dated

¹⁵⁵¹ 2052nd mtg., paras. 68-72.

¹⁵⁵² *Ibid.*, paras. 75-77.

¹⁵⁵³ *Ibid.*, paras. 83-85.

¹⁵⁵⁴ *Ibid.*, paras. 88-90.

¹⁵⁵⁵ *Ibid.*, paras. 94-96.

¹⁵⁵⁶ *Ibid.*, paras. 113-119.

¹⁵⁵⁷ *Ibid.*, paras. 123-135.

¹⁵⁵⁸ 2053rd mtg., paras. 22-33.

¹⁵⁵⁹ S/12538, *OR, 33rd yr., Suppl. for Jan-March 1978*, p. 15.

¹⁵⁶⁰ 2056th mtg., preceding para. 29.

¹⁵⁶¹ S/12536, *OR, 33rd yr., Suppl. for Jan-March 1978*, pp. 10-14.

¹⁵⁵² 2052nd mtg., paras. 14-21.

¹⁵⁵³ *Ibid.*, paras. 25-34. S/12477 was adopted without change as resolution 421 (1977).

¹⁵⁵⁴ *Resolutions and Decisions of the Security Council, 1977*, p. 6.

19 January from the Chairman of the Special Committee against *Apartheid* and an enclosed review of developments in South Africa since 31 October 1977. In this letter the Chairman of the Special Committee stated that the *apartheid* régime not only had rejected the Security Council resolution 417 (1977) but also had intensified violence and repression. The Special Committee therefore considered it imperative that the Council consider the situation urgently and take measures to secure the full implementation of resolution 417 (1977).

The Council decided to invite the representatives of Sweden and Uganda at their request to participate without vote in the discussion.¹⁵⁶⁶

The Council also decided to extend invitations, under rule 39 of the provisional rules of its procedure, to Mr. Donald Woods, former editor of the South African *East London Daily Dispatch*, to Mr. M. J. Makatini of the African National Congress and to Mr. David M. Sibeko of the Pan Africanist Congress of Azania.¹⁵⁶⁶ The Security Council considered the item at the 2056th to 2059th meetings between 26 and 31 January 1978.

At the 2056th meeting Mr. Woods said that while race prejudices existed in many parts of the world, it was only in South Africa that racism had been institutionalized through statute. The United Nations had already agreed on the principle that *apartheid* was a threat to international relationships, and therefore to world peace, but he was more concerned now with its disastrous effects within his country and with the saving of as many lives as possible within South Africa itself. He therefore asked that the United Nations action against *apartheid* should be positive, constructive and non-violent. The adoption of such action depended on the nations of the West which for many years had resisted the implementation of effective punitive measures against South Africa. He urged the Western powers to reassess their past attitudes. Their first priority should be an immediate policy of disengagement from the existing diplomatic, cultural, sporting, trade, military, investment and general economic ties with South Africa.¹⁵⁶⁷

At the 2057th meeting on 27 January 1978 the representative of Gabon advocated the total isolation of South Africa in all fields—economic, trade, cultural, sports, diplomatic and military—and condemned the ignoble system of *apartheid* and all its practical manifestations, such as political trials, arbitrary arrests and detentions, and Bantustanization, which destroyed the territorial integrity and national unity of the country and deprived the black African majority of South Africa of its inalienable rights.¹⁵⁶⁸

At the same meeting the representative of Mauritius said that four things needed to be done to put significant pressure on the Vorster régime: (1) the creation of effective machinery to ensure that the mandatory arms embargo against South Africa was properly implement-

ed, (2) imposition of an oil embargo, (3) economic sanctions under Chapter VII of the Charter and (4) creation of adequate machinery in the Secretariat to ensure the implementation of economic sanctions.¹⁵⁶⁹

At the 2058th meeting on 30 January 1978 the representative of the USSR stated that recent events in South Africa had shown that the racist rulers had practically unleashed racial war in the country in their unsuccessful attempts to repress and stifle the mass movement of the African population against the policy of *apartheid*. That situation had created a serious threat to peace and security in the southern part of the African continent and beyond. The USSR would support any effective decisions of the Council that were likely to bring nearer the day of total liberation of all peoples and the final elimination of the last vestiges of colonialism from the African continent. The embargo on the delivery of arms to the Pretoria régime was in itself insufficient and could be viewed only as a first step towards the full international isolation of the South African racists.¹⁵⁷⁰

The representative of China observed that the brutal murder of Steve Biko, who advocated non-violence, and the ruthless suppression of peaceful appeals, rallies and demonstrations had made the black people realize more clearly that in dealing with the white racist régime the use of non-violent means did not suffice and that it was imperative to use revolutionary violence against counter-revolutionary violence if they were to win final victory in their struggle for national liberation.¹⁵⁷¹

At the 2059th meeting on 31 January the representative of Mauritius on behalf of the African members of the Council introduced two draft resolutions sponsored by Gabon, Mauritius and Nigeria. He requested the Council to take note of the draft resolutions for the purpose of appropriate action on them in the near future.¹⁵⁷²

By the operative part of the first text,¹⁵⁷³ the Security Council would have: strongly condemned the minority racist régime of South Africa for its further aggravation of the situation by the escalating and massive repression against all opponents of *apartheid*, and for its defiance of Assembly and Council resolutions, in particular resolution 417 (1977); strongly condemned also the establishment of Bantustans and the proclamation of the so-called "independence" of Transkei and Bophuthatswana; declared that the violence and repression by the racist régime had greatly aggravated the situation in South Africa and would certainly lead to violent conflict and racial conflagration with serious international repercussions; and demanded that the racist régime of South Africa terminate all political trials, release all persons imprisoned under arbitrary security laws and all those detained for opposing *apartheid*, and end violence and repression against the black people and other opponents of *apartheid*.

¹⁵⁶⁶ *Ibid.*, paras 46-69.

¹⁵⁷⁰ 2058th mtg., paras 26-43.

¹⁵⁷¹ *Ibid.*, paras 57-67.

¹⁵⁷² 2059th mtg., paras 46-51.

¹⁵⁷³ S/12547, OR, 33rd yr., Suppl. for Jan-March 1978, pp. 20, 21.

¹⁵⁶⁶ For details, see chapter III.

¹⁵⁶⁷ 2056th mtg., paras 33-88.

¹⁵⁶⁸ 2057th mtg., paras 8-18.

By the operative part of the second text,¹⁵⁷⁴ the Council, acting under Chapter VII of the Charter of the United Nations, would have decided that all States, including non-member States of the United Nations, were to prohibit any loans to or investments in South Africa, or guarantees for such loans for investments, take effective steps to prohibit any loans to or investments in South Africa by corporations and financial institutions in their countries, and terminate all incentives for investments in or trade with South Africa; and urged all States to reconsider all their existing economic and other relations with South Africa.

The two draft resolutions were not put to the vote.

Decision of 5 April 1979 (2140th meeting): statement by the President

By letter¹⁵⁷⁵ dated 5 April 1979 addressed to the President of the Security Council the representative of the Ivory Coast, on behalf of the African Group of States at the United Nations, requested the convening of an urgent meeting of the Security Council to consider the situation created in South Africa by the renewed outbreak of acts of repression by the racist régime of South Africa against the African nationalist freedom fighters and against the black population of that country committed in implementation of that Government's policy of *apartheid*.

By letter¹⁵⁷⁶ dated 5 April 1979 addressed to the President of the Security Council the representative of Sri Lanka, as Chairman of the Co-ordinating Bureau of Non-Aligned Countries, also requested an urgent meeting of the Security Council to consider the intention of the South African Government to execute Solomon Mahlangu. He also urged the President of the Security Council to contact the South African authorities to secure a stay of the execution.

By letter¹⁵⁷⁷ dated 5 April 1979, the representative of South Africa stated that the South African Government had in recent days received appeals for clemency in the case of Mr. Solomon Mahlangu. He furnished background information on Mr. Mahlangu and on the events which had led to his conviction for murder and subsequent sentence. Among other things, he stated that the trial court had found no extenuating circumstances.

At the 2140th meeting on 5 April 1979 the Security Council adopted¹⁵⁷⁸ the agenda and invited the representative of the Ivory Coast, at his request, to participate in the discussion without the right to vote.¹⁵⁷⁹

The representatives of the Ivory Coast¹⁵⁸⁰ and Nigeria¹⁵⁸¹ urged the Security Council to take measures to save the life of Solomon Mahlangu.

At the conclusion of the meeting the President of the Council said that after consultations with the members

of the Council he was authorized to make a statement which would be conveyed immediately to the State President of the Republic of South Africa.¹⁵⁸² The statement reads as follows:

The Security Council expresses its grave concern lest the Government of South Africa proceed with the execution of Mr. Solomon Mahlangu despite appeals from various countries and a number of world leaders, as well as the Secretary-General.

It also recalls the appeal for clemency made by the family of Mr. Mahlangu to the South African authorities through his lawyer. The Security Council also recalls the efforts of the General Assembly to save the lives of Mr. Mahlangu and other South African leaders of the African people under sentence of death.

Members of the Security Council hereby endorse the appeal already made by their President. They make a solemn call on the Government of South Africa to spare the life of Mr. Mahlangu and others facing the same fate in South Africa.

Decision of 21 September 1979 (2168th meeting): statement by the President

By letter¹⁵⁸³ dated 14 September 1979 addressed to the President of the Security Council the representative of Liberia, Chairman of the African Group for the month of September, requested the President to undertake consultations among the members of the Security Council in order that appropriate action might be taken by the Council in the light of the proclamation of the independence of the Bantustan Venda on 13 September by the Pretoria régime.

By letter¹⁵⁸⁴ dated 20 September 1979, the Chairman of the Special Committee against *Apartheid* transmitted the text of a statement which he had issued on 11 September deploring the proclamation.

At the 2168th meeting on 21 September 1979 the Council adopted¹⁵⁸⁵ the agenda.

The President of the Council stated that as a result of consultations held among members of the Council he was authorized to make a statement.¹⁵⁸⁶ The statement reads as follows:

The Security Council notes that on 13 September 1979 the South African régime proclaimed Venda, an integral part of South African territory, a so-called "independent" state, in pursuance of its *apartheid* and bantustanization policy.

The Security Council recalls its resolution 417 (1977), in which it demanded that the racist régime of South Africa abolish the policy of bantustanization. It also recalls its resolutions 402 (1976) and 407 (1977), in which it endorsed General Assembly resolution 31/6-A of 26 October 1976 on this matter. The Security Council further takes note of General Assembly resolution 32/105-N of 14 December 1977 on the question of bantustans.

The Security Council condemns the proclamation of the so-called "independence" of Venda and declares it totally invalid. This action by the South African régime, following similar proclamations of Transkei and Bophuthatswana, denounced by the international community, is designed to divide and dispossess the African people and establish client states under its domination in order to perpetuate *apartheid*. It further aggravates the situation in the region and hinders international efforts for just and lasting solutions.

¹⁵⁷⁴ S/12548, *ibid.*, p. 21.

¹⁵⁷⁵ S/13223, *OR, 34th yr., Suppl. for April-June 1979*, p. 14.

¹⁵⁷⁶ S/13224, *ibid.*

¹⁵⁷⁷ S/13225, *ibid.*, pp. 14, 15.

¹⁵⁷⁸ 2140th mtg., preceding para. 2.

¹⁵⁷⁹ For details, see chapter III.

¹⁵⁸⁰ 2140th mtg., paras. 9-14.

¹⁵⁸¹ *ibid.*, paras. 16-23.

¹⁵⁸² *ibid.*, para. 24.

¹⁵⁸³ S/13542, *OR, 34th yr., Suppl. for July-Sept. 1979*, p. 137.

¹⁵⁸⁴ S/13548, *ibid.*, p. 140.

¹⁵⁸⁵ 2168th mtg., preceding para. 1.

¹⁵⁸⁶ *ibid.*, para. 1.

The Security Council calls upon all Governments to deny any form of recognition to the so-called "independent" bantustans; to refrain from any dealings with them; to reject travel documents issued by them; and urges Member Governments to take effective measures to prohibit all individuals, corporations and other institutions under their jurisdiction from having any dealings with the so-called "independent" bantustans.¹⁵⁸⁷

Following the President's statement the representative of the United States said that there was no such entity as Venda, that the territory was an integral part of South Africa and that the United States would treat Venda exactly as it treated South Africa.¹⁵⁸⁸

Decision of 13 June 1980 (2231st meeting): resolution 473 (1980)

By letter¹⁵⁸⁹ dated 29 May 1980 addressed to the President of the Security Council, the representative of Morocco, in his capacity as Chairman of the African Group for the month of May, requested the convening of the Security Council as a matter of urgency to consider "the question of South Africa", in the light of the situation then prevailing in that country.

At the 2225th meeting on 4 June 1980 the Council included the item in its agenda.¹⁵⁹⁰

In the course of its deliberations the Council invited the representatives of Algeria, Bahrain, Benin, Botswana, Cuba, Egypt, Ethiopia, Guyana, Mozambique, Nigeria, Romania, Seychelles, Viet Nam, Yugoslavia and Zaire, at their request, to participate, without vote, in the discussion of the item.¹⁵⁹¹

The Council also extended invitations as requested under rule 39 of the provisional rules of procedure to Mr. Johnstone F. Makatini, representative of the African National Congress of South Africa (ANC), and to Mr. Henri Isaacs, representative of the Pan Africanist Congress of Azania (PAC).¹⁵⁹²

The Council considered the item at the 2225th, 2227th to 2229th and 2231st meetings from 4 to 13 June 1980.¹⁵⁹³

At the 2225th meeting the representative of Mozambique, speaking on behalf of the African Group, said that the alarming and explosive situation in South Africa, which since the beginning of the year had been progressively deteriorating, was caused by *apartheid*. The international community could secure the elimination of tension in Africa by discouraging any military or nuclear collaboration with South Africa, since it consti-

tuted a threat to international peace and security. The South African régime not only was engaged in a massive hostile campaign against the neighbouring countries but had also systematically violated their airspace and territory in a deliberate effort to provoke an armed confrontation. Africa had never indiscriminately incited armed struggle in any decolonization process. South Africa itself was causing unrest and uprisings within the country. He opined that it was time for appropriate measures to be taken by the Security Council to end all the sufferings of the South African people.¹⁵⁹⁴

At the same meeting the representative of Nigeria, speaking also as Chairman of the Special Committee against *Apartheid*, said that the Council should support the campaign to free Nelson Mandela and other political prisoners. The situation in South Africa presented a challenge crying out for a solution. The United Nations had repeatedly proclaimed the way to a peaceful solution, which could be attained only by effective international action; such action had been constantly resisted by the Western Powers.¹⁵⁹⁵

At the 2227th meeting on 6 June 1980 the representative of Zambia noted that the South African régime had to be made to realize that there could be no peace in South Africa as long as the vast majority of that country was denied its inalienable political rights. South Africa's continued illegal occupation of Namibia and its repeated acts of aggression against independent African States, particularly Angola and Zambia, could not and would not divert attention from the problem of *apartheid* in South Africa itself. He expressed the hope that the Security Council and the international community as a whole would contribute fully to the endeavour of bringing freedom and justice to all the people of southern Africa.¹⁵⁹⁶

The representative of the German Democratic Republic supported the request that enforcement measures be introduced with the aim of completely isolating the *apartheid* régime and favoured convening as soon as possible an international conference on sanctions against South Africa.¹⁵⁹⁷

The representative of Tunisia observed that the participation of the liberation movements in any settlement efforts should be regarded as fundamental. Any attempt to reach a settlement without them must be unsuccessful.¹⁵⁹⁸

At the 2228th meeting on 9 June 1980 the representative of the USSR said that *apartheid* was actually an official ideology and policy of the Republic of South Africa. The purpose of that policy was to split the indigenous population of South Africa into separate tribes, deprive the Africans not only of all their rights but also of formal citizenship, legitimize the creation of dependent territories and erect a barrier against the growing wave of the national liberation movement. At

¹⁵⁸⁷ In a letter (S/13552, *OR*, 34th yr., *Suppl. for July-Sept. 1979*, pp. 141, 142) dated 24 September 1979 addressed to the President of the Security Council the representative of South Africa stated that the South African Government rejected the statement made by the President, that the Council had no authority or jurisdiction in the matter and that Venda had become independent.

¹⁵⁸⁸ 2168th mtg., paras. 3-5.

¹⁵⁸⁹ S/13969, *OR*, 35th yr., *Suppl. for April-June 1980*, p. 72.

¹⁵⁹⁰ 2225th mtg., preceding para. 2.

¹⁵⁹¹ For details, see chapter III.

¹⁵⁹² By letter dated 5 June 1980 (S/13986, *OR*, 35th yr., *Suppl. for April-June 1980*, pp. 88, 89) addressed to the President of the Security Council the representative of South Africa transmitted the text of a letter from the South African Minister for Foreign Affairs and Information, who deplored the holding of a meeting of the Council and stated that, pursuant to the provisions of Article 2, paragraph 7, of the Charter, South Africa would not countenance interference in its domestic affairs.

¹⁵⁹³ 2225th mtg., paras. 6-24.

¹⁵⁹⁴ *Ibid.*, paras. 26-55.

¹⁵⁹⁵ 2227th mtg., paras. 11-38.

¹⁵⁹⁶ *Ibid.*, paras. 39-48.

¹⁵⁹⁷ *Ibid.*, paras. 49-69.

the same time, the South African racists were expanding their acts of aggression against neighbouring African countries, in particular against Angola, and were continuing to carry out major punitive operations in Namibia. He added that the Soviet Union would support any effective measures on the part of the Security Council aimed at the final elimination of the remaining vestiges of colonialism, racism and *apartheid* on the African continent. A necessary condition for the attainment of this goal was strict observance of the sanctions already established by the Security Council against the racist régime of Pretoria and also the adoption by the Council of comprehensive sanctions as provided for in Chapter VII of the Charter.¹⁵⁹⁹

At the same meeting the representative of China called on the Security Council to condemn the crimes committed by the South African authorities, and demand that they stop forthwith all their repression and persecution of the Azanian people and release all political prisoners immediately.¹⁶⁰⁰

At the 2231st meeting on 13 June 1980 the representative of the United States called upon South Africa to make a gesture of good faith by freeing, recalling and dealing with those whose participation was essential to the country's peaceful and stable future. Such a gesture would warrant an equivalent response, in the form of co-operation instead of violent resistance. As to the role and responsibility of the Security Council, it could demonstrate a helpful attitude by offering its good offices, and those of the Secretary-General, as mediators and facilitators of a solution. He expressed some reservations about the language of the draft resolution before the Council and also suggested a new approach. The present draft, which he believed to be clearly under Chapter VI of the Charter, did not fit that new approach in its entirety—particularly paragraph 7 (b), which was not appropriately worded. He was grateful that some of the ideas he had presented earlier had been included in the draft but felt that it did not go far enough. Therefore he was sending to the President of the Security Council a letter containing the text of some of the suggestions that he had made in the past.¹⁶⁰¹ He said that the United States would, however, support the draft resolution.¹⁶⁰²

At the same meeting the draft resolution¹⁶⁰³ was put to the vote and was adopted unanimously.¹⁶⁰⁴ It reads as follows:

¹⁵⁹⁹ 2228th mtg., paras. 13-33.

¹⁶⁰⁰ *Ibid.*, paras. 46-49.

¹⁶⁰¹ S/13998, OR, 35th yr., Suppl. for April-June 1980, p. 100. The letter subsequently submitted and dated 13 June 1980 contained the text of a draft resolution which would have the Security Council recognize that the situation in South Africa made the elimination of *apartheid* necessary; urgently request South Africa, as a first step, to release all political prisoners; and reiterate its strong hope that the inevitable change in South Africa's racial policies could be attained through peaceful means, while convinced that, failing a decision by the Government and people of South Africa to establish full and equal rights for all the citizens of that country, pressures for such change from the international community inevitably would grow and, with them, the further isolation and estrangement of South Africa from the family of nations.

¹⁶⁰² 2231st mtg., paras. 3-20.

¹⁶⁰³ S/13995, adopted without change as resolution 473 (1980).

¹⁶⁰⁴ 2231st mtg., para. 40.

The Security Council.

Taking note of the letter dated 29 May 1980 from the Chargé d'affaires of the Permanent Mission of Morocco to the United Nations contained in document S/13969.

Gravely concerned by the aggravation of the situation in South Africa, in particular the repression and the killings of schoolchildren protesting against *apartheid*, as well as the repression directed against churchmen and workers,

Noting also with grave concern that the racist régime has intensified further a series of arbitrary trials under its racist and repressive laws providing for death sentences,

Convinced that this situation has been brought about by the continued imposition by the South African racist régime of *apartheid* in defiance of resolutions of the Security Council and the General Assembly,

Recalling its resolutions on the question of South Africa, in particular resolutions 392 (1976), 417 (1977) and 418 (1977),

Recalling further its resolutions 454 (1979) and 466 (1980), in which it condemned South Africa for the flagrant violation of the sovereignty and territorial integrity of neighbouring African States,

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,

Taking note of the extensive demands within and outside South Africa for the release of Nelson Mandela and other political prisoners,

Gravely concerned about reports of supply of arms and military equipment to South Africa in contravention of resolution 418 (1977),

Taking note of the letter of 27 March 1980 from the Chairman of the Special Committee against *Apartheid* concerning an oil embargo against South Africa,

Mindful of its responsibilities under the Charter for the maintenance of international peace and security,

1. *Strongly condemns* the racist régime of South Africa for further aggravating the situation and its massive repression against all opponents of *apartheid*, for killings of peaceful demonstrators and political detainees and for its defiance of General Assembly and Security Council resolutions, in particular resolution 417 (1977);

2. *Expresses its profound sympathy* with the victims of this violence;

3. *Reaffirms* that the policy of *apartheid* is a crime against the conscience and dignity of mankind and is incompatible with the rights and dignity of man, the Charter of the United Nations and the Universal Declaration of Human Rights, and seriously disturbs international peace and security;

4. *Recognizes* the legitimacy of the struggle of the South African people for the elimination of *apartheid* and for the establishment of a democratic society in which all the people of South Africa as a whole, irrespective of race, colour, or creed, will enjoy equal and full political and other rights and participate freely in the determination of their destiny;

5. *Calls upon* the Government of South Africa urgently to end violence against the African people and to take urgent measures to eliminate *apartheid*;

6. *Expresses its hope* that the inevitable change in the racial policies of South Africa can be attained through peaceful means and declares, however, that the violence and repression by the South African racist régime and its continuing denial of equal human and political rights to the great majority of the South African people greatly aggravate the situation in South Africa and will certainly lead to violent conflict and racial conflagration with serious international repercussions and the further isolation and estrangement of South Africa;

7. *Calls upon* the South African régime to take measures immediately to eliminate the policy of *apartheid* and grant to all South African citizens equal rights, including equal political rights, and a full and free voice in the determination of their destiny; these measures should include

(a) Granting of an unconditional amnesty to all persons imprisoned, restricted or exiled for their opposition to *apartheid*;

(b) Cessation forthwith of its indiscriminate violence against peaceful demonstrators against *apartheid*, murders in detention and torture of political prisoners.

(c) Abrogation of the bans on political parties and organizations and the news media opposed to *apartheid*.

(d) Termination of all political trials.

(e) Provision of equal education opportunities to all South Africans.

8. Urgently calls upon the South African régime to release all political prisoners, including Nelson Mandela and all other black leaders with whom it must deal in any meaningful discussion of the future of the country;

9. Demands that the South African racist régime should refrain from committing further military acts and subversion against independent African States.

10. Calls upon all States strictly and scrupulously to implement resolution 418 (1977) and enact, as appropriate, effective national legislation for that purpose.

11. Requests the Security Council Committee established by resolution 421 (1977) concerning the question of South Africa, in pursuance of resolution 418 (1977), to redouble its efforts to secure full implementation of the arms embargo against South Africa by recommending by 15 September 1980 measures to close all loopholes in the arms embargo, reinforce and make it more comprehensive;

12. Requests the Secretary-General to report by 15 September 1980 on the implementation of the present resolution.

13. Decides to remain seized of the question and to consider the situation again not later than 30 September 1980.

Speaking after the vote, the representative of the United Kingdom said that it was with some reluctance that his Government had voted in favour of the resolution. However, it had supported the resolution because it agreed with the important proposition which emerged clearly throughout the text—namely, that the fundamental problems of South Africa derived from the system of *apartheid*. The United Kingdom did not accept that the reference in the seventh preambular paragraph and paragraph 4 to the recognition of the legitimacy of the struggle related to armed struggle or extended to the use of force, and it did not regard paragraph 11 as prejudging the question of whether the arms embargo should be extended.¹⁶⁰⁴

The representative of France regretted that only some of the suggestions of the Western countries members of the Council had been accepted by the sponsors of the draft resolution and expressed reservations about the wording of some of its operative paragraphs.¹⁶⁰⁵

By letter¹⁶⁰⁶ dated 23 September 1980 addressed to the President of the Security Council the representative of Sierra Leone, in his capacity as Chairman of the African Group for the month of September, requested the urgent convening of the Council to consider the situation in South Africa.¹⁶⁰⁷

At the 2261st meeting held on 19 December 1980 the Council adopted the agenda.¹⁶⁰⁸

At the beginning of the meeting the President drew the attention of the members of the Council to the report of the Secretary-General on the implementation of resolution 473 (1980), submitted to the Council on 12 September 1980,¹⁶⁰⁹ and to the report of the Security Council Committee established by resolution 421 (1977) concerning the question of South Africa, submitted on 19 September 1980,¹⁶¹⁰ on ways and means of making the mandatory arms embargo against South Africa more effective.

The Secretary-General indicated in his report that on 13 June he had transmitted the text of the resolution to the Minister for Foreign Affairs of South Africa and that on 2 July he had addressed a note¹⁶¹¹ to all States, drawing attention to paragraph 10 of the resolution, in which the Council had called on all States strictly and scrupulously to implement resolution 418 (1977) and to enact, as appropriate, effective national legislation for that purpose, as well as to paragraph 12, in which the Council had requested him to report by 15 September on the implementation of the resolution.

The report of the Security Council Committee dealt with the objectives, scope and State obligations set out in resolution 418 (1977), the mandate of the Committee, problems encountered in the implementation of the arms embargo, including circumvention of the embargo and cases of alleged violations of the embargo, legislative and other measures taken by States and the compliance of those measures with the arms embargo, the phraseology of resolution 418 (1977) and the Committee's conclusions and recommendations.

The representative of Bangladesh, speaking in his capacity as Chairman of the Security Council Committee established by resolution 421 (1977) concerning the question of South Africa, introduced the report of the Committee stating that it represented the culmination of intensive discussions and sustained efforts to arrive at a general consensus, with very few reservations. He added that although the experience gained by the Committee during the period which had elapsed since its establishment might have been disappointing in some respects, it had been most useful in showing the way to a more effective embargo in the future. Breaches and violations did exist, and little could be done to stop them unless decisive action was taken, at both the national and the international levels. The conclusions and recommendations contained in the report were addressed specifically to that problem and aimed at laying down a new basis for the future work of the Committee. A great deal would depend on the manner in which the Committee was able to discharge the tasks in the future, and on the

¹⁶⁰⁴ S/13995, adopted without change as resolution 473 (1980); see 2231st mtg., paras. 43-50.

¹⁶⁰⁵ *Ibid.*, paras. 51-63.

¹⁶⁰⁶ S/14189, OR, 35th yr., Suppl. for July-Sept. 1980, p. 112.

¹⁶⁰⁷ In a letter dated 6 October 1980 (S/14212, OR, 35th yr., Suppl. for Oct.-Dec. 1980, p. 9) addressed to the President of the Security Council the Minister for Foreign Affairs of Sierra Leone, Chairman of the Council of Ministers of the OAU, confirmed that it was the wish of the African Group that the Council remain seized of the question and added that, after consultations, an appropriate date would be suggested for the Council's consideration of the matter.

¹⁶⁰⁸ 2261st mtg., preceding para. 1.

¹⁶⁰⁹ S/14107 and Add. I, OR, 35th yr., Suppl. for July-Sept. 1980, p. 84.

¹⁶¹⁰ S/14179, *ibid.*, pp. 97-108.

¹⁶¹¹ S/14167, annex I, OR, 35th yr., Suppl. for July-Sept. 1980, p. 84.

means which would be put at its disposal. In that connection, the recommendations of the Committee emphasized the need for a clear and organized system to be adopted in setting up the necessary infrastructure to service the Committee.¹⁶¹²

The representative of Zambia stated that some Western countries continued to flout the embargo against South Africa. The flow of arms and related material to South Africa constituted a threat to the maintenance of international peace and security, not only in Africa but also in the world as a whole. He added that the Council's commitment to the enforcement of a comprehensive mandatory arms embargo should not be doubted. Resolution 421 (1977) had been adopted to ensure the full implementation of the arms embargo by closing possible loopholes. Despite this effort some members of the Council had deliberately created difficulties for the Committee by according different interpretations to resolution 418 (1977). He proposed that the Committee should summon representatives of countries which violated the embargo to appear before it. It should not be content with correspondence; a system of verification and independent investigation had to be established quickly. Excessive reliance by the Committee on secondary sources undermined its ability to discharge its responsibilities.¹⁶¹³

The representative of the USSR said that there was special significance in the recommendations contained in the report on the need to end all forms of co-operation with South Africa in the nuclear sphere bearing in mind the aggressive nature of the racist régime in South Africa. The Security Council had repeatedly warned South Africa that if it did not comply with the demands of the Security Council, the Council would consider more effective measures provided for in Chapter VII of the Charter. The Soviet Union favoured the adoption of sanctions against South Africa, as provided for by Chapter VII of the Charter, in their full scale. That was the most effective way to ensure that South Africa would comply with United Nations decisions on granting independence to Namibia and eliminating the system of *apartheid* in South Africa itself.¹⁶¹⁴

At the outset of the discussion of the question of South Africa at that meeting the President stated that, as had been agreed among members of the Council, consultations would be held in January 1981 with a view to continuing consideration of the agenda item.¹⁶¹⁵

COMPLAINT BY MOZAMBIQUE

Decision of 30 June 1977 (2019th meeting): resolution 411 (1977)

By letter dated 22 June 1977,¹⁶¹⁶ addressed to the President of the Council, the representative of Mozam-

bique transmitted the text of a message addressed to the Secretary-General on 18 June by the President of Mozambique requesting an urgent meeting of the Council regarding the increased tension in southern Africa, which had been further intensified by the recent attacks against Mozambique, said to have been initiated by Southern Rhodesia.

At its 2014th meeting on 28 June 1977, the Security Council included the complaint by Mozambique in its agenda. The representatives of Algeria, Angola, Botswana, Brazil, Cuba, Egypt, Gabon, German Democratic Republic, Guinea, Lesotho, Mozambique, Nigeria, Senegal, the Sudan, the Syrian Arab Republic, Swaziland, the United Republic of Tanzania and Zambia were invited, at their request, to participate in the discussion of the item without the right to vote.¹⁶¹⁷ The Council considered the issue at the 2014th to 2019th meetings from 28 to 30 June 1977.

At the 2014th meeting, the representative of Mozambique gave an account of the human and material losses suffered by his country as a result of attacks by Southern Rhodesia, and stated that his country had become the target of aggression because of its support for the liberation of the people of Zimbabwe and its implementation of resolutions adopted by the international community to that end. He claimed that the Smith régime was trying to internationalize the conflict by diverting the attention of the international community from this colonial issue. He referred to resolution 386 (1976) which had called for financial, technical and material aid to Mozambique, and noted that to confront this problem that threatened international peace and security, Mozambique needed increased material support from the international community.¹⁶¹⁸

At the same meeting, the representative of Zambia pointed to the fact that the Council in its previous considerations of the issue had adopted resolutions 393 (1976) and 403 (1977), both regarding cases of aggression by Southern Rhodesia, and had imposed mandatory sanctions against it that remained in force. He stated that the existence of the illegal régime in Rhodesia was a threat to international peace and security and called upon the international community to fully apply sanctions against it.¹⁶¹⁹

The representative of the United Republic of Tanzania stated that the Council, in its consideration of the conflict, should take into account the source of the aggression, which in his view was the continued existence of the illegal régime of Ian Smith. He pointed out that the struggle of the people of Zimbabwe and pressures arising from the resolutions of the United Nations would bring about the collapse of this illegal régime. He urged the Council to take immediate and concrete action against this régime and its collaborators

¹⁶¹² 2261st mtg., paras. 2-8.

¹⁶¹³ *Ibid.*, paras. 34-45.

¹⁶¹⁴ *Ibid.*, paras. 46-56.

¹⁶¹⁵ *Ibid.*, paras. 109 and 110.

¹⁶¹⁶ S/12350/Add.1, *OR, 32nd yr., Suppl. for Apr.-June 1977*, pp. 57-59.

¹⁶¹⁷ For details, see chapter III.

¹⁶¹⁸ 2014th mtg., paras. 16-51.

¹⁶¹⁹ *Ibid.*, paras. 56-74.

and provide concrete assistance to Mozambique and the Zimbabwe liberation movement.¹⁶²⁰

The representative of Senegal reminded the members of the Council of resolutions 216 (1965) and 217 (1965) which had called upon the international community to adopt the necessary measures to put an end to the Smith régime in implementation of General Assembly resolution 1514 (XV), and noted that the issue had become a question of credibility for the supreme organ of the United Nations, the Security Council, which in its resolution 217 (1965) had determined that the Smith régime constituted a threat to international peace and security.¹⁶²¹

At the 2015th meeting on 28 June 1977, the representative of Nigeria emphasized the need for concrete and effective action against the illegal minority régimes of Smith and Vorster, and called upon the Council to provide Mozambique with increased material and technical assistance and urged the Western countries fully to apply sanctions against the Smith régime and its mentors.¹⁶²²

The representative of Lesotho stated that the unanimous opinion of the Organization of African Unity required the Council to live up to the basic tenets of the Organization by taking effective measures to confront the dangerous situation prevailing in Zimbabwe. He drew the attention of the Council to the claim by the Smith régime that it relied on the right to self-defence as provided for under Article 51 and noted that Rhodesia, not being a party to international law or a target of an armed attack, could not claim any rights or privileges under it.¹⁶²³

The representative of Mauritius informed the Council that a draft resolution was being discussed by a group of non-aligned countries and the African members of the Council.¹⁶²⁴

At the 2016th meeting on 29 June 1977, the representative of Gabon urged all members to implement the relevant resolutions adopted by the Organization of African Unity and the Security Council calling for the strict application of economic, political, diplomatic and other sanctions against the illegal régime of Smith and urged the Council to adopt a resolution similar to the one adopted by the Organization of African Unity (OAU) that would call for the energetic condemnation of the Rhodesian régime.¹⁶²⁵

The representative of Algeria stated that Mozambique had become the target of Rhodesia's aggression because of its non-recognition of this régime and its support for the Zimbabwe liberation movement. He pointed to the fact that this aggression was being directed by an illegal Government, not recognized by

the United Nations and subject to economic sanctions imposed by the Security Council. He emphasized that Mozambique's complaint put the authority of the Council to the test and urged the Council to take into consideration the strong wish of the African countries to strengthen their independence, to protect their freedom and to put an end to colonial domination.¹⁶²⁶

The representative of the Libyan Arab Jamahiriya suggested that mandatory sanctions imposed against the Smith régime should be extended to cover the Pretoria régime for its failure to implement these sanctions and for giving military and economic aid to that régime to enable it to evade these sanctions. He stated that material support should be given to Mozambique so that it could safeguard its sovereignty and territorial integrity by strengthening its defence capabilities.¹⁶²⁷

The representative of the German Democratic Republic stated that the Council in resolution 253 (1968) had called upon the United Kingdom to bring to an end the rebellion in Southern Rhodesia in conformity with the objectives of General Assembly resolution 1514 (XV) and expressed regret that its implementation had been ineffective. He urged all Members to apply a general arms embargo against Southern Rhodesia and to assist threatened African States in exercising their right of self-defence.¹⁶²⁸

At the 2017th meeting on 29 June 1977, the representative of Romania stated that as a result of the aggressive acts of Rhodesia, peace and security in southern Africa and throughout the world as well as the credibility of the United Nations were at stake. The Council was duty bound to put an end to all acts of aggression, to prevent their repetition in the future and to safeguard international peace and security. Further action should be taken to that end by expanding sanctions and ensuring their strict application by all States.¹⁶²⁹

The representative of the Sudan also urged the Council to fulfil its obligation by taking effective measures to end the dangerous situation prevailing in Zimbabwe, and emphasized the duty of the Council and the international community to assist Mozambique in the implementation of its responsibilities.¹⁶³⁰

The representative of the Soviet Union expressed regret that previous measures under Article 41 had failed to bring about an effective solution to the problem and noted that there was a need for the extension of the mandatory sanctions against Rhodesia. He further stated that the Council should condemn those States that objected to the application of these sanctions and warn Rhodesia that serious action would be taken against it if its aggressive acts continued.¹⁶³¹

Following the resumption of the meeting after a brief suspension, the representative of Mauritius emphasized

¹⁶²⁰ 2014th mtg., paras. 78-92.

¹⁶²¹ *Ibid.*, paras. 113-129.

¹⁶²² 2015th mtg., paras. 6-25.

¹⁶²³ *Ibid.*, paras. 27-31, 34-46.

¹⁶²⁴ *Ibid.*, para. 49.

¹⁶²⁵ 2016th mtg., paras. 7-20.

¹⁶²⁶ *Ibid.*, paras. 23-32.

¹⁶²⁷ *Ibid.*, paras. 36-47.

¹⁶²⁸ *Ibid.*, paras. 52-67.

¹⁶²⁹ 2017th mtg., paras. 5-18.

¹⁶³⁰ *Ibid.*, paras. 22-33.

¹⁶³¹ *Ibid.*, paras. 34-50.

the seriousness of the crimes committed by the illegal Smith régime and described the situation as the victimization of a State because of its compliance with its obligations under the United Nations Charter. He referred to Article 50 of the Charter, which provided that if a State confronted difficulties in its application of measures adopted by the Council, it would consult the Council with regard to these problems. He stated that the Council should assist Mozambique, which was having such difficulties. In the course of his statement the representative of Mauritius introduced a draft resolution sponsored by a group of non-aligned countries and the African members of the Council.¹⁶³⁷

At the 2018th meeting on 30 June 1977, the representative of Botswana called upon the international community to intensify its efforts to bring down the illegal régime of Smith by tightening and expanding the existing sanctions and assisting the Zimbabwe Liberation Movement to that end.¹⁶³⁸

The representative of Brazil reminded the members of the Council that the international community, in adopting resolution 386 (1976), had undertaken to assist Mozambique in the reconstruction of its economy. He emphasized that the eradication of racism and colonialism was a task incumbent upon the international community and urged the Council to strengthen the measures required to solve the conflict.¹⁶³⁹

The representative of Pakistan stated that resolution 253 (1968) which had imposed mandatory sanctions on Southern Rhodesia had not been effectively implemented by certain Western States. He added that the Council should take prompt action to put an end to the aggressive acts of the Smith régime in the neighbouring African countries and consider taking action under Article 42 if necessary, with an emphasis on an arms embargo against South Africa.¹⁶⁴⁰

The representative of India indicated that the attacks by Southern Rhodesia not only had violated the sovereignty and territorial integrity of Mozambique but were challenging the authority of the Security Council. He stated that under Article 73 of the Charter the people of Southern Rhodesia were entitled to independence and had been deprived of it by the Smith group. He further added that his Government regarded the appeal of Mozambique as having been made in the exercise of its right to self-defence under Article 51 of the Charter and urged the Council to give assistance to that country to enable it to defend itself.¹⁶⁴¹

The representative of China stated that the Council should condemn the Smith régime in strongest terms for its criminal acts of invading Mozambique and other independent African states, warn South African authorities who collaborated with the Smith régime, firmly support the people of Zimbabwe, Mozambique and the rest of southern Africa in their just struggle for national

liberation and call upon all countries to give them support.¹⁶⁴²

In the course of the deliberations, the representatives of Lesotho, the German Democratic Republic and the Sudan urged the Council to adopt strong measures as provided for under Chapter VII of the United Nations Charter,¹⁶⁴³ and the representatives of the United Republic of Tanzania, the USSR, Botswana and Pakistan specifically referred to Article 41 and expressed their support for its wider application.¹⁶⁴⁴

At the 2019th meeting on 30 June 1977, the representative of Swaziland concurred with a number of representatives that the effectiveness of the Council was in question as a result of the continuous violation of its resolutions. He called upon the international community fully to apply the sanctions against the Smith régime and to provide Mozambique with assistance to enable it to reconstruct its economy. He added that Great Britain as the administering power should negotiate with the representatives of the Zimbabwe Liberation Movement for the establishment of majority rule and an independent Zimbabwe.¹⁶⁴⁵

The representative of France joined other representatives in expressing his concern that the authority of the international community and the dignity of Africa were at stake because of this political problem. He urged the Member States to extend material aid to Mozambique and expressed his hope for the establishment of majority rule through peaceful negotiations.¹⁶⁴⁶

The representative of the United Kingdom stated that his Government was prepared to give further aid to Mozambique as called for in operative paragraphs 9 to 11 of the draft resolution under consideration. He emphasized that all countries should report to the Sanctions Committee of the Security Council all violations so that action could be taken.¹⁶⁴⁷

The representative of the United States informed the members of the Council that the United States policy was one of support for the majority rule and urged each member to redouble its efforts to ensure that sanctions would be fully implemented against the Smith régime.¹⁶⁴⁸

The President, speaking as the representative of Canada, stated that the Council's unanimous adoption of the draft resolution would be a significant response to Mozambique's request. He emphasized the importance of operative paragraphs 9, 10 and 11 of the draft resolution requesting the international community to assist Mozambique in its economic as well as its defence needs.¹⁶⁴⁹

¹⁶³⁷ *Ibid.*, paras. 63-89.

¹⁶³⁸ 2018th mtg., paras. 9-32.

¹⁶³⁹ *Ibid.*, paras. 40-44.

¹⁶⁴⁰ *Ibid.*, paras. 60-72.

¹⁶⁴¹ *Ibid.*, paras. 74-80.

¹⁶⁴² *Ibid.*, paras. 101-107.

¹⁶⁴³ 2015th mtg.: Lesotho, para. 35; 2016th mtg.: German Democratic Republic, para. 65; 2017th mtg.: Sudan, para. 30.

¹⁶⁴⁴ 2014th mtg.: United Republic of Tanzania, para. 85; 2017th mtg.: USSR, para. 38; 2018th mtg.: Botswana, para. 31; Pakistan, para. 71.

¹⁶⁴⁵ 2019th mtg., paras. 7-17.

¹⁶⁴⁶ *Ibid.*, paras. 19-23.

¹⁶⁴⁷ *Ibid.*, paras. 35-39.

¹⁶⁴⁸ *Ibid.*, paras. 55-67.

¹⁶⁴⁹ *Ibid.*, paras. 69-72.

The draft resolution (S/12353) was voted on and adopted unanimously as resolution 411 (1977). It reads as follows:

The Security Council.

Taking note of the telegram dated 18 June 1977 from the President of the People's Republic of Mozambique, Mr. Samora Moisés Machel, to the Secretary-General, contained in document S/12350 and Add.1,

Having heard the statement of Mr. Marcelino dos Santos, member of the Permanent Political Committee of FRELIMO and Minister for Development and Economic Planning of Mozambique, concerning the recent acts of aggression against Mozambique committed by the illegal racist minority régime in Southern Rhodesia,

Taking note of the resolution adopted by the Council of Ministers of the Organization of African Unity at its twenty-ninth ordinary session at Libreville, Gabon (S/12352),

Indignant at the systematic acts of aggression committed by the illegal régime in Southern Rhodesia against the People's Republic of Mozambique and the resulting loss of life and destruction of property,

Gravely concerned at the rapidly deteriorating situation in Southern Rhodesia as a result of the continued existence of the illegal régime,

Reaffirming the inalienable rights of the people of Zimbabwe to self-determination and independence, in accordance with General Assembly resolution 1514 (XV) of 14 December 1960, and the legitimacy of their struggle to secure the enjoyment of such rights as set forth in the Charter of the United Nations,

Recalling its resolution 232 (1966) of 16 December 1966, in which it determined that the situation in Southern Rhodesia constituted a threat to international peace and security,

Cognizant of the fact that the recent acts of aggression perpetrated by the illegal régime against the People's Republic of Mozambique together with that régime's constant acts of aggression and threats against the sovereignty and territorial integrity of the Republic of Botswana and the Republic of Zambia aggravate the existing serious threat to the security and stability of the region,

Recalling its resolutions on sanctions against the illegal régime in Southern Rhodesia, in particular resolution 253 (1968) of 29 May 1968,

Conscious of the important contribution made by the Government of the People's Republic of Mozambique through its decision of 3 March 1976 to close its borders with Southern Rhodesia and to apply strictly sanctions against the illegal régime in conformity with United Nations resolutions,

Deeply concerned that the measures approved by the Security Council have so far failed to bring to an end the illegal régime and convinced that sanctions cannot put an end to that régime unless they are comprehensive, mandatory and strictly supervised and unless measures are taken against States which violate them,

Recalling its resolution 386 (1976) of 17 March 1976,

Expressing its particular concern at the continued violation of sanctions by South Africa and its support of the illegal régime in Southern Rhodesia,

Reaffirming the primary responsibility of the United Kingdom of Great Britain and Northern Ireland, as the administering Power, to take all effective measures to bring to an end the illegal régime in Southern Rhodesia, in accordance with the relevant United Nations resolutions,

Reaffirming the relevant provisions of the Maputo Declaration in Support of the Peoples of Zimbabwe and Namibia and in particular those provisions which call for assistance to those front-line States victims of acts of aggression by the racist minority régimes,

Affirming the right of the People's Republic of Mozambique to take all necessary measures, in accordance with the Charter, to safeguard its sovereignty and territorial integrity,

1. *Strongly condemns* the illegal racist minority régime in Southern Rhodesia for its recent acts of aggression against the People's Republic of Mozambique,

2. *Solemnly declares* that these acts of aggression as well as the repeated attacks and threats against the Republic of Zambia and the

Republic of Botswana by the illegal régime in Southern Rhodesia constitute a serious aggravation of the situation in the area;

3. *Condemns* South Africa for its continued support of the illegal régime in Southern Rhodesia in contravention of Security Council resolutions on sanctions against the régime at Salisbury,

4. *Reaffirms* that the continued existence of the illegal régime in Southern Rhodesia is a source of insecurity and instability in the region and constitutes a serious threat to international peace and security,

5. *Reaffirms* the right of the people of Zimbabwe to self-determination and independence, in accordance with General Assembly resolution 1514 (XV), and urges all States to intensify assistance to the people of Zimbabwe and their national liberation movement in their struggle to achieve that objective;

6. *Commends* the Government of the People's Republic of Mozambique for its scrupulous observance of sanctions against the illegal régime in Southern Rhodesia and its steadfast support to the people of Zimbabwe in their legitimate struggle, in accordance with the relevant General Assembly and Security Council resolutions;

7. *Demands* that the national sovereignty and territorial integrity of Mozambique be scrupulously respected,

8. *Demands* that all States refrain from providing any support—overt or covert—to the illegal régime in Southern Rhodesia and, in particular, demands that South Africa adhere fully to Security Council resolutions and thus cease from any co-operation or collaboration with the illegal régime at Salisbury in violation of the Council's decisions;

9. *Requests* all States to give immediate and substantial material assistance to enable the Government of the People's Republic of Mozambique to strengthen its defence capability in order to safeguard effectively its sovereignty and territorial integrity;

10. *Requests* all States, regional organizations and other appropriate intergovernmental organizations to provide financial, technical and material assistance to Mozambique in order to enable it to overcome the severe economic loss and destruction of property brought about by the acts of aggression committed by the illegal régime in Southern Rhodesia and to reinforce Mozambique's capacity to implement United Nations decisions in support of measures against the illegal régime;

11. *Requests* the United Nations and the organizations and programmes concerned, including the Economic and Social Council, the Food and Agriculture Organization of the United Nations, the World Food Programme, the United Nations Children's Fund, the International Fund for Agricultural Development, the United Nations High Commissioner for Refugees, the United Nations Educational, Scientific and Cultural Organization, the United Nations Conference on Trade and Development, the United Nations Development Programme and the World Health Organization, to provide assistance to Mozambique on a priority basis in implementation of the request contained in paragraph 10 of the present resolution;

12. *Calls upon* all States to implement strictly Security Council resolutions on sanctions and requests the Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia to examine as a matter of priority further effective measures to tighten the scope of sanctions in accordance with Article 41 of the Charter of the United Nations and urgently to submit its appropriate recommendations to the Council.

13. *Requests* the Secretary-General to co-ordinate the efforts of the United Nations system and to organize immediately an effective programme of international assistance to Mozambique in accordance with the provisions of paragraphs 10 and 11 of the present resolution;

14. *Decides* to remain actively seized of the matter.

By a note dated 20 October 1977, the Secretary-General transmitted the report of the mission to Mozambique which he had despatched in accordance with paragraph 13 of resolution 411 (1977).¹⁰⁴ The report described the effects of the Southern Rhodesian attacks on the economy of Mozambique and the losses resulting

¹⁰⁴ S/12413, OR, *Annex, Suppl. for Nov.-Dec. 1977*, pp. 10-26.

from such aggression and listed urgent development projects necessitated by the prevailing situation and of particular importance to Mozambique as well as its food requirements. The report also reviewed the refugee situation and, in annex I, contained a recapitulation of Mozambique's external assistance requirements in the light of resolution 411 (1977).

COMPLAINT BY CHAD

INITIAL PROCEEDINGS

By letter¹⁶⁴⁶ dated 8 February 1978 addressed to the President of the Security Council, the representative of Chad requested an urgent meeting of the Council "to consider the extremely serious situation now prevailing in northern Chad as a result of Libyan aggression and of the Chad-Libyan frontier problem".

By previous letter¹⁶⁴⁷ dated 6 February 1978 addressed to the President of the Security Council, the representative of Chad transmitted the text of a telegram dated 4 February from the Minister for Foreign Affairs and Co-operation of Chad with regard to the disturbing situation prevailing in his country and resulting from the aggression and military occupation of northern Chad by the Libyan Arab Jamahiriya. He charged that the Libyan authorities were attempting to destabilize the Government of Chad and dismember the country, completely ignoring the recommendations of the Assembly of Heads of State and Government of the Organization of African Unity, held at Libreville in July 1977, which had established an *Ad Hoc* Committee for the settlement of the Chad-Libyan frontier dispute. He requested that the President of the Security Council intervene to end Libyan aggression and interference in Chad's internal affairs.

In a further letter¹⁶⁴⁸ dated 8 February 1978 addressed to the President of the Security Council, the representative of Chad transmitted the text of a telegram of the same date from the Head of State of Chad, who charged that the Libyan Arab Jamahiriya had refused to participate in discussions of the OAU *Ad Hoc* Committee and had engaged in heavy fighting at Faya. Therefore, Chad had decided to break off Chad-Libyan diplomatic relations.

By letter¹⁶⁴⁹ dated 13 February 1978 addressed to the President of the Security Council, the representative of Chad transmitted the texts of a communication dated 8 February from the Head of State of Chad to the heads of diplomatic missions accredited to N'Djamena and a statement issued by the Head of State on 12 February in which he declared that if, by 16 February, a cease-fire had gone into effect, the Government of Chad would reconsider its complaint before the Security Council.

In a letter¹⁶⁵⁰ dated 14 February 1978 addressed to the President of the Security Council, the representative of the Libyan Arab Jamahiriya rejected the complaint by Chad as unfounded, maintaining that his country was not involved in the internal struggle between the Chad people and the régime of that country. The problem of boundaries between his country and Chad, the Libyan representative said, could be dealt with by negotiations between the two countries or in the context of the OAU.

By letter¹⁶⁵¹ dated 17 February 1978 addressed to the President of the Security Council, the representative of the Libyan Arab Jamahiriya gave an account of efforts which had been made to improve relations between his country and Chad.

The Security Council included the item in its agenda¹⁶⁵² and considered it at the 2060th meeting on 17 February 1978. The representatives of Chad and the Libyan Arab Jamahiriya were invited, at their request, to take part in the discussions without the right to vote.¹⁶⁵³

At the same meeting, the representative of Chad stated that Libya, in disregard of the provisions of the United Nations Charter and of the Charter of the Organization of African Unity (OAU) as well as of the relevant resolutions of those organizations and of the principles of international law, had committed aggression against Chad by occupying a part of its territory, Aouzou, in the northern part of the country and by openly fighting on the side of the rebels. He stressed that despite this clear case of aggression by Libya, Chad had, since the establishment of the new régime on 13 April 1975, shown unusual patience in seeking to resolve the dispute through peaceful means. He went on to say that the situation not only endangered the very existence of Chad as a sovereign State and a member of the international community but could seriously jeopardize peace and security in that part of the African continent. Chad was seeking the assistance of the Security Council in restoring its territorial integrity, obtaining the unconditional withdrawal of Libyan troops from its territory and creating necessary conditions for the OAU *Ad Hoc* Committee to carry out the mission entrusted to it by the 14th OAU Summit Meeting in Libreville.¹⁶⁵⁴

The representative of the Libyan Arab Jamahiriya said that it was not true that Libyan troops were involved in the fighting in northern Chad, nor was it true that Libya occupied parts of Chad territory. If there was a Libyan administration in Aouzou, it was because after the revolution people in Libya began to take an interest in the interior and in areas on its frontiers, by building roads and creating an infrastructure. If there was a frontier problem, Libya was willing to discuss it with Chad and the OAU.¹⁶⁵⁵

¹⁶⁴⁶ S/12553, *OR*, 33rd year, *Suppl. for Jan.-March 1978*, p. 23.

¹⁶⁴⁷ S/12554, *ibid.*, pp. 23-24.

¹⁶⁴⁸ S/12555, *ibid.*, p. 24.

¹⁶⁴⁹ S/12558, *ibid.*, pp. 34-35.

¹⁶⁵⁰ S/12560, *ibid.*, pp. 36-37.

¹⁶⁵¹ S/12565, *ibid.*, p. 39.

¹⁶⁵² 2060th mtg., preceding para. 2.

¹⁶⁵³ For details, see chapter III.

¹⁶⁵⁴ 2060th mtg., paras. 8-39.

¹⁶⁵⁵ *Ibid.*, paras. 42-76.

At the end of the 2060th meeting the President stated that there were no further speakers on his list and if members of the Council had no objections the next meeting of the Security Council to continue consideration of the complaint by Chad would be held on 21 February 1978.

Decision: deletion of the item from the list of matters of which the Council is seized

By letter¹⁶⁵⁶ dated 18 February 1978 addressed to the President of the Security Council, the representative of the Libyan Arab Jamahiriya stated that following discussions among representatives of the Sudan, Chad and the Libyan Arab Jamahiriya at Tripoli between 16 and 18 February, a trilateral joint communiqué had been issued, as well as a bilateral joint press communiqué of the Libyan Arab Jamahiriya and the Sudan, copies of which were transmitted to the Council.

By letter¹⁶⁵⁷ dated 21 February 1978 addressed to the President of the Security Council, the representative of Chad also transmitted the text of the Chad-Libyan-Sudanese joint communiqué.

In the penultimate paragraph of the joint communiqué, it was stated that the Chad delegation had decided to withdraw its complaint to the Security Council and to work for the restoration of diplomatic relations between Chad and the Libyan Arab Jamahiriya.

In a letter¹⁶⁵⁸ dated 22 February 1978 addressed to the President of the Security Council, the representative of Chad informed the President that the Government of Chad had decided not to press for further consideration of its complaint by the Council.

In a letter¹⁶⁵⁹ dated 22 February 1978 addressed to the President of the Security Council, the representative of the Libyan Arab Jamahiriya, noting that Chad had decided to withdraw the complaint, assumed that the Security Council had taken the necessary measures to delete the item "Complaint by Chad" from the list of matters of which it was seized.

On 23 February 1978, the Secretary-General drew the two above communications to the attention of the members of the Security Council and proposed that if no objection was received by 27 February, the item "Complaint by Chad" should be deleted from the list of matters of which the Security Council was seized. As no objections were received, the item was deleted from the list.

COMPLAINT BY ZAMBIA

Decision of 17 March 1978 (2070th meeting): resolution 424 (1978)

By letter¹⁶⁶⁰ dated 9 March 1978, the representative of Zambia requested the President of the Security Council to convene an urgent meeting of the Council to

consider the latest premeditated and unprovoked act of aggression against Zambia's sovereignty and territorial integrity by forces of the rebel minority régime in Southern Rhodesia. Rebel Rhodesian forces, using infantry troops and war planes, had violated Zambian territory between 6 and 8 March in the Lungwa (Feira) district on the Zambia side of the Zambezi River. Five members of the Zambia National Defence Forces had been reported killed and 20 innocent civilians injured.

The complaint by Zambia was supported by messages¹⁶⁶¹ from the Commonwealth Secretary-General, the representative of Upper Volta, on behalf of the African Group of States, and the Co-ordinating Bureau of Non-Aligned Countries condemning the act of aggression by the Rhodesian rebels and urging the Security Council to protect the territorial integrity of Zambia.

At the 2068th meeting on 15 March 1978, the Security Council included the letter dated 9 March 1978 from the representative of Zambia in its agenda and considered the item during its 2068th to 2070th meetings from 15 to 17 March 1978. During its deliberations the Council decided to invite the representatives of Botswana, Cuba, Egypt, the German Democratic Republic, Ghana, Jamaica, Mozambique, the United Republic of Tanzania, the Upper Volta, Viet Nam and Zambia to participate, without vote, in the discussion of the item.¹⁶⁶² At the 2069th meeting on 16 March 1978, the Council also decided to extend an invitation to Mr. George Silundika under rule 39 of the provisional rules of procedure.¹⁶⁶³

At the 2068th meeting on 15 March 1978, the Foreign Minister of Zambia warned that unless the root cause of the Rhodesian problem was eliminated, the prospects of averting a generalized conflict engulfing the entire region were bound to recede irreversibly. He offered a detailed description of the latest Rhodesian attack which had come within hours of the signing of the so-called agreement at Salisbury. He expressed his Government's appreciation that the Security Council had firmly rejected that internal settlement and indicated that Zambia was deeply worried about ominous consequences of unbridled acts of aggression by the Rhodesian régime which was trying to draw the front-line States and their friends into direct conflict with Southern Rhodesia. He stressed that the latest attack was not directed against so-called guerrilla bases in Zambia nor was it a question of hot pursuit, but was a premeditated act of aggression against Zambia. Quoting words of President Kaunda he invoked Zambia's right to retaliate in self-defence when its territorial integrity was violated and asked the Government of the United Kingdom to change the situation in Southern Rhodesia. Since the colonial Power had so far refused to coerce the

¹⁶⁵⁶ S/12568, *OR*, 33rd year, *Suppl. for Jan-March 1978*, pp. 40-41.

¹⁶⁵⁷ S/12570, *ibid.*, p. 42.

¹⁶⁵⁸ S/12572, *ibid.*, pp. 42-43.

¹⁶⁵⁹ S/12573, *ibid.*, p. 43.

¹⁶⁶⁰ S/12589, *ibid.*, pp. 51-52.

¹⁶⁶¹ See S/12593, *ibid.*, p. 53, for the note of the President of the Security Council transmitting the statement by the Commonwealth Secretary-General, S/12594, *ibid.*, p. 54, for the letter dated 10 March 1978 from the representative of Upper Volta; and S/12595, *ibid.*, pp. 54-55, for a letter also dated 10 March from the representative of Sri Lanka transmitting the text of a communiqué by the Co-ordinating Bureau of Non-Aligned Countries.

¹⁶⁶² For details, see chapter III.

¹⁶⁶³ For further details, see the same chapter.

rebels into submission, Zambia would pursue other avenues left to it. He recalled his Government's efforts to seek a negotiated settlement in Rhodesia and its recommendation urgently to impose and enforce oil sanctions against South Africa itself under Chapter VII of the Charter.¹⁶⁶⁴

The representative of Upper Volta, speaking in his capacity as Chairman of the African Group for the month of March, strongly condemned the Rhodesian attack and restated the conviction of the African Group that the only way to preserve the security and peace in southern Africa was to put an end to the existence of the régimes of Southern Rhodesia and South Africa. He urged the Council to condemn the act of aggression against Zambia and to take measures to eliminate the minority régime in Southern Rhodesia.¹⁶⁶⁵

The representative of the United Republic of Tanzania called for the elimination of the rebel minority régime in Southern Rhodesia and for a genuine transfer of power to the people of Zimbabwe. He described the latest attack against Zambia as part of a systematic campaign against neighbouring independent African States, whereby the Rhodesian régime tried to internationalize the conflict and to cut off the support for those fighting for the freedom of Zimbabwe. Under these circumstances, he called upon the Council to plug all the loopholes by tightening the sanctions against Salisbury through the application of the entire Article 41 of the Charter. The Council should also see to it that the United Kingdom as the administering Power take immediate action to bring to an end the illegal régime in Southern Rhodesia.¹⁶⁶⁶

At the 2069th meeting on 16 March 1978, the representative of India joined in condemning the Southern Rhodesian act of aggression and introduced a draft resolution¹⁶⁶⁷ on behalf of six Council members. The text contained the condemnation of the attack against Zambia, commended the Government of Zambia for supporting the people of Zimbabwe and called upon the United Kingdom to take strong measures to bring the illegal régime to a speedy end. The representative of India indicated that the sponsors refrained from asking for more effective measures under Chapter VII of the Charter, but would revert to these ideas in the Council, if the administering Power failed to take appropriate steps to terminate the rebellion.¹⁶⁶⁸

At the 2070th meeting on 17 March 1978, the representative of the United States deplored the latest events in the Rhodesian tragedy and reaffirmed his Government's commitment to the establishment of gen-

uine majority rule in an independent State of Zimbabwe. He referred to the Anglo-American plan as the best hope for a peaceful solution of the Rhodesian crisis and indicated his delegation's support for the draft resolution.¹⁶⁶⁹

The representative of the USSR stated that there was a direct connection between the attempts of the white Rhodesian régime to impose the so-called internal settlement on the people of Zimbabwe and the acts of aggression against the front-line States. In the discussion of the Zambian complaint, the Council should decide on effective measures to put an end to the Rhodesian aggression and to remove the racist régime. The task of liberating the long-suffering people of Zimbabwe from the colonial yoke could be accomplished by the decisive application of the most effective sanctions against the régimes of Pretoria and Salisbury in accordance with Chapter VII of the Charter, including an embargo on the delivery of petroleum products.¹⁶⁷⁰

During the same meeting, the President put the draft resolution to the vote; it was adopted unanimously as resolution 424 (1978).¹⁶⁷¹ It reads as follows:

The Security Council,

Taking note of the letter from the representative of the Republic of Zambia contained in document S/12589,

Having considered the statement of the Minister for Foreign Affairs of the Republic of Zambia,

Gravely concerned at the numerous hostile and unprovoked acts of aggression by the illegal minority régime in Southern Rhodesia violating the sovereignty, air space and territorial integrity of the Republic of Zambia, resulting in the death and injury of innocent people, as well as the destruction of property, and culminating on 6 March 1978 in the armed invasion of Zambia,

Reaffirming the inalienable right of the people of Southern Rhodesia (Zimbabwe) to self-determination and independence in accordance with General Assembly resolution 1514 (XV) of 14 December 1960, and the legitimacy of their struggle to secure the enjoyment of such rights as set forth in the Charter of the United Nations,

Recalling its resolution 423 (1978) of 14 March 1978, in which *inter alia*, it declared as illegal and unacceptable any internal settlement concluded under the auspices of the illegal régime and called upon all States not to accord any recognition to such a settlement,

Further recalling its resolutions 326 (1973) of 2 February 1973, 403 (1977) of 14 January, 406 (1977) of 25 May and 411 (1977) of 30 June 1977, in which it condemned the illegal régime in Southern Rhodesia for its acts of aggression against Zambia, Botswana and Mozambique,

Concerned that the liberation of Zimbabwe and Namibia and the elimination of *apartheid* in South Africa are necessary for the attainment of justice and lasting peace in the region and in the furtherance of international peace and security,

Reaffirming that the existence of the minority racist régime in Southern Rhodesia and the continuance of its acts of aggression against Zambia and other neighbouring States constitute a threat to international peace and security,

Concerning of the need to take effective steps for the prevention and removal of threats to international peace and security,

¹⁶⁶⁴ 2068th mtg., paras. 7-54.

¹⁶⁶⁵ *Ibid.*, paras. 56-62.

¹⁶⁶⁶ *Ibid.*, paras. 66-81. For similar statements condemning the raid against Zambia and urging tightening of sanctions against Southern Rhodesia, see, e.g., Botswana, paras. 84-100; Mozambique, paras. 20-28; Algeria, mtg., Cuba, paras. 66-7; Egypt, paras. 54-62; Gabon, paras. 10-18; Kuwait, paras. 96-114; Mauritius, paras. 20-34; 2070th mtg., Nigeria, paras. 25-50.

¹⁶⁶⁷ S/12603, subsequently adopted as resolution 424 (1978). The text was sponsored by Botswana, Gabon, India, Kuwait, Mauritius and Nigeria.

¹⁶⁶⁸ 2070th mtg., para. 16-17.

¹⁶⁶⁹ 2070th mtg., paras. 8-12.

¹⁶⁷⁰ *Ibid.*, paras. 45-54.

¹⁶⁷¹ For the vote, *ibid.*, para. 13-17.

1. *Strongly condemns* the recent armed invasion perpetrated by the illegal racist minority régime in the British colony of Southern Rhodesia against the Republic of Zambia, which constitutes a flagrant violation of the sovereignty and territorial integrity of Zambia;

2. *Commends* the Republic of Zambia and other front-line States for their continued support of the people of Zimbabwe in their just and legitimate struggle for the attainment of freedom and independence and for their scrupulous restraint in the face of provocations by the Rhodesian rebels;

3. *Reaffirms* that the liberation of Namibia and Zimbabwe and the elimination of *apartheid* in South Africa are necessary for the attainment of justice and lasting peace in the region;

4. *Calls upon* the Government of the United Kingdom of Great Britain and Northern Ireland, as the administering Power, to take prompt effective measures to bring to a speedy end the existence of the illegal racist minority régime in the rebel colony of Southern Rhodesia, thereby ensuring the speedy attainment of independence under genuine majority rule and thus contributing to the promotion of durable peace and security in the region;

5. *Decides* that, in the event of further acts of violation of the sovereignty and territorial integrity of Zambia by the illegal racist minority régime in Southern Rhodesia, the Security Council will meet again to consider the adoption of more effective measures, in accordance with the appropriate provisions of the Charter of the United Nations, including Chapter VII thereof.

Decision of 23 November 1979 (2171st meeting): resolution 455 (1979)

By letter¹⁶⁷² dated 22 November 1979, the representative of Zambia requested an urgent meeting of the Security Council to consider the escalating and intensified acts of aggression against his country by the illegal régime in Southern Rhodesia.

At the 2171st meeting on 23 November 1979, the Security Council included the question in its agenda and decided to invite the representative of the Libyan Arab Jamahiriya to participate in the discussion without the right to vote.¹⁶⁷³ The Council considered the item at the same meeting.

At the beginning of the meeting, the President drew the attention of the Council members to the text of a draft resolution¹⁶⁷⁴ which was sponsored by Bangladesh, Gabon, Jamaica, Kuwait, Nigeria and Zambia.

The representative of Zambia spoke first and elaborated on the letter which he had submitted. He pointed out that since 1978, when his Government had come to the Council to complain about Rhodesian aggression, the rebel Rhodesian forces had embarked more and more on armed attacks, aerial raids and commando raids against Zambia, using even more sophisticated weapons against the Zambian civilian population and refugee centres in different parts of the country. Similar attacks had been undertaken against Mozambique, Botswana and Angola.

He added that the recent attacks had created indeed a very grave situation. On 12 October 1979, the Chambeshi river rail bridge on the Tanzania-Zambia railway and the road bridge linking Zambia and Tanzania were both blown up. On 16 November, three other bridges along the Kafue-Chirundu road in central Zambia were

also blown up. On the following day, two road bridges near Rufunsa on the Great East Road linking Zambia and Malawi were destroyed. Kaleya bridge, in the southern province, and Chongwe bridge, on the Great East Road, were destroyed by rebels on 19 November. These attacks on Zambia's road and rail networks had virtually cut off Zambia's major transportation links with the outside world. The Zambian representative gave the following preliminary figures for the estimated cost of reconstructing the bridges: The total cost would come to \$US 10,024,000, with the road and rail bridge over the Chambeshi river coming to at least \$US 3,132,500. There was no doubt that the cost of reconstruction would eventually far exceed this first estimate.

He also informed the Council of other cases of aggression against Zambia which either had been committed prior to the recent attacks or had involved South African troops. All these attacks were clear evidence that the aggression was directed against Zambia and could not be camouflaged by Rhodesian claims that these acts occurred in pursuit of the freedom fighters of the Patriotic Front and did not involve the Zambian people. The attacks launched by the illegal Rhodesian régime had violated Zambia's territorial integrity and sovereignty and disregarded all norms of international law as well as several Security Council and other United Nations resolutions. He expressed regret that the Government of the United Kingdom had so far failed to bring sanity to bear on the rebels in its colony and instead tried to implicate Zambia, although the Zambian people were the victims, not the initiators of the Rhodesian struggle. Under these circumstances, were the Zambians not justified in holding the administering Power responsible for the turn of events in the area?

The representative of Zambia concluded that his Government would appreciate if the Council could set up an *ad hoc* committee from among its members and instruct it to assist in the implementation of the resolution to be adopted and to report back to the Council not later than 15 December. Such a step would help to mobilize much needed international assistance to Zambia arising from the prevailing international situation.¹⁶⁷⁵

The representative of Nigeria condemned the wanton acts of aggression by the illegal régime and indicated why the Rhodesian rebels had managed to survive all the strictures of international sanctions all those years. In his judgement, the United Kingdom as administering Power had failed to assume its responsibilities for quelling the rebellion; the international sanctions had often been breached with impunity; the international community had failed to defend the conventions and laws of civilized international conduct; but, above all, the racist régime of South Africa had shown contempt for the United Nations by refusing to apply the Council's decisions against Southern Rhodesia and by consistently aiding and abetting the rebellion with arms, men, finance, trade and other support. The Rhodesian rebels aimed to destroy the Zambian economic infra-

¹⁶⁷² S/13636, OR, 34th yr., Suppl. for Oct.-Dec. 1979, p. 75.

¹⁶⁷³ For details, see chapter III.

¹⁶⁷⁴ S/13645, adopted at the same meeting as resolution 455 (1979). See 2171st mtg., para. 3, for the President's remark.

¹⁶⁷⁵ See 2171st mtg., paras. 5-32.

structure, to weaken its support for the liberation movements, to escalate the war of liberation in Zimbabwe, to intimidate the Zambian population, thus causing the Government of Zambia to exert pressure on the Patriotic Front and make it accede to unfair demands in London, and to wreck the talks going on in London at Lancaster House.

The representative of Nigeria added that his Government stood ready to give full support to the Government of Zambia if the situation were to turn into a full-scale war. At this point, he introduced the draft resolution sponsored by Bangladesh, Gabon, Jamaica, Kuwait, Nigeria and Zambia which he hoped would provide assistance to the Zambian Government in ensuring full compensation for its losses.¹⁶⁷⁵

The representative of the USSR recalled that the Council had already on many occasions considered the question of aggressive actions of the illegal régime against neighbouring countries and had condemned the armed invasion of Zambia in its recent resolution 424 (1978). But the Rhodesian attacks had actually become more severe and intensive. He suggested that these new attacks might have been launched in order to coerce the Government of Zambia to stop supporting SWAPO and the Patriotic Front and thereby to secure further concessions at the talks regarding Namibia and Zimbabwe. The delegation of the USSR believed that the Council should not only condemn the recent acts of aggression but ensure that they would not be repeated in the future by considering the application of the provisions of Chapter VII as decided upon in resolution 424 (1978).¹⁶⁷⁷

The representative of the United States expressed his Government's greatest regret that at that crucial point in the efforts at Lancaster House to bring Zimbabwe to independence the Council had to convene to consider the latest attacks against civilian targets in Zambia systematically denying it land access to the outside world. In this situation, his Government felt that the quickest way to bring about a permanent halt to violence on all sides was to reach a prompt agreement on the cease-fire and to begin the process leading to elections in Zimbabwe.¹⁶⁷⁸

The representative of the Libyan Arab Jamahiriya, speaking in his capacity as Chairman of the Group of African States for the month of November, conveyed to the Council the appeal of the African Group to the international community to extend support and assistance to the people of Zambia, added that the Group called upon the Council to condemn the illegal régime for its flagrant aggression against the Republic of Zambia and to take effective action against the illegal régime in accordance with the relevant provisions of Chapter VII of the Charter.¹⁶⁷⁹

Following a brief suspension of the meeting,¹⁶⁸⁰ the President announced that the Council was ready to

adopt by consensus the draft resolution sponsored by Bangladesh, Gabon, Jamaica, Kuwait, Nigeria and Zambia. Since there was no objection, the draft resolution was adopted as resolution 455 (1979).¹⁶⁸¹ It reads as follows:

The Security Council.

Taking note of the letter from the Permanent Representative of the Republic of Zambia contained in document S/13636.

Having considered the statement of the Permanent Representative of the Republic of Zambia,

Gravely concerned at the numerous hostile and unprovoked acts of aggression committed by the illegal minority régime in Southern Rhodesia violating the sovereignty, air space and territorial integrity of the Republic of Zambia,

Gravely concerned also at the continuing collusion by South Africa in the repeated acts of aggression launched against the Republic of Zambia by the rebel forces of the illegal minority régime in Southern Rhodesia,

Grieved at the tragic loss in human life and concerned about the damage and destruction of property resulting from the repeated acts of aggression committed by the illegal minority régime in Southern Rhodesia against the Republic of Zambia,

Convinced that these wanton acts of aggression by the illegal minority régime in Southern Rhodesia form a consistent and sustained pattern of violations aimed at destroying the economic infrastructure of the Republic of Zambia and weakening its support of the struggle of the people of Zimbabwe for freedom and national liberation,

Recalling its resolution 424 (1978) of 17 March 1978, in which, *inter alia*, it strongly condemned the armed invasion perpetrated by the illegal minority régime in the British colony of Southern Rhodesia, which constituted a flagrant violation of the sovereignty and territorial integrity of Zambia,

Reaffirming that the existence of the minority racist régime in Southern Rhodesia and the continuance of its acts of aggression against Zambia and other neighbouring States constitute 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. *Strongly condemns* the illegal régime in the British colony of Southern Rhodesia for its continued, intensified and unprovoked acts of aggression against the Republic of Zambia, which constitute a flagrant violation of the sovereignty and territorial integrity of Zambia;

2. *Strongly condemns also* the continued collusion by South Africa in repeated acts of aggression launched against the Republic of Zambia;

3. *Commends* the Republic of Zambia and other front-line States for their continued support of the people of Zimbabwe in their just and legitimate struggle for the attainment of freedom and independence and for their scrupulous restraint in the face of unwarranted armed provocations by the Rhodesian rebels in collusion with South African armed forces,

4. *Calls upon* the Government of the United Kingdom of Great Britain and Northern Ireland, as the administering Power, to take prompt and effective measures to ensure that the illegal racist minority régime in Southern Rhodesia will desist from committing repeated acts of aggression and provocation against the Republic of Zambia,

5. *Calls for* the payment of full and adequate compensation to the Republic of Zambia by the responsible authorities for the damage to life and property resulting from the acts of aggression,

6. *Further calls upon* all Member States and international organizations urgently to extend material and other forms of assistance to the Republic of Zambia in order to facilitate the immediate reconstruction of its economic infrastructure.

¹⁶⁷⁵ *Ibid.*, paras. 34-56.

¹⁶⁷⁷ *Ibid.*, paras. 57-67.

¹⁶⁷⁸ *Ibid.*, paras. 76-79.

¹⁶⁷⁹ *Ibid.*, paras. 83-92.

¹⁶⁸⁰ For the President's proposal to suspend the meeting, *ibid.*, para.

¹⁶⁸¹ For the adoption of the resolution, *ibid.*, para. 94.

7. *Decides* to establish an *ad hoc* committee composed of four members of the Security Council, to be appointed by the President after consultation with members, in order to assist the Council in the implementation of the present resolution, in particular paragraphs 5 and 6 thereof, and report to the Council by 15 December 1979.

8. *Decides* to remain seized of the matter

After the adoption of the resolution, the representative of the United Kingdom expressed regret that he had delayed the Council for several hours as he needed to obtain instructions from his Government. The United Kingdom had already condemned the Rhodesian attacks on civilian targets in Zambia and had expressed deep and most sincere sympathy for the suffering and destruction in Zambia. He added that the Lancaster House conference in London was in its final stages, that a constitution granting genuine majority rule had been agreed on by all parties and that the transitional arrangements had also been negotiated. The last hurdle was the question of the cease-fire which would bring about the cessation of the acts of violence in Rhodesia and the neighbouring countries.

He noted that his delegation had joined the other members in the consensus of the draft resolution although the text was not even-handed, but one-sided, with intemperate phraseology. His Government was most eager to end the fighting, but was not yet in control to guarantee a cessation of hostilities. In the view of his delegation, the resolution just adopted did not contain a fresh determination under Article 39, and the Lord Privy Seal had stated in the House of Commons that the Government felt not responsible for the damages incurred by the Zambian authorities. Once the cease-fire had been achieved, the United Kingdom would wish to help Zambia as a friend to restore its infrastructure.

In conclusion the representative of the United Kingdom rejected the charge by the Libyan representative that Britain in some way encouraged the raids on Zambia and wanted the Lancaster Conference to fail. He also sharply rejected the accusation by Nigeria that the Government of the United Kingdom had aided and abetted breaches of the sanctions imposed by the Security Council. He hoped nothing would happen now to interrupt or deflect from the achievement of peace and stability for the people of Zimbabwe.¹⁶⁸²

At the end of the meeting, the representative of Zambia thanked the Council for the unanimous support expressed in resolution 455 (1979). He made special mention of the provision in paragraph 5, with regard to the question of compensation, and stressed that his Government intended to pursue its legitimate claim for compensation from the United Kingdom for the damages done the Zambian economy by the rebel Smith régime. He hoped that the decision to set up the *ad hoc* committee would result in substantial assistance in this hour of need. His country would continue its resolute support for the legitimate struggle of the people of Zimbabwe until genuine independence would be achieved.¹⁶⁸¹

In a note¹⁶⁸⁴ dated 30 November 1979, the President reported that he had had consultations with the members of the Security Council and that agreement had been reached that the *ad hoc* committee established under paragraph 7 of resolution 455 (1979) would be composed of Jamaica, Kuwait, Nigeria and Norway.

By letter¹⁶⁸⁵ dated 6 December 1979, the Chairman of the *Ad Hoc* Committee transmitted an interim report adopted by the Committee on that date. The report indicated that at its first meeting the Committee had elected Norway as Chairman, that the Committee had held four meetings between 3 and 6 December and that, following consultations with the representative of Zambia, the members had decided to visit Zambia between 11 and 15 December in order to hold discussions with the Government of Zambia and to obtain the requisite information for its subsequent work. In view of that decision, the *Ad Hoc* Committee requested an extension of the date for the submission of its full report, which it expected to have ready by 31 January 1980.¹⁶⁸⁶

By letter¹⁶⁸⁷ dated 14 December, the Chairman of the *Ad Hoc* Committee transmitted a second interim report, adopted by the Committee at its 5th meeting on that date in Lusaka, and pointed out that the difficulties brought about by the recent destruction of vital rail and road bridges throughout Zambia were so great that, in the view of the Committee, only urgent material and other forms of assistance from Member States and international organizations would enable the Government of Zambia to carry out its emergency programme of restoring the bridges, which were crucial to the functioning of the country's economy. The report of the Committee contained detailed estimates provided by the Government of Zambia of the cost of restoration of the bridges, which totalled 14,618,586 kwachas, or \$US 18,741,778.¹⁶⁸⁸

In a note¹⁶⁸⁹ dated 22 January 1980, the President of the Council announced that, following consultations among members of the Council, it had been agreed that for the purpose of presenting its full report, the *Ad Hoc* Committee would continue to be composed of the States mentioned in paragraph 3 of the note dated 30 November.¹⁶⁹⁰

On 31 January 1980, the *Ad Hoc* Committee submitted its report,¹⁶⁹¹ adopted by it that day at Headquarters in New York. The report contained a detailed summary of the Committee's activities during its visit to Zambia. The Committee also noted that the Secretary-General had transmitted its second interim report to Member States and to various international and intergovernmental

¹⁶⁸² S/13669, *OR*, 34th yr., *Suppl.* for Oct.-Dec. 1979, p. 94

¹⁶⁸³ S/13681, *ibid.*, p. 113

¹⁶⁸⁴ The request for the extension was granted by the Council. See the note dated 12 December and issued by the President (S/13685, *ibid.*, p. 116)

¹⁶⁸⁵ S/13694, *ibid.*, pp. 132-135

¹⁶⁸⁶ A Government brief giving the complete details about the cost of restoration and the overall damage to the Zambian economy was included as an annex to the second interim report.

¹⁶⁸⁷ S/13755, *OR*, 35th yr., *Suppl.* for Jan.-March 1980, p. 19

¹⁶⁸⁸ See note 1672

¹⁶⁸⁹ S/13774 (incorporating document S/13774/Corr.1), *ibid.*, pp. 28-34

¹⁶⁸¹ 2171st mtg., paras 96-108

¹⁶⁸² *Ibid.*, paras 113-118

tal organizations and that the Chairman of the Committee had addressed letters to a number of potential donor countries, as well as to certain intergovernmental organizations, appealing in each case for an urgent contribution to assist Zambia in restoring its most important bridges. A number of Member States and international organizations had responded positively to that appeal, and, as of 31 January, the target figure of 14,618,000 kwachas stipulated by the Government of Zambia for the restoration of the bridges had been met. Nevertheless, the *Ad Hoc* Committee stressed that further assistance to Zambia was needed in order to facilitate the reconstruction of that country's economic infrastructure as a whole.

COMPLAINT BY ANGOLA AGAINST SOUTH AFRICA

Decision of 6 May 1978 (2078th meeting): resolution 428 (1978)

By letter¹⁶⁹² dated 5 May 1978 addressed to the President of the Security Council the representative of Angola requested an urgent meeting of the Security Council to deal with the most recent aggression by South Africa against Angola.

A number of letters¹⁶⁹³ condemning the invasion of Angola by South Africa and calling upon the Security Council to take urgent measures against South Africa had been received by the Secretary-General and the President of the Security Council.

At the 2077th meeting on 5 May 1978 the Security Council adopted¹⁶⁹⁴ the agenda and considered the item at the 2077th and 2078th meetings on 5 and 6 May 1978.

In the course of its deliberations the Council invited the representatives of Algeria, Angola, Benin, Cuba, Mozambique, the United Republic of Tanzania and Zambia, at their request, to participate, without vote, in the discussion of the item.¹⁶⁹⁵

The Council also extended invitations under rule 39 of the provisional rules of procedure to Mr. Sam Nujoma, President of the South West Africa People's Organization (SWAPO) and to the President of the Council for Namibia.¹⁶⁹⁶

At the 2077th meeting on 5 May 1978 the representative of Angola stated that the latest aggression of South Africa against Angola was not aimed only at attempting to destroy SWAPO and the liberation struggle of the Namibian people; it was also intended to destabilize the situation inside his country. The abstention of the Western Five on the just programme of action adopted at the ninth special session of the General Assembly gave Pretoria the encouragement it needed to embark

on the invasion of Angola. He appealed to the Security Council to condemn strongly South Africa for its invasion of Angola, implement the embargoes on arms and oil and observe economic sanctions against Pretoria.¹⁶⁹⁶

The representative of Zambia, speaking on behalf of the African Group of States, called upon the Security Council to adopt prompt measures to stop South African aggression against Angola, to censure the *apartheid* régime for using the international territory of Namibia as a launching pad for committing acts of aggression against Angola, and to impose mandatory and comprehensive economic sanctions, an oil embargo and an arms embargo under Chapter VII of the Charter of the United Nations.¹⁶⁹⁷

At the same meeting the representative of Mauritius introduced a draft resolution sponsored by Bolivia, Gabon, India, Kuwait, Mauritius, Nigeria and Venezuela.¹⁶⁹⁸ He emphasized that in the fifth preambular paragraph of the draft resolution the sponsors intentionally used the word "recalling" in respect to the resolution 387 (1976) and not "reaffirming", bearing in mind the fact that some members did not vote in favour of that resolution. Referring to the last operative paragraph of the draft resolution he said that the Council would decide to meet again in the event of further acts of violation of the sovereignty and territorial integrity of the People's Republic of Angola by the South African régime in order to consider the adoption of more effective measures, in accordance with the appropriate provisions of the Charter of the United Nations, including Chapter VII. He emphasized that the sponsors had intentionally used the words "to consider the adoption of more effective measures" meaning that at the appropriate time members of the Council would have the opportunity to consider the application of such measures.

In the course of the 2077th and 2078th meetings a number of speakers called for the imposition of measures stipulated in Chapter VII of the Charter of the United Nations.¹⁶⁹⁹

At the 2078th meeting on 6 May 1978 the draft resolution was adopted unanimously as resolution 428 (1978).¹⁷⁰⁰

The resolution reads as follows:

The Security Council.

Having considered the letter dated 5 May 1978 from the Permanent Representative of Angola transmitting a communication from the First Vice-Prime Minister of the People's Republic of Angola and the letter dated 5 May 1978 from the Permanent Representative of Zambia on behalf of the Group of African States at the United Nations,

¹⁶⁹⁶ 2077th mtg., paras. 5-22

¹⁶⁹⁷ *Ibid.*, paras. 40-55

¹⁶⁹⁸ *Ibid.*, paras. 68-69. S/12692 was adopted without change as resolution 428 (1978)

¹⁶⁹⁹ *Ibid.*, para. 35 (Mr. S. Nujoma), para. 54 (Zambia), 2078th mtg., para. 15 (Kuwait), para. 61 (Nigeria), para. 74 (USSR), para. 107 (India), para. 143 (Benin), para. 167 (Cuba), para. 196 (Miss Kone)

¹⁷⁰⁰ *Resolutions and Decisions of the Security Council, 1978*, pp. 9-10

¹⁶⁹² S/12690, *OR, 33rd yr., Suppl. for April-June 1978*, pp. 46-47
¹⁶⁹³ S/12688, *ibid.*, pp. 45-46 (from Sri Lanka); S/12689, *ibid.*, p. 46 (from Angola); S/12691, mimeographed. For the text of the statement, see *GA OR, 33rd session, Suppl. No. 24, vol. 1*, para. 366 (President of the United Nations Council for Namibia); S/12693, *OR, 33rd yr., Suppl. for April-June 1978*, p. 47 (from Zambia)

¹⁶⁹⁴ 2077th mtg., preceding para. 1

¹⁶⁹⁵ For details, see chapter III

Having heard the statement of the Permanent Representative of Angola.

Having heard the statement of Mr. Sam Nujoma, President of the South West Africa People's Organization.

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 Charter of the United Nations.

Recalling its resolution 387 (1976) of 31 March 1976 in which, *inter alia*, it 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 the People's Republic of Angola.

Gravely concerned at the armed invasions committed by South Africa in violation of the sovereignty, air space and territorial integrity of the People's Republic of Angola and in particular the armed invasion of Angola carried out on 4 May 1978.

Grieved at the tragic loss of human lives, including those of Namibian refugees in Angola, caused by the South African invasion of Angolan territory.

Concerned also at the damage and destruction done by the South African forces in Angola.

Reaffirming the inalienable right of the people of Namibia to self-determination and independence in accordance with General Assembly resolution 1514 (XV) of 14 December 1960 and the legitimacy of their struggle to secure the enjoyment of such rights as set forth in the Charter.

Reaffirming that the liberation of Namibia is one of the prerequisites for the attainment of justice and lasting peace in southern Africa and for the furtherance of international peace and security.

Reiterating its grave concern at South Africa's brutal repression of the Namibian people and its persistent violation of their human rights as well as its efforts to destroy the national unity and territorial integrity of Namibia and its aggressive military build-up in the area.

Reaffirming its condemnation of the militarization of Namibia by the illegal occupation régime of South Africa.

1. *Strongly condemns* the latest armed invasion perpetrated by the South African racist régime against the People's Republic of Angola, which constitutes a flagrant violation of the sovereignty and territorial integrity of Angola;

2. *Condemns equally strongly* South Africa's utilization of the international Territory of Namibia as a springboard for armed invasions of the People's Republic of Angola.

3. *Demands* the immediate and unconditional withdrawal of all South African forces from Angola;

4. *Further demands* that South Africa scrupulously respect the independence, sovereignty and territorial integrity of the People's Republic of Angola.

5. *Reaffirms* its support for the just and legitimate struggle of the people of Namibia for the attainment of their freedom and independence and for the maintenance of the territorial integrity of their country.

6. *Commends* the People's Republic of Angola for its continued support of the people of Namibia in their just and legitimate struggle;

7. *Demands* that South Africa put an end to its illegal occupation of Namibia without any further delay, in compliance with relevant Security Council resolutions, in particular resolution 385 (1976) of 30 January 1976.

8. *Decides* to meet again in the event of further acts of violation of the sovereignty and territorial integrity of the People's Republic of Angola by the South African racist régime in order to consider the adoption of more effective measures, in accordance with the appropriate provisions of the Charter of the United Nations, including Chapter VII thereof.

At the same meeting the representative of France demanded the immediate and unconditional withdrawal of South African troops from Angola. He stated that the maintenance in Namibia of a South African occupa-

tion totally devoid of any legal basis was the cause of the events which the Council was considering. Namibia had to accede to independence as quickly as possible, after free elections under United Nations control and supervision. The only chance of achieving that goal was to ensure the implementation without delay of a peaceful process which excluded violence.¹⁷⁰¹

The representative of the United Kingdom referred to the terms of the resolution which had been adopted concerning the legitimate struggle of the people of Namibia and stated that his Government had always supported the struggle for self-determination but its views on the limits of legitimate struggle and its commitment under the Charter to peaceful means were well-known.¹⁷⁰²

Decision of 28 March 1979 (2139th meeting): resolution 447 (1979)

By letter¹⁷⁰³ dated 16 March 1979 addressed to the President of the Security Council, the representative of Angola requested the convening of an urgent meeting of the Security Council in connection with the question of the South African aggression against Angola, especially in the light of that régime's recent and continuing acts of aggression and violations of Angola's sovereignty and territorial integrity.

The Security Council received other letters¹⁷⁰⁴ also condemning South Africa's aggression against Angola and calling upon the Council to take appropriate measures against the Pretoria régime.

By letter¹⁷⁰⁵ dated 19 March 1979 addressed to the President of the Security Council, the representative of South Africa transmitted the text of a letter from the Minister for Foreign Affairs of South Africa, in which he stated, among other things, that the action by the South African security forces had been directed at what he termed terrorist bases and was an operation aimed at protecting the territorial integrity of "South West Africa" and the safety and security of its inhabitants.

At the 2130th meeting on 19 March 1979, the Security Council adopted¹⁷⁰⁶ the agenda and considered the question at the 2130th, 2132nd, 2133rd, 2135th to 2139th meetings between 19 March and 28 March 1979.

In the course of its deliberations the Council invited the representatives of Algeria, Angola, Benin, Botswana, Bulgaria, the Congo, Cuba, Egypt, Ethiopia, the German Democratic Republic, Ghana, Guinea, Guyana, India, Liberia, Madagascar, Mozambique, Romania.

¹⁷⁰¹ 2078th mtg., paras 44-49.

¹⁷⁰² *Ibid.*, paras 113-118.

¹⁷⁰³ S/13176, *OR*, 34th year, *Suppl. for January-March 1979*, p. 158.

¹⁷⁰⁴ S/13154, *ibid.*, p. 120 (from Ethiopia); S/13158, mimeographed (for the text of the statement, see *GA OR*, 34th session, *Suppl. No. 24* and corrigendum, vol. II, para. 52, item 3) (from the Acting President of the United Nations Council for Namibia); S/13168, *OR*, 34th year, *Suppl. for January-March 1979*, p. 147 (from Angola); S/13177, *ibid.*, p. 158 (from Angola).

¹⁷⁰⁵ S/13180, *ibid.*, pp. 160-161.

¹⁷⁰⁶ 2130th mtg., preceding para. 1.

Sierra Leone, Somalia, Sri Lanka, the Sudan, Togo, the Ukrainian SSR, the United Republic of Tanzania, Viet Nam and Yugoslavia, at their request, to participate, without vote, in the discussion of the item.¹⁷⁰⁷

The Council also extended invitations as requested under rule 39 of the provisional rules of procedure to Mishake Muyongo and Theo-Ben Gurirab of SWAPO, Mfanafuthi Johnstone Makatini of ANC and David M. Sibeko of PAC.¹⁷⁰⁷ Under the same rule of its provisional rules of procedure it also extended invitations to the following persons: at the 2130th meeting to Mr. Theo-Ben Gurirab;¹⁷⁰⁸ at the 2132nd meeting to Mr. Mishake Muyongo;¹⁷⁰⁹ at the 2133rd meeting to Mr. Johnstone Makatini;¹⁷¹⁰ and at the 2135th meeting to Mr. David Sibeko.¹⁷¹¹

At the 2130th meeting on 19 March 1979, the representative of Angola stated that his country faced continuing threats to its sovereignty and territorial integrity from the racist minority régime of South Africa. He emphasized that the timing of the latest South African attacks on Angola was a rude and arrogant gesture aimed at international mediation efforts in Namibia, and in southern Africa as a whole. He said that the Security Council meeting would not deter South Africa from its course unless there was concerted action by those Powers that supported it, and unless mandatory sanctions were involved against the racist régime.¹⁷¹²

The representative of Zambia stated that the South African acts of aggression against Angola were launched concurrently with its rejection of the report¹⁷¹³ of the Secretary-General of 26 February 1979, intended to give effect to the proposal for the settlement of the question of Namibia endorsed in Security Council resolution 435 (1978), which South Africa had pretended to accept. South Africa was, on the one hand, committing the acts of aggression and, on the other, attending the proximity talks arranged by the Western countries on the question of Namibia. South Africa could not expect Angola to ignore the acts of aggression even during the proximity talks when its people were being bombed, killed and maimed. He called on the Council to address an urgent appeal to all States to render material and other forms of assistance to the front-line countries. Urgent and particular consideration should be given to the need to strengthen their defence capabilities. South Africa's persistent refusal to co-operate in the implementation of Security Council resolution 435 (1978) could no longer be tolerated and one of the members of the Council should block the adoption of enforcement measures against South Africa under Chapter VII of the Charter.¹⁷¹⁴

At the same meeting, the representative of the USSR declared that the aggressive actions of South Africa

against Angola and other African States were a serious threat to the sovereignty and territorial integrity of these States, and to peace and security in southern Africa and were directly aimed at maintaining the last bastions of racism and colonialism in the region. He said that the Security Council had to take all the steps necessary to ensure the implementation of the Council's resolution aimed at granting genuine independence and sovereignty to the Namibian people. It was necessary to formulate clearly all the concrete provisions in regard to the conduct of United Nations operations in Namibia and to place them before the Council for adoption, so that any possibility of an attempt by South Africa to interpret those provisions to its own advantage during the implementation of the United Nations operation would be excluded. The security of the front-line States had to be ensured.¹⁷¹⁵

At the 2132nd meeting on 20 March 1979, the representative of Norway reiterated his Government's view that it was the responsibility of the international community to provide effective economic and humanitarian assistance to the front-line States. He supported the efforts by the Western contact group to break the impasse in the negotiations over the Namibia question saying that inconclusive negotiations might have far-reaching consequences for the whole region and might represent a serious threat to international peace and security.¹⁷¹⁶

At the 2133rd meeting on 22 March 1979 the representative of Bulgaria said that in its arrogance and cynicism the South African racist régime had gone so far as to suggest formally a draft resolution, contained in a letter from its Foreign Minister, whereby the Security Council was called upon, in defiance of numerous United Nations resolutions, to condemn SWAPO for its struggle for the self-determination and independence of the oppressed people of Namibia. He went on to say that the development of events in South Africa might erupt at any moment into an even more dangerous conflict. The last acts of aggression committed against Angola confirmed it. This unbearable situation required that effective mandatory actions be taken against the racist régime of South Africa. He emphasized that it was high time that all States strictly complied with the United Nations resolutions.¹⁷¹⁷

At the 2136th meeting on 23 March 1979, the representative of Liberia condemned the attacks by South Africa against Angola as attacks against the United Nations and against world peace. He stated that the Charter placed primary responsibility upon the Council to curb aggression and to maintain peace. For that reason, it was not enough that the Security Council should repeatedly condemn South Africa's continuing aggression while at the same time doing nothing to halt it. The fact that proximity talks on Namibia—not on Angola—were taking place at that time was no reason why the Council had to go back on its promise in

¹⁷⁰⁷ For details, see chapter III.

¹⁷⁰⁸ 2130th mtg., preceding para. 3.

¹⁷⁰⁹ 2132nd mtg., preceding para. 4.

¹⁷¹⁰ 2133rd mtg., para. 4.

¹⁷¹¹ 2135th mtg., para. 4.

¹⁷¹² 2130th mtg., paras. 5-39.

¹⁷¹³ S/13120, *OR, Suppl. for January-March 1979*, pp. 89-91.

¹⁷¹⁴ 2130th mtg., paras. 21-39.

¹⁷¹⁵ *Ibid.*, paras. 46-66.

¹⁷¹⁶ 2132nd mtg., paras. 5-9.

¹⁷¹⁷ 2133rd mtg., paras. 7-21.

resolution 428 (1978) to consider invoking enforcement measures under Chapter VII of the Charter if Angola were again attacked by South Africa.¹⁷¹⁴

At the 2137th meeting on 26 March 1979, the representative of the United Republic of Tanzania viewed the violations of the sovereignty and territorial integrity of Angola not as isolated incidents but as part of a much larger conspiracy to disrupt the peace process in the area. These attacks not only jeopardized the prospect of peace, but constituted total defiance by South Africa of all Security Council resolutions. The Security Council should keep its commitment to move forward, thus preserving its credibility and its prestige and the honour of the Organization.¹⁷¹⁵

In the course of the discussion a number of representatives expressed the view that the Security Council had to condemn South Africa's aggression against Angola and impose sanctions against South Africa, under Chapter VII of the Charter.¹⁷¹⁶

At the 2138th meeting on 28 March 1979, the representative of Zambia introduced the draft resolution sponsored by Bangladesh, Bolivia, Jamaica, Kuwait, Nigeria and Zambia.¹⁷¹⁷

At the 2139th meeting on 28 March 1979, the President informed the Council that the delegation of Gabon had become a sponsor of the draft resolution.¹⁷²²

Speaking in explanation of vote before the vote, the representative of the United Kingdom reaffirmed the commitment of his Government to the initiative of the five Western countries. He said that the initiative was at a critical stage; therefore the delegation of the United Kingdom was going to abstain in the vote on the draft resolution. He expressed understanding for the wish of the sponsors to describe in the strongest terms the incursions by South Africa into a neighbouring sovereign State. But he said that his Government did not, however, read or accept operative paragraph 1 or operative paragraphs 6 or 7 as constituting determinations under the Charter. Nor did it read or accept those paragraphs as constituting any commitment to future actions of the Council in that matter.¹⁷²¹

Similar views were expressed by the representative of France.¹⁷²⁴

¹⁷¹⁴ 2136th mtg., paras 47-57.

¹⁷¹⁵ 2137th mtg., paras 21-38.

¹⁷¹⁶ For texts of relevant statements, see 2130th mtg., paras 46-66 (USSR), *ibid.*, paras 70-81 (Ethiopia), 2132nd mtg., paras 11-19 (Kuwait), *ibid.*, paras 20-26 (Jamaica), *ibid.*, paras 27-40 (Czechoslovakia), *ibid.*, paras 41-55 (Bangladesh), *ibid.*, paras 90-105 (Yugoslavia), *ibid.*, paras 108-122 (Benin), 2133rd mtg., paras 9-21 (Bulgaria), *ibid.*, paras 24-37 (Viet Nam), *ibid.*, paras 50-64 (Ghana), 2135th mtg., paras 6-16 (Congo), *ibid.*, paras 56-63 (Egypt), *ibid.*, paras 66-72 (India), *ibid.*, paras 75-89 (Cuba), 2136th mtg., paras 18-27 (Sierra Leone), *ibid.*, paras 30-45 (Madagascar), 2137th mtg., paras 4-17 (German Democratic Republic), *ibid.*, paras 21-38 (Tanzania), *ibid.*, paras 41-48 (Sudan), *ibid.*, paras 51-59 (Guyana), *ibid.*, paras 62-73 (Somalia), *ibid.*, paras 75-85 (Mr Mikalim), *ibid.*, paras 89-94 (Mr Sibeko), 2138th mtg., paras 5-12 (Zambia), *ibid.*, paras 15-21 (Ukrainian SSR), 2139th mtg., paras 30-33 (Czechoslovakia), *ibid.*, paras 51-57 (USSR), *ibid.*, paras 60-71 (Angola).

¹⁷¹⁷ 2138th mtg., paras 4-12, S/13197 was adopted without change as resolution 447 (1979).

¹⁷²¹ 2139th mtg., para. 3.

¹⁷²² *Ibid.*, paras 34-38.

¹⁷²⁴ *Ibid.*, paras 39-45.

The President then put to the vote the draft resolution which was adopted¹⁷²⁵ by 12 votes to none with 3 abstentions as resolution 447 (1979).¹⁷²⁶

The resolution reads as follows:

The Security Council.

Having considered the request of the Permanent Representative of Angola contained in document S/13176, as well as his letter dated 16 March 1979 transmitting the text of a communiqué issued by the Ministry of Defence of the People's Republic of Angola.

Having heard the statement of the Permanent Representative of the People's Republic of Angola.

Having heard the statement of the Vice-President of the South West Africa People's Organization.

Recalling its resolution 387 (1976) of 31 March 1976, by which, *inter alia*, it 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 the People's Republic of Angola.

Bearing in mind its resolution 428 (1978) of 6 May 1978, by which, *inter alia*, it solemnly warned that, in the event of further acts of violation of the sovereignty and territorial integrity of Angola, it would meet again in order to consider the adoption of more effective measures in accordance with the appropriate provisions of the Charter of the United Nations, including Chapter VII thereof.

Gravely concerned at the premeditated, persistent and sustained armed invasions committed by South Africa in violation of the sovereignty, air space and territorial integrity of the People's Republic of Angola.

Convinced that the intensity and timing of these acts of armed invasion are intended to frustrate efforts at negotiated settlements in southern Africa, particularly in regard to the implementation of Security Council resolutions 385 (1976) of 30 January 1976 and 435 (1978) of 29 September 1978.

Grieved at the tragic and mounting loss in human life, including that of civilians and Namibian refugees in Angola and other front-line States, and concerned about the damage and wanton destruction of property caused by the South African armed invasions of Angola launched from Namibia, a Territory which South Africa illegally occupies.

Reaffirming the inalienable right of the people of Namibia to self-determination and independence in accordance with resolutions 385 (1976) and 435 (1978) and all other relevant resolutions of the United Nations, and the legitimacy of their struggle to secure the exercise of such rights as set forth in these resolutions.

Reaffirming also its condemnation of South Africa's continued illegal occupation of Namibia and the militarization of the Territory, through which it persists in its suppression of the legitimate aspirations of the Namibian people to self-determination and independence as well as in its armed invasions against neighbouring African States.

1. *Condemns strongly* the racist régime 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. *Condemns strongly also* 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.

3. *Demands* that South Africa cease immediately its provocative armed invasions against the People's Republic of Angola and that it respect forthwith the independence, sovereignty and territorial integrity of that country.

4. *Commends* the People's Republic of Angola and other front-line States for their steadfast support of 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.

¹⁷²⁵ *Ibid.*, para. 46.

¹⁷²⁶ *Resolutions and Decisions of the Security Council, 1979*, pp 17-18.

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 capacities.

6. *Requests* the Secretary-General to obtain available information from the People's Republic of Angola on the human casualties and material and other damage resulting from repeated acts of aggression committed by the racist régime of South Africa.

7. *Further requests* the Secretary-General to submit such information to the Security Council not later than 30 April 1979, in order to enable it to determine the most effective sanctions in accordance with the appropriate provisions of the Charter of the United Nations so as to ensure the cessation by South Africa of its acts of aggression against Angola and other front-line States.

Speaking after the vote the representative of Norway emphasized that in relation to paragraph 5 of the resolution the Norwegian Government, in accordance with its long-standing policy, would continue to provide only humanitarian and economic assistance to the front-line States, and with regard to operative paragraph 7 and the question of sanctions, the wording therein should not prejudice the outcome of the Council's future deliberations. The various conflicts in southern Africa were inextricably linked. Measures taken by the Council had therefore to be carefully examined also in terms of their overall impact on the situation in the region, especially attempts to reach negotiated settlements.¹⁷²⁷

At the same meeting confirming the position of his delegation on Security Council resolution 435 (1978) of 29 September 1978, the representative of the USSR recalled the misgivings it expressed towards the United Nations operation in Namibia as to where that operation might lead and whether it could really ensure the exercise by the people of Namibia of its right to self-determination. In the light of the manoeuvres of South Africa it was becoming very clear that the Security Council should thoroughly scrutinize the question of how to implement that resolution. That was all the more necessary since the Security Council had so far not complied with resolution 439 (1978) of 13 November 1978, which provided that the Council would meet forthwith to initiate appropriate action under the Charter of the United Nations if South Africa did not cancel the illegal elections in Namibia. He expressed his regret that the resolution which was just adopted did not go far enough and did not provide for the immediate adoption of effective and decisive measures against South Africa but once again postponed consideration of that question.

At the same time he pointed out that the resolution did contain a strong condemnation of South Africa for its acts against Angola. The resolution also commended the firm position of Angola and the other front-line States which had supported the national liberation struggle of the people of Namibia and contained an appeal to States Members of the United Nations to give to Angola and the other front-line States all the necessary support to strengthen their defensive potential. On that basis the Soviet delegation voted in favour of the draft resolution.¹⁷²⁸

The representative of the United States said that his vote on the resolution should be seen in the light of the United States role as mediators in the dispute. Turning to the text of the resolution, he expressed reservations regarding the procedure established in paragraph 6 for obtaining information on the effects of the South African raids. The Council should, wherever possible, use methods of proven impartiality to obtain information. He reiterated his Government's belief that a solution to the problem of Namibia could not be found through the introduction of more arms and other forms of military assistance in an area which was already clearly suffering the effects of too many arms. The only real solution was a peaceful one; force would not ultimately solve the problems of southern Africa and would only bring greater problems in its wake. His Government did not interpret that resolution as condoning the presence of foreign military personnel in Angola or elsewhere in Southern Africa or as implying that violence could resolve the issue.¹⁷²⁹

Decision of 2 November 1979 (2170th meeting): resolution 454 (1979)

By letter¹⁷³⁰ dated 31 October 1979 addressed to the President of the Security Council the representative of Angola requested an urgent meeting of the Security Council in connection with the question of South African aggression against Angola, especially in the light of recent and continuing acts of aggression and violations of the sovereignty and territorial integrity of his country.

In other communications¹⁷³¹ to the Security Council, the representative of Angola transmitted information on the details of the South African attacks on Angola.

By a note¹⁷³² dated 27 July 1979, the Secretary-General, in accordance with the provisions of Security Council resolution 447 (1979), forwarded a report prepared by the Government of Angola on "the human casualties and material and other damage resulting from repeated acts of aggression" by South Africa.

By letter¹⁷³³ dated 2 November 1979, addressed to the Secretary-General, the representative of South Africa transmitted the text of a letter from the Minister for Foreign Affairs, in which the South African Government denied that it had committed any acts of aggression against Angola, attributing the occurrence to civil war in Angola.

The Security Council included the item in its agenda¹⁷³⁴ and considered it at the 2169th and 2170th meetings on 1 and 2 November 1979.

¹⁷²⁷ *Ibid.*, paras. 58-62.

¹⁷²⁸ S/13595, OR, 34th year, Suppl. for October-December 1979, p. 45.

¹⁷²⁹ S/13403, *ibid.*, Suppl. for April-June 1979, p. 201, S/13446, *ibid.*, Suppl. for July-September 1979, p. 12, S/13532, *ibid.*, p. 131, S/13552, *ibid.*, p. 145, S/13560, *ibid.*, p. 48, S/13561, *ibid.*, S/13599, *ibid.*, Suppl. for October-December 1979, pp. 47-48.

¹⁷³⁰ S/13473, *ibid.*, Suppl. for July-September 1979, pp. 77-92.

¹⁷³¹ S/13604, OR, 34th year, Suppl. for October-December 1979, pp. 52-54.

¹⁷³² 2169th mtg., preceding para. 2.

¹⁷²⁷ 2139th mtg., paras. 48-50.

¹⁷²⁸ *Ibid.*, paras. 51-53.

In the course of its deliberations the Council invited the representatives of Angola, Brazil, Colombia, Cuba, Liberia, the Libyan Arab Jamahiriya, Mozambique, Viet Nam and Yugoslavia, at their request, to participate, without vote, in the discussion of the item.¹¹⁹⁵

At the 2169th meeting the representative of Angola stated that the South African attacks in the past few days were nothing new. His country had been subjected to those attacks since 1975. However, the extent of those armed attacks and the damage they had inflicted necessitated the request of an urgent meeting of the Security Council. He charged that Pretoria's strategy was to prepare for total war against the people and territory of Angola, against the people of Namibia and SWAPO and in short, against black Africa and against African plans for the liberation of the entire continent. Pretoria's nuclear capability would play an increasingly bigger role in the South African efforts to protect its *apartheid* system and minority rule, to threaten sovereign States and liberation movements. He called on the Council to adopt a resolution asking for total sanctions, as envisaged under Chapter VII of the Charter.¹¹⁹⁶

At the 2170th meeting the representative of Zambia emphasized that the Pretoria and Salisbury régimes were continuing the acts of aggression against front-line States in the midst of negotiations on Zimbabwe and Namibia. Some appeared to be sensitive when the Security Council was justly called upon to react to these acts of aggression in accordance with its responsibilities under the Charter suggesting that meetings such as the current Council meeting could complicate the negotiations. He announced that all the front-line States remained committed to the search for negotiated settlements in Zimbabwe and Namibia. Those States or the liberation movements were not to be blamed for the problem. The problem was that the racist minority régimes continued to resist change, even by peaceful means. On behalf of the delegations of Bangladesh, Gabon,¹¹⁹⁷ Jamaica, Kuwait, Nigeria and Zambia, he introduced a draft resolution.¹¹⁹⁸

At the same meeting the representative of the United Kingdom said that he disputed the need to press for a vote with less than 24 hours' notice on a draft resolution which had been presented to the Security Council as a virtual ultimatum, with no serious attempt to engage in negotiations. He indicated that there was wording in the draft which his delegation could not support for reasons of principle and which could have been changed without altering the main drive of the resolution itself. Certain delegations made suggestions to that effect but they were swept aside and they were told that the sponsors were not prepared to negotiate one word. For that reason his delegation would be unable to support the draft resolution.¹¹⁹⁹

In the course of both meetings some representatives stated the need of application of inforcement measures against South Africa under Chapter VII of the Charter.¹²⁰⁰

At the 2170th meeting the draft resolution was adopted by 12 votes to none with 3 abstentions as resolution 454 (1979).¹²⁰¹

The resolution reads as follows:

The Security Council,

Having considered the request of the Permanent Representative of Angola contained in document S/13595, as well as his note dated 31 October 1979 transmitting the text of a communique issued by the Political Bureau of the Central Committee of the MPLA Workers' Party,

Having heard the statement of the Permanent Representative of the People's Republic of Angola,

Recalling its resolutions 367 (1975) of 31 March 1976 and 447 (1979) of 28 March 1979, by which, *inter alia*, it 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 the People's Republic of Angola,

Gravely concerned at the premeditated, persistent and sustained armed invasions committed by South Africa in violation of the sovereignty, air space and territorial integrity of the People's Republic of Angola,

Concerned that the intensity and timing of these acts of armed invasion are intended to frustrate efforts at negotiated settlements in southern Africa, particularly in regard to the implementation of Security Council resolutions 385 (1976) of 30 January 1976 and 435 (1978) of 29 September 1978,

Concerned at the tragic loss of human life and concerned about the damage and destruction of property resulting from the repeated acts of aggression committed by 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 aimed at weakening the unrelenting support given by the front-line States to the movements for freedom and national liberation of the peoples of Namibia, Zimbabwe and South Africa,

1. *Strongly condemns* South Africa's aggression against the People's Republic of Angola,

2. *Calls upon* the Government of South Africa to cease immediately all acts of aggression and provocation against the People's Republic of Angola and forthwith to withdraw all its armed forces from Angola,

3. *Demands* that South Africa scrupulously respect the independence, sovereignty and territorial integrity of the People's Republic of Angola,

4. *Demands also* that South Africa desist forthwith from the utilization of Namibia, a Territory which it illegally occupies, to launch acts of aggression against the People's Republic of Angola or other neighbouring African States,

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 capacities,

6. *Decides* to remain seized of the matter.¹²⁰²

¹¹⁹⁵ 2169th mtg., paras. 35-40 (Liberia); *ibid.*, paras. 41-57 (Cuba); *ibid.*, paras. 54-66 (Brazil); *ibid.*, paras. 68-81 (USSR); 2170th mtg., paras. 2-17 (Libyan Arab Jamahiriya); *ibid.*, paras. 20-37 (Zambia); *ibid.*, paras. 40-44 (Congo); *ibid.*, paras. 51-57 (Czechoslovakia); *ibid.*, paras. 100-107 (Nigeria); *ibid.*, paras. 138-147 (Yugoslavia); *ibid.*, paras. 150-160 (Mozambique); *ibid.*, paras. 164-170 (Viet Nam).

¹¹⁹⁶ *Resolutions and Decisions of the Security Council*, pp. 34-19.

¹¹⁹⁷ By letter dated 5 November 1979 (S/13608, *OR*, 34th year, *Suppl. for October-December 1979*, p. 56) the representative of South Africa transmitted the text of a letter from the South African Minister for Foreign Affairs who received resolution 454 (1979) and charged that SWAPO was persistently using Angola as a spring board for hit-and-run attacks across the border.

¹¹⁹⁸ For details, see chapter III.

¹¹⁹⁹ 2169th mtg., paras. 6-12.

¹²⁰⁰ Gabon joined the sponsors of the resolution; see President's statement 2170th mtg., para. 1.

¹²⁰¹ 2170th mtg., paras. 20-37. S/13601 adopted without change as resolution 454 (1979).

¹²⁰² *Ibid.*, paras. 110-117.

Decision of 27 June 1980 (2240th meeting): resolution 457 (1980)

By letter¹⁷⁴³ dated 26 June 1980 addressed to the President of the Security Council, the representative of Angola requested an urgent meeting of the Security Council in connection with the question of South African aggression against Angola.

By letter¹⁷⁴⁴ dated 27 June 1980 addressed to the President of the Security Council the representative of South Africa transmitted the text of a letter from the South African Minister of Foreign Affairs and Information, rejecting the allegations of aggression against Angola.

In a letter¹⁷⁴⁵ dated 27 June 1980 addressed to the Secretary-General, the representative of Angola reported details about attacks by South Africa against Angola since 7 June 1980. He also indicated that the South African forces were still in Angola and disputed South Africa's argument that its actions were directed at SWAPO.

At the 2237th meeting on 26 June 1980 the Security Council adopted¹⁷⁴⁶ the agenda and considered the item at the 2237th and 2240th meetings on 26 and 27 June 1980.

In the course of the deliberations the Council invited the representatives of Angola, Benin, Cuba, Guinea, India, Madagascar, Mozambique, Nicaragua, Nigeria, Pakistan, Romania and Yugoslavia, at their request, to participate, without vote, in the discussion of the item.¹⁷⁴⁷

The Council also extended invitations as requested under rule 39 of the provisional rules of procedure to Theo-Ben Gurirab, Permanent Observer of SWAPO to the United Nations, Clovis Maksoud, Permanent Observer of the League of Arab States to the United Nations and the delegation of the United Nations Council for Namibia.¹⁷⁴⁸

At the 2237th meeting the representative of Angola stated that his Government had petitioned the Security Council many times since Angola's admission to the United Nations concerning the persistent South African attacks against his country but to no avail. Sanctions were imposed on small nations which could not be considered a threat by either Western Governments or Western transnational corporations, but a racist structure that brutalized and dehumanized its own majority inhabitants, a military power with nuclear capability enough to threaten all of Africa, went unchecked and unpunished, despite strong demands from the third world. He reiterated that the only way to prevent a holocaust in southern Africa was to make South Africa realize the necessity for change, and the only way to do that, since all other methods had been tried and had failed to yield results, was through implementation of total sanctions against the minority régime.¹⁷⁴⁹

At the same meeting, the representative of the USSR stated that by making continual armed attacks against Angola, the Pretoria authorities were aiming to subvert the process of social and economic reform which was successfully taking place in that country, to make the economic situation more complicated and to hamper the successful development of that country along its chosen path. In deliberately making unacceptable demands in the United Nations, Pretoria was obviously trying to use its participation in negotiations with the United Nations to gain time and to prepare conditions which would be conducive to the implementation of its own racist plans for the so-called internal settlement: to set up in Namibia a puppet régime and to entrench a neo-colonialist order in that Territory. South Africa's true plans for Namibia had been quite blatantly demonstrated in its acts of aggression against Angola.¹⁷⁴⁹

The representative of China demanded an end to the South African acts of aggression against Angola, the withdrawal of all their invading forces and a guarantee against the recurrence of similar incidents. He expressed the view that the Security Council should support the various correct ideas put forward by the African States, including the demand for South Africa to compensate for the losses incurred.¹⁷⁵⁰

At the same meeting the representative of Zambia introduced the draft resolution¹⁷⁵¹ sponsored by Bangladesh, Jamaica, Mexico, Niger, the Philippines, Tunisia and Zambia.

At the 2240th meeting the representative of Benin said that the adoption of the draft resolution would not represent any progress at all and would have no impact on the situation in southern Angola. That resolution had nothing to do with the serious events which the Security Council had met to discuss. The path of sanctions against the Pretoria régime was the only way to put an end to all the threats which were hovering not only over Africa, but also over the world as a whole.¹⁷⁵²

The representative of the United Kingdom regretted that his delegation could not support the draft resolution because it still contained unacceptable language in some preambular and operative paragraphs. If adopted, the draft resolution would not amount to a determination under Chapter VII of the Charter.¹⁷⁵³

The representative of France stated that he was unable to vote in favour of the draft resolution because of some formulations in the text. He noted, in particular, that two preambular paragraphs and operative paragraphs 1, 5, 6 and 7 contained language which might be interpreted in different ways and give rise to serious difficulties. It would have been preferable to negotiate with the sponsors a consensus text. The resolutions of the Council had much greater authority, indeed, if they were adopted unanimously.¹⁷⁵⁴

¹⁷⁴³ S/14022.

¹⁷⁴⁴ S/14020.

¹⁷⁴⁵ S/14030.

¹⁷⁴⁶ 2237th mtg., preceding para. 1.

¹⁷⁴⁷ For details, see chapter III.

¹⁷⁴⁸ 2237th mtg., paras. 4-25.

¹⁷⁴⁹ *Ibid.*, paras. 58-68.

¹⁷⁵⁰ *Ibid.*, paras. 69-74.

¹⁷⁵¹ *Ibid.*, paras. 220-222. S/14024 was adopted without change as resolution 475 (1980).

¹⁷⁵² 2240th mtg., paras. 23-40.

¹⁷⁵³ *Ibid.*, paras. 87-89.

¹⁷⁵⁴ *Ibid.*, paras. 90-94.

The Acting President of the United Nations Council for Namibia said that the Council for Namibia, in its programme of action adopted in Algiers, invited the attention of the Security Council to the present critical situation in Namibia and requested that it convene urgently to impose comprehensive and mandatory sanctions against South Africa as provided for under Chapter VII of the Charter of the United Nations. The Council for Namibia, furthermore, called upon the international community to intensify efforts for the complete and effective isolation of South Africa, and in this regard called for the exposure to the widest international scrutiny of those foreign economic and other interests whose collaboration with the racist Pretoria régime buttressed the machinery of exploitation in Namibia and contributed to the perpetuation of the subjugation of the people of the Territory.¹⁷⁵⁵

In the course of both meetings a number of speakers called for the imposition of measures stipulated in Chapter VII of the Charter.¹⁷⁵⁶

At the same meeting the draft resolution was put to the vote and was adopted by 12 votes in favour, none against and 3 abstentions as resolution 475 (1980).¹⁷⁵⁷

The resolution reads as follows:

The Security Council,

Having considered the request by the Permanent Representative of Angola contained in document S/14022, in which he requested the convening of an urgent meeting of the Security Council,

Having heard the statement of the Permanent Representative of Angola,

Recalling its resolutions 387 (1976), 428 (1978), 447 (1979) and 454 (1979), by 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 the People's Republic of Angola,

Gravely concerned at the escalation of hostile, unprovoked and persistent acts of aggression and sustained armed invasions committed by the racist régime of South Africa in violation of the sovereignty, air space and territorial integrity of the People's Republic of Angola,

Convinced that the intensity and timing of these acts of armed invasion 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 in human life, mainly that of civilians, and concerned about the damage and destruction of property, including houses and livestock, resulting from the escalated acts of aggression and armed incursions by the racist régime of South Africa against the People's Republic of Angola,

Gravely concerned that these various acts of aggression by South Africa form a consistent and sustained pattern of violations aimed at weakening the unrelenting support given by the front-line States to the movements for freedom and national liberation of the peoples of Namibia and South Africa,

Conscious of the need to take effective measures to maintain international peace and security,

1. *Strongly condemns* the racist régime 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's utilization of the international Territory of Namibia as a spring-board for armed invasions and destabilization of the People's Republic of Angola;

3. *Demands* that South Africa should withdraw forthwith all its military forces from the territory of the People's Republic of Angola, cease all violations of Angola's air space and, henceforth, scrupulously respect the sovereignty and territorial integrity of the People's Republic of Angola,

4. *Calls upon* all States to implement fully the arms embargo imposed against South Africa in Security Council resolution 418 (1977);

5. *Requests* Member States urgently to extend all necessary assistance to the People's Republic of Angola and the other front-line States, in order to strengthen their defence capacities in the face of South Africa's acts of aggression against these countries,

6. *Calls for* the payment by South Africa of full and adequate compensation to the People's Republic of Angola for the damage to life and property resulting from these acts of aggression;

7. *Decides* to meet again in the event of further acts of violation of the sovereignty and territorial integrity of the People's Republic of Angola by the South African racist régime, in order to consider the adoption of more effective measures in accordance with the appropriate provisions of the Charter of the United Nations, including Chapter VII thereof,

8. *Decides* to remain seized of the matter.

TELEGRAM DATED 3 JANUARY 1979 FROM THE DEPUTY PRIME MINISTER IN CHARGE OF FOREIGN AFFAIRS OF DEMOCRATIC KAMPUCHEA

Decision of 15 January 1979 (2112th meeting): rejection of the seven-Power draft resolution

By a telegram¹⁷⁵⁸ dated 3 January 1979, the representative of democratic Kampuchea requested the President of the Security Council to convene an urgent meeting of the council "to condemn Vietnamese aggression and to take such measures as may be necessary to ensure that Viet Nam ceases its aggression and respects the independence, sovereignty and territorial integrity of Democratic Kampuchea".

At its 2108th meeting on 11 January, following statements by the representatives of the USSR, China and Czechoslovakia, and by the President, the Council included the item in its agenda.¹⁷⁵⁹ The representatives of the USSR and Czechoslovakia objected to the Council's considering the communication in document S/13003 on the grounds that the situation in Kampuchea was purely an internal affair of that country. The representative of China stated that in view of Viet Nam's aggression against Democratic Kampuchea, it was entirely just for the Government of Democratic Kampuchea, a State Member of the United Nations, to request a Council meeting.¹⁷⁶⁰

The Council considered the question at its 2108th to 2112th meetings held from 11 to 15 February 1979. At its 2108th meeting the Council considered requests to participate in its consideration of the question, under article 31 of the Charter and rule 37 of its provisional rules of procedure, from the representative of Demo-

¹⁷⁵⁵ 2240th mtg., paras. 96-105.

¹⁷⁵⁶ 2237th mtg., para. 68 (USSR); *ibid.*, para. 81 (Jamaica); *ibid.*, para. 93 (Yugoslavia); *ibid.*, para. 141 (India); *ibid.*, paras. 164-166 (Pakistan); *ibid.*, paras. 174-176 (Cuba); *ibid.*, para. 218 (Mr. Gurirab, SWAPO); 2240th mtg., para. 13 (Tunisia); *ibid.*, paras. 27-34 (Benin); *ibid.*, para. 49 (Nigeria); *ibid.*, para. 61 (Guinea); *ibid.*, para. 104 (Mr. Eralp, United Nations Council for Namibia).

¹⁷⁵⁷ *Resolutions and Decisions of the Security Council, 1980*, pp. 21-22.

¹⁷⁵⁸ S/13003, *OR, 34th yr., Suppl. for Jan.-March 1979*, pp. 3-4.

¹⁷⁵⁹ 2108th mtg., para. 30.

¹⁷⁶⁰ *Ibid.* USSR, paras. 9-15, China, paras. 17-22, Czechoslovakia, paras. 26-27.

cratic Kampuchea on behalf of a delegation led by Samdech Norodom Sihanouk,¹⁷⁶¹ and from the representative of Viet Nam on behalf of the People's Revolutionary Council.¹⁷⁶²

The representative of the USSR proposed, in accordance with rule 33(3) of the provisional rules of procedure, to adjourn the meeting to allow the representatives of the People's Revolutionary Council to participate.¹⁷⁶³ The proposal, which received two votes in favour and 13 against, was rejected.

In the ensuing discussion, the representatives of China, the United States, Kuwait and Bangladesh supported the participation under rule 37 of the delegation led by Prince Sihanouk.¹⁷⁶⁴ The representatives of the USSR and Czechoslovakia stated that it was necessary for the Council to invite the representatives of the People's Revolutionary Council as the genuine representatives of the Kampuchean people.¹⁷⁶⁵ The Council then agreed, on a proposal by the President,¹⁷⁶⁶ to extend an invitation to the delegation of Democratic Kampuchea.

Following a suspension of the meeting, in accordance with rule 15 of the provisional rules of procedure, to enable the Secretary-General to examine the credentials of representatives appointed in accordance with rule 14, the Council approved the Secretary-General's report¹⁷⁶⁷ stating that the credentials of Democratic Kampuchea were in order.

In the course of the discussion of the item, the representatives of Australia, Bulgaria, Cuba, the German Democratic Republic, Hungary, Indonesia, Japan, Malaysia, Mongolia, New Zealand, Philippines, Poland, Singapore, Sudan, Thailand, Viet Nam and Yugoslavia were invited, at their request, to participate in the debate without the right to vote.¹⁷⁶⁸

The Council began its discussion of the question with statements by the representatives of Democratic Kampuchea, China, Viet Nam and the USSR.

The representative of Democratic Kampuchea stated that his country was the victim of a large-scale act of flagrant aggression by Viet Nam, which had occupied the capital, most of the cities and part of the countryside. He asserted that the United Front for the National Salvation of Kampuchea and its "government" were puppets of Viet Nam and that the Government and army of Democratic Kampuchea were administering and defending the country in the occupied zone. He requested the Council to condemn Viet Nam's invasion, to ensure that there was no *de jure* or *de facto* recognition of the so-called new State of Kampuchea, and to demand the total and immediate withdrawal of Vietnamese forces from Kampuchean territory.¹⁷⁶⁹

¹⁷⁶¹ S/13019, *OR, 34th yr., Suppl. for Jan-March 1979*, pp. 16-17.

¹⁷⁶² S/13020, *ibid.*, p. 17.

¹⁷⁶³ 2108th mtg., para. 35.

¹⁷⁶⁴ *Ibid.*, China, paras. 46-53, United States, paras. 57-59, Kuwait, para. 62, Bangladesh, para. 65.

¹⁷⁶⁵ *Ibid.*, Czechoslovakia, paras. 54 and 55; USSR, para. 69.

¹⁷⁶⁶ *Ibid.*, President's statement, para. 66.

¹⁷⁶⁷ S 13021, *OR, 34th yr., Suppl. for Jan-March 1979*, p. 17.

¹⁷⁶⁸ For further details, see chapter III.

¹⁷⁶⁹ 2108th mtg., paras. 73-92.

The representative of China, fully supporting the statement and appeal of the representative of Democratic Kampuchea, said that Democratic Kampuchea, a small, weak country, had been subjected to aggression by Viet Nam with the political, economic and military support of the Soviet Union in violation of the Charter. He asserted that the annexation of Kampuchea constituted an important step in Viet Nam's strategy of establishing an "Indo-China Federation" under its control. The Chinese Government held that, in view of the urgency of the situation in Kampuchea, the Security Council should take emergency measures to condemn Viet Nam for its acts of aggression, call on the Vietnamese authorities to cease their aggression immediately and withdraw from Kampuchea, condemn the support of the Soviet Union for Viet Nam's acts, and request the United Nations specialized agencies to render political and material support to Democratic Kampuchea.¹⁷⁷⁰

The representative of Viet Nam stated that the refusal of the Council to hear the representatives of the National United Front for National Salvation of Kampuchea constituted a violation of the principles of the Charter, in particular Article 2, paragraph 7. He said that Viet Nam had attempted to solve its border conflict with Kampuchea through peaceful negotiations, but Kampuchea, supported by China, had rejected Viet Nam's proposals and Viet Nam was determined to exercise its legitimate right of self-defence recognized by the Charter. The revolutionary war of the Kampuchean people against the Pol Pot régime was a separate war during which a mass uprising of the Kampuchean people had taken full control of the territory of Kampuchea and created the Kampuchean People's Revolutionary Government as the sole legitimate Government of Kampuchea.¹⁷⁷¹

The representative of the USSR stated that the situation in the Council was in contradiction with its role within the United Nations system in that attempts were being made to move the Council towards intervention in the internal affairs of Kampuchea. He asserted that the Pol Pot régime, supported by China, had created a direct threat to international peace and security and that the People's Revolutionary Council was the only legitimate Government of Kampuchea.¹⁷⁷²

The representative of Kuwait stressed the right of every Member State to seek action from the Council whenever it felt in need of such action and stated that it would have been an abdication of responsibility on the part of the Council had it not met to consider the situation in Kampuchea. He stated that the Council should emphatically reaffirm the Charter principles of non-interference by any State in the domestic affairs of another State and the obligation of Member States to resolve disputes by peaceful means, and call for an immediate cease-fire and withdrawal of all foreign elements.¹⁷⁷³

¹⁷⁷⁰ *Ibid.*, paras. 96-110.

¹⁷⁷¹ *Ibid.*, paras. 113-145.

¹⁷⁷² *Ibid.*, paras. 146-170.

¹⁷⁷³ 2109th mtg., paras. 6-13.

The representative of Norway stated that the situation in Kampuchea was an example of armed conflict and foreign intervention as well as interference in the internal affairs of another country in violation of fundamental Charter principles, and had repercussions which might affect peace and security beyond the region itself. Norway rejected the threat or use of force against the territorial integrity or political independence of any State and emphasized the obligation of Member States under the Charter to resolve disputes by peaceful means.¹⁷⁷⁴

The representative of France stated that the Council must affirm, without any ambiguity, that it could not condone the occupation of a foreign country by a foreign Power.¹⁷⁷⁵

The representative of Bangladesh said that every Member State facing a situation likely to endanger international peace and security had the inherent right to be given a hearing and the Council had a clear responsibility to examine the question. He expressed the view that the Council must reaffirm the principles of respect for sovereignty and territorial integrity, call for the immediate observance of a cease-fire and withdrawal of all foreign elements, call on the parties concerned to refrain from interfering in each other's internal affairs, and encourage the resumption of negotiations for the peaceful settlement of existing disputes.¹⁷⁷⁶

The representative of Zambia stated that the conflict involving Kampuchea and Viet Nam had serious implications both for the region and for international peace and security and emphasized the importance of the principles of non-interference in the internal affairs of States and respect for their independence, sovereignty and territorial integrity.¹⁷⁷⁷

The representative of the United Kingdom deplored the armed intervention against Kampuchea and stressed the fundamental principles of respect for the sovereignty, territorial integrity and political independence of Member States and the right of the people of Kampuchea to decide their own future without outside interference.¹⁷⁷⁸ The representative of the United States urged the Council to assume its responsibilities, as the norms of international behaviour that help to minimize the chance of war were at stake and lack of Council action would accelerate an already disturbing trend among many Governments of refusing to refer their disputes to international organizations and taking action by military means.¹⁷⁷⁹

The representative of Thailand expressed the hope that the Council would adopt a resolution affirming respect for the independence, sovereignty and territorial integrity of Kampuchea; calling for the total withdrawal of foreign forces; and reaffirming the right of the Kampuchean people to self-determination, free from outside interference.¹⁷⁸⁰

The representative of Yugoslavia supported the decision of the Council to consider the demand of the legitimate Government of Democratic Kampuchea and deemed it indispensable for the Council to undertake appropriate measures which would effectively reaffirm the principles of the Charter and the non-aligned movement, namely, rejection of foreign interference under any pretext and the resolution of disputes by peaceful means.¹⁷⁸¹

The President, speaking as the representative of Jamaica, expressed support for the Council's consideration of the complaint of Democratic Kampuchea and stated that any interference by a third party in the internal affairs of Kampuchea was inconsistent with the principles of the Charter.¹⁷⁸²

The representative of the German Democratic Republic regretted the Council's consideration of a matter of exclusive concern to the people of Kampuchea which could lead to interference in the internal affairs of the People's Republic of Kampuchea in violation of the Charter. He objected to any attempt to accuse Viet Nam of a policy of interference in the internal affairs of another State, asserting that Viet Nam had done everything necessary to achieve a peaceful settlement of its border conflict with Kampuchea but had eventually been obliged to take measures to guarantee its self-defence in accordance with Article 51 of the Charter. The representative of the German Democratic Republic urged that, in accordance with Article 31 of the Charter and rule 37 of the provisional rules of procedure, a representative of the Government of the People's Republic of Kampuchea be given an opportunity to address the Council.¹⁷⁸³

At the 2108th meeting on 11 January 1979, the representative of China introduced¹⁷⁸⁴ a draft resolution¹⁷⁸⁵ which stressed the need to respect the independence, sovereignty and territorial integrity of Kampuchea, condemned Viet Nam for its acts of armed invasion and aggression against Kampuchea, called for the immediate withdrawal of Vietnamese forces from Kampuchean territory, and asked the United Nations specialized agencies and Governments to stop aid to Viet Nam.

At the 2111th meeting on 15 January 1979, the representative of Kuwait¹⁷⁸⁶ introduced a draft resolution¹⁷⁸⁷ sponsored by Bangladesh, Bolivia, Gabon, Ja-

¹⁷⁷⁴ *Ibid.*, paras 124-136.

¹⁷⁷⁵ *Ibid.*, paras 141-150. For similar views see the interventions by Bolivia and Sudan (2109th meeting), by Gabon, Malaysia, New Zealand, Portugal and Singapore (2110th meeting) and by Australia, Indonesia, Japan, Nigeria and the Philippines (2111th meeting).

¹⁷⁷⁶ 2109th mtg., paras 66-76. For similar views see also the interventions of Cuba (2108th meeting), Czechoslovakia (2109th meeting), Hungary (2110th meeting) and Bulgaria, Mongolia and Poland (2111th meeting).

¹⁷⁷⁷ 2108th mtg., paras 108-110.

¹⁷⁷⁸ S/13022. *OR*, 34th yr., *Suppl. for Jan-March 1979*, p. 18. The draft was not put to the vote, as China supported the non-aligned text (S/13027).

¹⁷⁷⁹ 2111th mtg., paras 4-12.

¹⁷⁸⁰ S/13027. *OR*, 34th yr., *Suppl. for Jan-March 1979*, p. 27. The draft failed of adoption, owing to the negative vote of a permanent member.

¹⁷⁷⁴ 2109th mtg., paras 6-19.

¹⁷⁷⁵ *Ibid.*, paras 33-37.

¹⁷⁷⁶ *Ibid.*, paras 43-51.

¹⁷⁷⁷ 2110th mtg., paras 8-11.

¹⁷⁷⁸ *Ibid.*, paras 61-68.

¹⁷⁷⁹ *Ibid.*, paras 72-84.

¹⁷⁸⁰ 2111th mtg., paras 40-46.

maica, Kuwait, Nigeria and Zambia, under which the Council would have reaffirmed its conviction that the preservation of sovereignty, territorial integrity and political independence of every State was a fundamental principle of the Charter, called on all foreign forces involved in the situation in Democratic Kampuchea to observe an immediate cease-fire and withdraw from the country, and demanded that the parties concerned adhere strictly to the principle of non-interference in the internal affairs of States.

At the same meeting, the representative of the USSR expressed his opposition to the consideration of the seven-Power draft resolution, asserting that, in the absence of representatives of the People's Revolutionary Council, the adoption of any resolution on Kampuchea could only be regarded as intervention in the internal affairs of that State.¹⁷⁸⁸ The representative of Viet Nam also stated that the Security Council was unable to make an informed judgement on the problem of Kampuchea without hearing the representative of the People's Revolutionary Council.¹⁷⁸⁹

At the 2112th meeting on 15 January, the President informed the Council that, in view of the efforts made by the sponsors of the draft resolution put forward on behalf of the non-aligned countries, China would not press for a vote on the draft resolution contained in document S/13022.¹⁷⁹⁰

At the same meeting the seven-Power draft resolution received 13 votes in favour to 2 against, and failed of adoption, owing to the negative vote of a permanent member.¹⁷⁹¹

Following the vote, the representative of China said that while the draft resolution was not strong enough it contained the basic minimum elements and the Council and the Secretary-General should immediately take effective measures to ensure its speedy implementation.¹⁷⁹²

The representative of the USSR asserted that the true reason for raising the matter in the Council, namely, to cover up the crimes of the Pol Pot régime, was in defiance of the Charter and moved the Security Council towards interference in the internal affairs of Kampuchea. He said that the Council, having refused to listen to the representatives of the People's Revolutionary Council, was not in a position to produce a decision that would objectively reflect the current state of affairs in Kampuchea and not distort it.¹⁷⁹³

The representative of Czechoslovakia reasserted his opposition to attempts to internationalize the internal conflict in Kampuchea which the Council was not competent to consider.¹⁷⁹⁴

The representative of Kuwait stated that the non-aligned members of the Council had vindicated themselves by their devotion and dedication to the principles

embodied in the Charter and in the philosophy of the non-aligned movement.¹⁷⁹⁵

THE SITUATION IN SOUTH-EAST ASIA AND ITS IMPLICATIONS FOR INTERNATIONAL PEACE AND SECURITY

Decision of 16 March 1979 (2129th meeting): rejection of five-Power draft resolution

By a letter¹⁷⁹⁶ dated 22 February 1979, the representatives of Norway, Portugal, the United States and the United Kingdom requested the President of the Security Council to convene an urgent meeting of the Council to consider the situation in South-East Asia and its implications for international peace and security.

At its 2114th meeting on 23 February, following a discussion in which the representatives of the USSR, China and Czechoslovakia participated, the Council included¹⁷⁹⁷ the question in its agenda.

The representative of the USSR objected to the proposal for consideration of the situation in South-East Asia on the grounds that it would divert the attention of the Council from the question of Chinese aggression against Viet Nam.¹⁷⁹⁸ The representative of Czechoslovakia also asserted that the Council should deal with the precise question of Chinese aggression against Viet Nam.¹⁷⁹⁹ The representative of China contended that Vietnamese aggression against Kampuchea was the root cause of the threat to peace and stability in South-East Asia and should be considered with priority as a separate item. However, he did not oppose the item under consideration, as it would include this question.¹⁸⁰⁰

The Council considered the question at its 2114th to 2118th meetings from 23 to 28 February and at its 2129th meeting on 16 March. The representatives of Angola, Australia, Bulgaria, Canada, Cuba, Democratic Kampuchea, the German Democratic Republic, Hungary, India, Indonesia, Japan, the Lao People's Democratic Republic, Malaysia, Mongolia, New Zealand, Pakistan, the Philippines, Poland, Singapore, Thailand, Viet Nam and Yugoslavia were invited, at their request, to participate in the discussion without the right to vote.¹⁸⁰¹

With reference to the participation of the delegation of Democratic Kampuchea, the representative of the USSR asserted that that delegation had no right to take part in the work of the Council as only the People's Revolutionary Council had the right to appoint representatives of Kampuchea.¹⁸⁰² The representative of China stated that the credentials of the delegation of Democratic Kampuchea were in order and that the People's Revolutionary Council was a puppet organization created by Viet Nam.¹⁸⁰³

Opening the discussion, the representative of the United States said that the United States had presented

¹⁷⁸⁸ 2111th mtg., paras. 151-154

¹⁷⁸⁹ *Ibid.*, paras. 176-178

¹⁷⁹⁰ 2112th mtg., para. 3.

¹⁷⁹¹ *Ibid.*, para. 4

¹⁷⁹² *Ibid.*, para. 6

¹⁷⁹³ *Ibid.*, paras. 24-27.

¹⁷⁹⁴ *Ibid.*, paras. 37-41.

¹⁷⁹⁵ *Ibid.*, para. 45

¹⁷⁹⁶ S/13111, *OR*, 34th yr., Suppl. for Jan.-Feb. 1979, p. 83

¹⁷⁹⁷ 2114th mtg., para. 19

¹⁷⁹⁸ *Ibid.*, paras. 5-9

¹⁷⁹⁹ *Ibid.*, paras. 15-17

¹⁸⁰⁰ *Ibid.*, para. 11

¹⁸⁰¹ For details, see chapter III

¹⁸⁰² 2114th mtg., para. 23

¹⁸⁰³ *Ibid.*, paras. 23-25

the item to the Council because it felt that the integrity of the Council was at stake, that there had been a massive demonstration of military power in South-East Asia, and that the Council's primary responsibility under Article 24 of the Charter was being placed in question by its seeming inaction. He expressed the belief that the Council must exercise its responsibilities in view of the serious breaches of the peace in South-East Asia and the threat of broader conflict in the area, and urged the parties concerned to act in accordance with the Charter principles relating to the non-use of force, non-interference in the affairs of another State, and the peaceful settlement of disputes.¹⁸⁰⁴

The representative of the USSR stated that China had begun and was continuing an unprovoked aggressive war against Viet Nam and that China's invasion was a constituent element of its general expansionist policy vis-à-vis South-East Asia in general and Viet Nam in particular. China's aggression had created a serious threat to peace and security not only in that region but throughout the world. The Security Council must categorically condemn the Chinese Government for its actions against Viet Nam and take decisive measures to put an end to its aggression.¹⁸⁰⁵

The representative of China contended that Viet Nam's massive armed aggression against and occupation of Democratic Kampuchea was a question entirely different in nature from China's limited counter-attack, in defence of its frontier, as a result of provocation by Viet Nam. He asserted that Viet Nam's aggression against Kampuchea constituted a gross violation of the Charter and a serious threat to international peace and security, while China's counter-attack was a necessary action of self-defence in accordance with Article 51 of the Charter. He called on the Council to adopt urgent measures to condemn Viet Nam's acts of aggression and proposed a settlement of the border disputes through peaceful negotiations.¹⁸⁰⁶

The representative of Viet Nam asserted that the serious threat to peace and security in South-East Asia was brought about by the open, large-scale aggression of China against Viet Nam and that the Security Council should take appropriate decisions to condemn that aggression and demand the withdrawal of all Chinese forces from Viet Nam. He contended that a clear-cut distinction should be drawn between the deliberate war of aggression waged by China against Viet Nam and the support and assistance of Viet Nam for the armed revolutionary struggle of the people of Kampuchea at their request.¹⁸⁰⁷

The representative of Democratic Kampuchea stated that 150,000 Vietnamese troops, supported by hundreds of Soviet military advisers, were occupying Kampuchea, in contravention of the Charter and the principles of non-alignment, and constituted a threat to peace, security and stability in South-East Asia, the Pacific, Asia

and the world. Democratic Kampuchea understood and supported the just measures taken by China to put an end to the provocations of Viet Nam.¹⁸⁰⁸

The representatives of Norway, Portugal¹⁸⁰⁹ and the United Kingdom¹⁸¹⁰ stated that following the Vietnamese invasion of Kampuchea, the situation in South-East Asia had deteriorated further with the military action taken by China against Viet Nam and the widening of the conflict could endanger international peace and security. They considered it appropriate for the Council to take immediate action aimed at the withdrawal of all foreign forces from the respective areas of conflict and full respect for the sovereignty, territorial integrity and inviolability of the States involved. The representative of France said that it was necessary for the Council to convene to deliberate on a problem falling within its responsibility for maintaining international peace and security.¹⁸¹¹

The President, speaking as the representative of Kuwait, stated that China's action against Viet Nam could not be viewed in isolation from the situation in the rest of the region: his country opposed China's action, as it opposed the involvement of Viet Nam in Kampuchea.¹⁸¹²

At the 2129th meeting on 16 March 1979, the representative of Thailand introduced¹⁸¹³ a draft resolution¹⁸¹⁴ submitted jointly by the five countries members of the Association of South-East Asian Nations—Indonesia, Malaysia, the Philippines, Singapore and Thailand. Under the operative paragraphs of the draft resolution, the Security Council would: (1) urgently call upon all parties to cease all hostilities forthwith; (2) further call upon all parties to the conflicts to withdraw their forces to their own countries; (3) appeal to them and to States outside the region to exercise the utmost restraint and to refrain from any acts which may lead to a further escalation and widening of the conflicts; (4) reaffirm that all States must scrupulously respect the sovereignty, territorial integrity and independence of other States; (5) call upon all parties to the conflicts to settle their disputes by peaceful means in accordance with the Charter of the United Nations; (6) welcome the offer of the good offices of the Secretary-General in the search for a peaceful solution; and (7) decide to remain seized of the question.

At the same meeting the five-Power draft resolution was put to the vote¹⁸¹⁵ and failed of adoption, owing to a negative vote by one of the permanent members of the Security Council. It received 13 votes in favour to 2 against.

¹⁸⁰⁴ *Ibid.*, paras. 64-82.

¹⁸⁰⁹ 2114th mtg., Norway, paras. 73-79, Portugal, paras. 82-87.

¹⁸¹⁰ 2115th mtg., paras. 14-22.

¹⁸¹¹ *Ibid.*, paras. 6-11.

¹⁸¹² 2118th mtg., paras. 60-62.

¹⁸¹³ 2129th mtg., paras. 25-31.

¹⁸¹⁴ S/13162, *OR, 34th yr., Suppl. for Jan-March 1979*, p. 144. The draft resolution failed of adoption, owing to the negative vote of a permanent member.

¹⁸¹⁵ For the vote, see 2129th mtg., para. 72.

¹⁸⁰⁴ 2114th mtg., paras. 32-43.

¹⁸⁰⁵ *Ibid.*, paras. 45-70.

¹⁸⁰⁶ *Ibid.*, paras. 90-124.

¹⁸⁰⁷ 2115th mtg., paras. 85-132.

LETTERS DATED 13 AND 15 JUNE 1979 FROM THE
PERMANENT REPRESENTATIVE OF MOROCCO

Decision of 25 June 1979 (2154th meeting): adjournment

In a letter¹¹¹⁶ dated 13 June 1979, the representative of Morocco requested the President to convene a meeting of the Security Council to consider acts of aggression by Algeria against Morocco, charging that on 31 May and 4 June, Morocco had been subjected to two attacks by armed forces which came from and returned to Algeria. The first had been directed against a column of the Moroccan Royal Armed Forces which was advancing peacefully between the towns of Tantan and Tarfaya, and the second against the town of Assa. Twenty-six people had been killed and several dozen wounded, and extensive material damage had been caused.

In a letter¹¹¹⁷ dated 15 June, the representative of Morocco complained about further aggression in the Tantan region on 14 June and reiterated his request for an urgent Security Council meeting to consider the situation.

At its 2151st meeting on 20 June 1979, the Security Council included the two letters in its agenda and considered the item at the 2151st to 2154th meetings from 20 to 25 June 1979. The representatives of Algeria, Angola, Benin, Burundi, the Congo, Democratic Yemen, the Libyan Arab Jamahiriya, Madagascar, Mauritania, Morocco, Sao Tome and Principe, Senegal and Zaire were invited, at their request, to participate, without vote, in the discussion of the item.¹¹¹⁸ The Council also decided to extend an invitation to Mr. Madjid Abdallah under rule 39 of the provisional rules of procedure.¹¹¹⁹

At the beginning of the 2151st meeting, the President drew attention to a letter¹¹²⁰ dated 16 June 1979, in which the representative of Algeria denied the Moroccan charges and added that Morocco's accusations were designed to divert the attention of the international community from the basic facts of the question of Western Sahara, which, in reality, was a matter of decolonization; the issue was a conflict between the Saharan people struggling for its independence and self-determination and the two occupying States which had usurped its territory; therefore, Morocco's attempt to claim self-defence under Article 51 of the Charter was unjustified and inappropriate.¹¹²¹

At the same meeting, the Minister of State in charge of Foreign Affairs and Co-operation of Morocco stated that pursuant to Article 35 of the Charter, Morocco was submitting a precise request concerning incidents involving deliberate acts of aggression against its national

territory committed by armed bands from Algeria. These recent events threatened to push Algeria and Morocco to the brink of a fratricidal war the dimensions of which could not be foreseen. He mentioned the casualties suffered by Moroccan citizens and material losses and called the incident of 13/14 June a real act of defiance by Algeria against the Security Council and the United Nations. He charged that Algeria was without doubt responsible for those acts of aggression in that the bands committing the attacks were recruited, equipped, armed, trained and financed by the Algerian authorities and protected in Algerian sanctuaries. He suggested that Algeria had violated fundamental principles embodied in the Charter and spelled out in greater detail in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (resolution 2625 (XXV)), the Declaration on the Strengthening of International Security (resolution 2734 (XXV)) and the resolution containing the definition of aggression (resolution 3314 (XXIX)) and cited in particular the principle of non-interference in the affairs of other States and the principal duty of States to refrain from recourse to the threat or use of force against the territorial integrity or political independence of other States. The Government of Morocco had declared its readiness and remained ready to seek a peaceful solution through the United Nations, the Organization of African Unity (OAU) and the League of Arab States; but in application of the inherent right of self-defence in accordance with Article 51, his Government would pursue the aggressors wherever they might be found. Ongoing efforts to discuss the Western Sahara question in an *ad hoc* committee of the OAU had nothing to do with Morocco's complaint about the recent attacks instigated by Algeria. The Government of Morocco hoped that the deliberations of the Security Council would bear results, and stood ready to facilitate any investigation that the Council might consider necessary to ascertain the facts.¹¹²²

At the 2152nd meeting on 21 June 1979, the representative of Algeria pointed out that the central issue was the question of the decolonization of Western Sahara. The attempt by the Government of Morocco to deny the exercise of the right to self-determination by the Saharan people and to maintain its military occupation of the Saharan territory, in defiance of United Nations and OAU resolutions, had created an explosive situation in the area, and Morocco's decision to bring this matter before the Council had been deemed ill-advised by all delegations, in particular those of the Arab and African groups, as Morocco, the aggressor against the Saharan people, claimed to be the victim of aggression. Morocco faced the inevitable results of its annexationist greed, but was still unwilling to acknowledge its mistake and instead blamed Algeria for attacks by fighters of the POLISARIO Front within Moroccan territory. The representative of Algeria rejected the Moroccan charges as totally unfounded and asserted,

¹¹¹⁶ S/13394, OR, 34th yr., Suppl. for April-June 1979, pp. 193-194.

¹¹¹⁷ S/13397, *ibid.*, p. 195.

¹¹¹⁸ For details, see chapter III.

¹¹¹⁹ S/13399, OR, 34th yr., Suppl. for April-June 1979, pp. 196-198.

¹¹²⁰ For the President's introductory remarks see 2151st mtg., para.

quoting from General Assembly resolutions 2625 (XXV), 2734 (XXV) and 3314 (XXIX), that the Government of Morocco had violated basic principles of the Charter of the United Nations and of international law regarding the right of self-determination. He criticized in particular Morocco's invocation of the right to self-defence under Article 51 of the Charter as an attempt to legitimize its use of the so-called "right of pursuit" and to justify in advance its preparations for armed aggression against Algeria. Under these circumstances, he felt that the Security Council could usefully examine the consequences for peace and security in the region flowing from the persistent refusal of Morocco—in contrast to Mauritania—to implement the decisions of the United Nations and of the OAU regarding the self-determination of the Saharan people. Mauritania, initially a party to the partition of the Sahara, had recognized in the mean time that the tension in the region was caused by the violation of the principle of self-determination and the policy of a military *fait accompli*. The Algerian Government appealed to the Council to make a decisive contribution to the multiple efforts to bring back peace to north-west Africa, a peace based on Saharan self-determination and independence.¹²¹

At the 2153rd meeting on 22 June 1979, the representative of Madagascar stated that the struggle of the Saharan people for self-determination and independence could not legally be assimilated to an act of aggression and therefore the Government of Morocco was not entitled to invoke Article 51 against the freedom fighters. In view of such improper use of the principle of self-defence it was up to the Council, under the Charter, to control the exercise of this right, especially as it was misused in the claim to the so-called right of pursuit, as practised in this case against the POLISARIO fighters. The obligation of the Council could not be limited solely to Articles 34 and 35 of the Charter, but must go further towards resolving the problem by requiring immediate cessation of the illegal occupation of Western Sahara and the restoration of the rights of the Saharan people.¹²²

Mr. Madjid Abdallah said that in the judgement of the POLISARIO Front the question of Western Sahara was exclusively one of decolonization and fell under the provisions of Article 73 of the Charter, resolution 1514 (XV) and the provisions of the OAU Charter relating to the right of peoples to self-determination and to respect for frontiers inherited from the colonial period. He accused the Government of Morocco of having created a *fait accompli* in the field through military violence and of pursuing a policy of intransigence in maintaining the course of occupation and expansionism in the Saharan territory. He reminded the Council that since 1966 the United Nations had been dealing with the Saharan issue and the General Assembly, the Security Council and the International Court of Justice had expressed consistent support for the right of the Saharan people to self-deter-

mination. He regretted that Morocco, which had been a leading voice in the campaign to terminate Spanish colonial rule, had veered from the original course and turned against the will of the international community and the well-being of the Saharan people. He hoped that the cease-fire between Mauritania and POLISARIO could eventually be expanded to include Morocco and that the Government of Morocco would agree to seek a solution to the Sahara issue through negotiations with the Saharan Democratic Arab Republic which the POLISARIO had set up and which administered already two thirds of the Western Sahara. But as long as Moroccan soldiers occupied a single inch of Saharan territory, the Saharan people would continue to fight them.¹²³

At the 2154th meeting on 25 June 1979, the President informed members of the Council that he had received a letter¹²⁴ dated 25 June from the representative of Morocco, who requested that the Council suspend action on the Moroccan complaint, as his Government had responded to an appeal by the President of Sudan, current President of the OAU. The President stated that following consultations the Council members had decided to adjourn further consideration of the question.¹²⁵

LETTER DATED 25 NOVEMBER 1979 FROM THE SECRETARY GENERAL AND LETTER DATED 22 DECEMBER 1979 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS

INITIAL PROCEEDINGS

By letter¹²⁶ dated 9 November 1979, addressed to the President of the Council, the representative of the United States requested that the Council urgently meet to discuss measures concerning the release of the United States Embassy personnel detained in Iran, for which efforts had so far failed. He stated that the personnel had been detained on 4 November 1979, following the occupation of the Embassy by a group of Iranians, violating the fundamental norms of international communication and creating a grave threat to international peace and security.

Decision of 9 November 1979: statement by the President

During consultations on 9 November 1979, the Council discussed the letter from the United States and agreed that the President would issue a statement on behalf of the Council.¹²⁷

It reads as follows:

Following consultations among the members of the Security Council, I am authorized as President of the Council to express the profound concern of the Council at the prolonged detention of American diplomatic personnel in Iran. Speaking as President of the Council on behalf of the Council, and while not wishing to interfere in the internal affairs of any country, I must emphasize that the principle

¹²¹ 2152nd mtg., paras. 6-56.

¹²² 2153rd mtg., paras. 18-19.

¹²³ *Ibid.*, paras. 45-55.

¹²⁴ S/13410, OR 34th yr., Suppl. for April-June 1979, p. 207.

¹²⁵ 2154th mtg., para. 3.

¹²⁶ S/13615, OR 34th yr., Suppl. for Oct.-Dec. 1979, p. 61.

¹²⁷ S/13616, *ibid.*, p. 61.

of the inviolability of diplomatic personnel and establishments must be respected in all cases, in accordance with internationally accepted norms. Therefore I urge in the strongest terms that the diplomatic personnel being held in Iran should be released without delay and provided protection. I further urge the Secretary-General to continue to use his good offices to assist in attaining this objective.

Decision of 4 December 1979 (2178th meeting): resolution 457 (1979)

In a letter¹²⁹ dated 25 November 1979, the Secretary-General, in accordance with the exercise of his responsibility under the United Nations Charter, requested an urgent meeting of the Council to seek a peaceful solution to the problem concerning the seizure of the United States Embassy and the detention of its personnel in Iran. He informed the Council that while the Government of the United States was deeply disturbed by the event, which denied the relevant international conventions, the Government of Iran was seeking redress for the injustices and abuse of human rights allegedly committed by the former régime. The Secretary-General expressed the growing concern of the international community about the dangerous situation and emphasized the urgent need for a peaceful solution, in conformity with the principles of justice and international law.

At its 2172nd meeting on 27 November 1979, the Council included the letter from the Secretary-General in its agenda. During the deliberations of the Council, the representatives of Australia, Austria, Belgium, Canada, the Federal Republic of Germany, Greece, Egypt, Iran, Italy, Japan, Liberia, Malawi, Mauritius, the Netherlands, Panama, Spain, Sri Lanka, Swaziland, Yugoslavia and Zaire were invited, at their request, to participate, without a vote, in the discussion of the item on the agenda.¹³⁰ The Council considered the issue at the 2172nd and 2175th to 2178th meetings on 27 November and 1-4 December 1979.

At the 2172nd meeting, the President made a statement on behalf of the Council, in which he read out the text of the letter dated 25 November 1979 from the Secretary-General and referred to a letter¹³¹ dated 27 November 1979 from the Government of Iran requesting that formal deliberations of the Council should be postponed out of respect for the most holy days of Tassua and Ashura and in order to enable the Foreign Minister of Iran to arrive in New York in time to participate in a full debate of the Council starting Saturday evening, 1 December. The President stated that, after consultations, the Council had agreed to adjourn its meeting until 1 December subject to the understanding that it would reconvene before then if the situation demanded it, and, on behalf of the Council, strongly reiterated the appeal contained in his statement issued on 9 November and pledged the Council's efforts to continue to search for a peaceful solution to the problem in conformity with the principles of justice and international law.¹³²

At the 2175th meeting on 1 December 1979, the President informed the Council that his predecessor had been notified by the Government of Iran that it would not attend the meeting of the Council.¹³³

The representative of the United States informed the Council that his Government, in its efforts to find a peaceful solution to the crisis, had requested the assistance of the Security Council and the General Assembly and had approached the International Court of Justice for provisional measures.¹³⁴

The representative of Portugal stated that in his view, the Council could not, as desired by the Iranian Government, analyse the responsibilities of the former régime in Iran, as passing judgement on deposed régimes did not seem to fall within the competence of the Council.¹³⁵

The representative of Czechoslovakia urged the parties to the dispute to use the peaceful measures available under Chapter VI of the United Nations Charter.¹³⁶

All representatives agreed that the act constituted a basic violation of some of the most fundamental rules of international law.¹³⁷ Some emphasized that it violated the Vienna Convention on Diplomatic Relations of 1961, the Vienna Convention on Consular Relations, and the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents.¹³⁸

At the 2176th meeting on 2 December 1979, the representative of Kuwait stated that in dealing with the crisis, the Council should reaffirm the principles of settling disputes by peaceful means and of refraining from military threats or the use of force in settling disputes, call for respect for the principle of non-interference in the domestic affairs of States and for the territorial integrity of all nations, demand compliance with international law and the rules of diplomatic immunity and repeat its call for the immediate release of the hostages. Furthermore, the representative stated, the Council should authorize the Secretary-General to set up a consultative body to assist in identifying the abuses and violations of human rights that took place under the former régime, as well as in examining the legitimate grievances of the Iranian Government and should support the Secretary-General in his efforts without imposing any restrictions upon him.¹³⁹

The representatives of Egypt and the Netherlands pointed out that the act by Iran was also in violation of the Convention Against the Taking of Hostages which was currently being drafted in the General Assembly.¹⁴⁰

¹²⁹ 2175th mtg., para. 4.

¹³⁰ *Ibid.*, para. 23.

¹³¹ *Ibid.*, para. 42.

¹³² *Ibid.*, para. 115.

¹³³ *Ibid.*, France, para. 66; Bolivia, para. 70; USSR, para. 87; Zambia, para. 95; Nigeria, para. 102; Czechoslovakia, para. 114; Zaire, para. 142.

¹³⁴ *Ibid.*, Gabon, para. 61; Norway, para. 27; Portugal, para. 37; United Kingdom, para. 50; USSR, para. 91; Liberia, para. 126. Also see United Nations, *Treaty Series*, vol. 500, p. 95 and vol. 596, p. 261.

¹³⁵ 2176th mtg., paras. 4-8.

¹³⁶ *Ibid.*, para. 23 and para. 73. For the Convention, see A/C.6/34/L.12, p. 2.

¹²⁹ S/13646, *ibid.*, p. 83.

¹³⁰ For details, see chapter III.

¹³¹ S/13650, *OR*, 34th yr., *Suppl. Jor Oct.-Dec. 1979*, p. 84.

¹³² 2172nd mtg., paras. 14-17.

The representative of Malawi stated that, in accordance with Articles 2 and 33 as well as other related Articles, the Council should explore all diplomatic and peaceful alternatives to resolve the explosive situation.¹⁸⁴¹

At the 2177th meeting on 3 December 1979, the representative of Austria urged the Governments of the United States and Iran to respect the principle of peaceful settlement of disputes and to exercise utmost restraint in their actions.¹⁸⁴²

At the 2178th meeting on 4 December 1979, the President drew attention to a draft resolution prepared in the course of consultations among the Council members.¹⁸⁴³

At the same meeting, the draft resolution S/13677 was unanimously adopted as resolution 457 (1979).¹⁸⁴⁴

It reads as follows:

The Security Council,

Having considered the letter from the Secretary-General dated 25 November 1979,

Deeply concerned at the dangerous level of tension between Iran and the United States of America, which could have grave consequences for international peace and security,

Recalling the appeal made by the President of the Security Council on 9 November 1979, which was reiterated on 27 November 1979 (S/13652),

Taking note of the letter from the Minister for Foreign Affairs of Iran dated 13 November 1979 relative to the grievances of Iran,

Mindful of the obligation of States to settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered,

Conscious of the responsibility of 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 in any other manner inconsistent with the purposes of the United Nations,

Reaffirming the solemn obligation of all States parties to both the Vienna Convention on Diplomatic Relations of 1961 and the Vienna Convention on Consular Relations of 1963 to respect the inviolability of diplomatic personnel and the premises of their missions

1. *Urgently calls upon* the Government of Iran to release immediately the personnel of the Embassy of the United States of America being held at Teheran, to provide them with protection and to allow them to leave the country;

2. *Further calls upon* the Governments of Iran and of the United States of America to take steps to resolve peacefully the remaining issues between them to their mutual satisfaction in accordance with the purposes and principles of the United Nations,

3. *Urges* the Governments of Iran and of the United States of America to exercise the utmost restraint in the prevailing situation,

4. *Requests* the Secretary-General to lend his good offices for the immediate implementation of the present resolution and to take all appropriate measures to this end,

5. *Decides* that the Council will remain actively seized of the matter and requests the Secretary-General to report urgently to it on developments regarding his efforts.

Decision of 31 December 1979 (2184th meeting): resolution 461 (1979)

By a letter¹⁸⁴⁵ dated 15 December 1979, the Registrar of the International Court of Justice transmitted to the

Secretary-General an official copy of the Court Order of 15 December 1979 indicating provisional measures in the Case Concerning United States Diplomatic and Consular Staff in Teheran. In the Order the Court called upon the Government of Iran to ensure that the premises of the United States Embassy be immediately restored to the possession of the United States. Secondly, the Court called upon the Government of Iran to release immediately and without exception all persons of United States nationality who were being held in the Embassy, or in the Ministry of Foreign Affairs in Teheran, or elsewhere, and to afford full protection to such persons. Thirdly, the Court asked the Government of Iran to afford to the diplomatic and consular personnel of the United States the full protection, privileges and immunities to which they were entitled, including immunity from any form of criminal jurisdiction, and freedom and facilities to leave the territory of Iran.

On 22 December 1979, the Secretary-General, in his report to the Council, stated that his contacts with the Government officials in Iran and the United States had not yet produced progress towards a settlement of the crisis, but that he would continue in his efforts with the determination to find a mutually acceptable solution to the serious situation.¹⁸⁴⁶

By letter¹⁸⁴⁷ dated 22 December 1979, the representative of the United States requested an early meeting of the Security Council, to consider measures to induce Iran to comply with its international obligations and to put an end to the continued detention of the American hostages.

At its 2182nd meeting on 29 December 1979, the Council included in its agenda the letter from the representative of the United States. Following the adoption of the agenda, the representatives of Australia, Canada, the Federal Republic of Germany, Japan and Singapore were invited to participate in the discussion of the item, at their request, and without the right to vote.¹⁸⁴⁸

The Council considered the item at the 2182nd to 2184th meeting on 29 to 31 December 1979.

At the 2182nd meeting, the Secretary of State of the United States stated that if the Secretary-General's efforts did not produce a peaceful solution and the detention of the hostages continued, sanctions against Iran by the Security Council would be justified and specific sanctions under Article 41 of the Charter of the United Nations should be adopted.¹⁸⁴⁹

A number of representatives stated that the Council would have no choice but to resort to sanctions under Chapter VII of the Charter if Iran persisted in holding the American Embassy personnel captive.¹⁸⁵⁰

¹⁸⁴¹ 2176th meeting, para. 86.

¹⁸⁴² 2177th mtg., para. 19.

¹⁸⁴³ 2178th mtg., para. 3.

¹⁸⁴⁴ *Ibid.*, para. 12.

¹⁸⁴⁵ S/13697. For the Order, see International Court of Justice Pub. No. 447.

¹⁸⁴⁶ S/13704, OR, 34th yr., Suppl. for Oct.-Dec. 1979, p. 139.

¹⁸⁴⁷ S/13705, *ibid.*, p. 40.

¹⁸⁴⁸ For details, see chapter III.

¹⁸⁴⁹ 2182nd mtg., para. 20.

¹⁸⁵⁰ *Ibid.*, Portugal, para. 54; France, para. 60; Singapore, para. 83; Australia, para. 94.

At the 2183rd meeting on 30 December 1979, the representatives of Czechoslovakia and Zambia stated that resolution 457 (1979) should be observed as based on Chapter VI of the Charter, because it provided both the Council and the parties to the dispute with sufficient alternatives for a mutually acceptable solution.¹⁸⁵¹

The representative of Zambia further stated that envisaging the use of sanctions against Iran in the event of the failure of the efforts of the Secretary-General would be detrimental to a possible solution of the crisis.¹⁸⁵²

At the 2184th meeting on 31 December 1979, the President drew attention to a draft resolution proposed by the United States.¹⁸⁵³

At the same meeting, the representative of Gabon expressed concern over the limits of the Organization with regard to the effective implementation of its decisions and stated that the Council's inability to enforce its decisions hampered the maintenance of peace and security. He added that the Council had the means to ensure compliance with its decisions and that it should decide to use the measures available under Chapter VII of the Charter.¹⁸⁵⁴

The President of the Council speaking as the representative of China urged the Council to adopt a prudent attitude concerning paragraph 6 of the draft resolution (S/13711/Rev.1).¹⁸⁵⁵

The representative of the USSR stated that the dispute between Iran and the United States was a bilateral one and, therefore, did not fall within the ambit of Chapter VII of the United Nations Charter. He added that for this reason it was unjustified to seek sanctions in this dispute which would only increase the tension and create a threat to peace.¹⁸⁵⁶

The Council then proceeded to the vote and adopted draft resolution S/13711/Rev.1 by 11 votes to none, with 4 abstentions, as resolution 461 (1979).¹⁸⁵⁷ It reads as follows:

The Security Council,

Recalling its resolution 457 (1979) of 4 December 1979,

Recalling also the appeal made by the President of the Security Council on 9 November 1979, which was reiterated on 27 November 1979 (S/13652),

Gravely concerned at the increasing tension between the Islamic Republic of Iran and the United States of America caused by the seizure and prolonged detention of persons of United States nationality who are being held as hostages in Iran in violation of international law, and which could have grave consequences for international peace and security,

Taking note of the letters from the Minister for Foreign Affairs of the Islamic Republic of Iran dated 13 November 1979 and 1 December 1979 relating to the grievances and statements of his Government on the situation,

Recalling also the letter from the Secretary-General dated 25 November 1979 stating that, in his opinion, the present crisis between

the Islamic Republic of Iran and the United States of America poses a serious threat to international peace and security,

Taking into account the Order of the International Court of Justice of 15 December 1979 calling on the Government of the Islamic Republic of Iran to ensure the immediate release, without any exception, of all persons of United States nationality who are being held as hostages in Iran and also calling on the Government of the United States of America and the Government of the Islamic Republic of Iran to ensure that no action will be taken by them which will aggravate the tension between the two countries,

Further taking into account the report of the Secretary-General of 22 December 1979 on developments in the situation,

Mindful of the obligation of States to settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered,

Conscious of the responsibility of 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 in any other manner inconsistent with the purposes of the United Nations,

1. *Reaffirms its resolution 457 (1979) in all its aspects;*
2. *Deplures the continued detention of the hostages contrary to its resolution 457 (1979) and the Order of the International Court of Justice of 15 December 1979,*
3. *Urgently calls once again on the Government of the Islamic Republic of Iran to release immediately all persons of United States nationality being held as hostages in Iran, to provide them with protection and to allow them to leave the country;*
4. *Reiterates its request to the Secretary-General to lend his good offices and to intensify his efforts with a view to assisting the Security Council in achieving the objectives called for in the present resolution, and in this connexion takes note of his readiness to go personally to Iran;*
5. *Requests the Secretary-General to report to the Security Council on his good offices efforts before the Council meets again;*
6. *Decides to meet on 7 January 1980 in order to review the situation and, in the event of non-compliance with the present resolution, to adopt effective measures under Articles 39 and 41 of the Charter of the United Nations*

Decision of 13 January 1980 (2191st meeting): rejection of a draft resolution

On 6 January 1980, the Secretary-General submitted a report to the Council, in pursuance of resolutions 457 (1979) and 461 (1979) in which he indicated that even though there was as yet no solution to the problem, his contacts had involved a "number of elements and ideas that might provide a basis for further consideration of the crisis by the Council".¹⁸⁵⁸

At the 2191st meeting on 11 January 1980, the President drew attention to a draft resolution submitted by the United States.¹⁸⁵⁹ According to the preamble of the draft resolution,¹⁸⁶⁰ the Security Council would recall its resolutions 457 (1979) and 461 (1979) as well as the appeal made by the President of the Council on 9 November which was reiterated on 27 November 1979. The Council would also take note of the letters dated 13 November and 1 December concerning the grievances and views of Iran, it would take into account the Order of the International Court of Justice dated 15 December and recall the letter dated 25 November of the Secretary-General emphasizing the seriousness of the threat to international peace and security posed by the crisis

¹⁸⁵¹ 2183rd mtg., paras. 12-14 and paras. 15-24.

¹⁸⁵² *Ibid.*, paras. 25 and 26.

¹⁸⁵³ 2184th mtg., para. 2. The President referred to draft resolution S/13711/Rev.1, which was adopted as resolution 461 (1979).

¹⁸⁵⁴ *Ibid.*, paras. 3-11.

¹⁸⁵⁵ *Ibid.*, paras. 21-25.

¹⁸⁵⁶ *Ibid.*, paras. 29-37.

¹⁸⁵⁷ *Ibid.*, para. 58.

¹⁸⁵⁸ S/13730, *OR, 35th yr., Suppl. for Jan.-March 1980*, p. 4.

¹⁸⁵⁹ 2191st mtg., para. 1, opening statement by the President, whereby he referred to draft resolution S/13735, which subsequently was voted on and failed of adoption.

¹⁸⁶⁰ S/13735, *OR, 35th yr., Suppl. for Jan.-March 1980*, p. 11.

between the two countries. Furthermore the Council would be mindful of the adoption by consensus of resolution 34/146, the International Convention Against the Taking of Hostages, by the General Assembly on 17 December 1979 and of the responsibilities of States to settle international disputes by peaceful means in a manner not endangering peace, security and justice and to that end respect the decisions of the Council. In addition, the Council would be conscious of the responsibilities of 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 in any other manner inconsistent with the purposes of the United Nations, and would affirm that the safe release and departure of the hostages would be an essential first step in resolving peacefully the issues between Iran and the United States and the other States members of the international community. Moreover it would reiterate that following the release of the hostages, the Governments of Iran and the United States should take steps to resolve peacefully the remaining issues between them to their mutual satisfaction in accordance with the purposes and principles of the United Nations and would further take into account the Secretary-General's report on 9 January 1980 pursuant to resolutions 457 (1979) and 461 (1979). Bearing in mind the continued detention of the hostages which constituted a continuous threat to international peace and security, and acting in accordance with Articles 39 and 41 of the United Nations Charter, the Council would urgently call on the Government of Iran to immediately release all persons of United States nationality being held as hostages in Iran, to provide them protection and allow them to leave the country and would decide that until such time as the hostages were released and had safely departed from Iran, all Member States should prevent the sale or supply by their nationals or from their territories, whether or not originating in their territories, to or destined for Iranian governmental entities in Iran or any other person or body in Iran, or to or destined for any other person or body for the purposes of any enterprise carried on in Iran, of all items, commodities, or products except food, medicine and supplies intended strictly for medical purposes and that they should prevent the shipment by vessel, aircraft, railway or other land transport of their registration or owned by or under charter to their nationals, or the carriage whether or not in bond by land transport facilities across their territories of any of the items, commodities and products covered by subparagraph (a) above which were consigned to or destined for Iranian Governmental entities or any other person or body in Iran, or to any enterprise carried on in Iran. Furthermore, the Council would decide that the Members should not make available to the Iranian authorities or to any other person in Iran, or to any enterprise controlled by any Iranian Governmental entity, any new credits or loans; should not, with respect to such persons and enterprises, make available any new deposit facilities or allow substantial increases in existing non-dollar deposits or allow more favourable terms of payment

than customarily used in international commercial transactions; and should act in a businesslike manner in exercising any rights when payments due on existing credits or loans were not made on time and should require any persons or entities within their jurisdiction to do likewise. In addition, the Members should prevent the shipment from their territories or vessels or aircraft registered in Iran of products and commodities covered by subparagraph (a) above, should reduce to a minimum the personnel of Iranian missions accredited to them and should prevent their nationals, or firms located in their territories, from engaging in any activity which would evade or would have the purpose of evading any of the decisions set out in the present resolution. Accordingly the Council would decide that all Member States should give effect forthwith to the decisions set out above notwithstanding any contract entered into or licence granted before the date of the resolution and would call upon all Members to carry out those decisions of the Council in accordance with Article 25 of the Charter of the United Nations. Having regard to the principles stated in Article 2 of the Charter, the Council would urge States not members of the United Nations to act in accordance with the provisions of the resolution and would call upon all other United Nations bodies, its specialized agencies and their members to conform their relations with Iran to the terms of the present resolution. In addition, the Council would call upon all Member States, and in particular those with primary responsibility under the Charter for the maintenance of international peace and security, to assist effectively in the implementation of the measures called for by the resolution and would also call upon all States Members of the United Nations or members of specialized agencies to report to the Secretary-General by 1 February 1980 on measures taken to implement the present resolution. The Council would finally request the Secretary-General to report to the Council on the progress of the implementation of the resolution, the first report to be submitted not later than 1 March 1980.

At the 2191st meeting on 11 January 1980, the President drew attention to a pending proposal for the suspension of the meeting. In the absence of an objection, the meeting was suspended.¹⁰⁶¹

Following resumption of the 2191st meeting on 13 January 1980, the Secretary-General stated that since his visit to Iran, a mutually acceptable solution to the problem had still not been found.¹⁰⁶²

The representative of the United States urged the Council to take effective measures against Iran under Articles 39 and 41 of the Charter as required by the operative paragraph 6 of resolution 461 (1979), and called upon all Members to accept and carry out the Council's decision in accordance with Article 25 and Article 2, paragraph 2 of the Charter.¹⁰⁶³

The representative of the USSR stated that his Government opposed the draft resolution submitted by

¹⁰⁶¹ 2191st mtg., para. 2

¹⁰⁶² *Ibid.*, paras. 11-17

¹⁰⁶³ *Ibid.*, paras. 18-43

the United States, because the proposed sanctions against Iran were contrary to the Charter of the United Nations.¹⁸⁶⁴

The representative of Mexico stated that in his view, there was a contradiction between the fourth preambular paragraph of the draft resolution and its operative clauses, in that whereas the International Court of Justice had called for restraint on the part of both Governments in taking any action that could aggravate the tension between the two countries, the draft resolution would most probably have that effect. Furthermore, he suggested that the detention of the hostages did not in itself constitute a threat to peace, and therefore sanctions against Iran under Chapter VII would not be justified.¹⁸⁶⁵

At the 2191st meeting, the draft resolution S/13735 submitted by the United States received 10 votes in favour to 2 against, with 2 abstentions, and was not adopted owing to the negative vote by a permanent member. One member did not participate in the vote.¹⁸⁶⁶

By letter¹⁸⁶⁷ dated 9 June 1980, the representative of the United States transmitted the final judgment of the International Court of Justice delivered on 24 May 1980, in the case concerning the United States Diplomatic and Consular Staff in Tehran. The Court in its final judgment of 24 May decided that the Government of Iran had violated and was still violating the international conventions in force between the two countries as well as customary international law, and that Iran was therefore responsible towards the United States under international law. Furthermore, the Court called once again for the termination of this unlawful act and for the release and safe departure of the hostages from Iran, as well as for the placement in the hands of the protecting power, of the premises, property, archives and documents of the United States Embassy and its consulates in Iran. In addition, the Court decided that no member of the United States diplomatic or consular staff could be kept in Iran or be subjected to any judicial proceedings or participate in them as a witness. The Court also decided that the Government of Iran was to make reparations to the Government of the United States for the injury caused to it by the events of 4 November and what had followed from those events, the form and amount of which would be settled by the Court in the case of failure of agreement between the parties. Prior to the Order of the International Court of Justice on 15 December 1979 and its final judgment on 24 May 1980, the Government of Iran, in a letter dated 9 November, had stated that the Court could not take cognizance of the present case, as in its view the matter was essentially and directly within its national sovereignty. Furthermore, the Iranian government had argued that the case, as submitted by the United States, was confined to the question of hostages, which in its view was a secondary and marginal aspect of the overall problem, and that the case therefore ought to be

analysed in terms of the relations between the United States and Iran over the last 25 years leading to the current crisis.

In response to the Iranian position, the Court stated that the matter, by the very fact that it concerned diplomatic and consular premises, the detention of internationally protected persons, and the interpretation or application of multilateral conventions codifying international law governing diplomatic and consular relations, would fall within international jurisdiction. Furthermore, the Court stated that in accordance with Article 36 of the United Nations Charter, it was authorized to make recommendations which the Security Council should take into consideration. In addition, since the dispute was a legal one, the resolution of such legal question could be an important and sometimes the decisive factor in the peaceful settlement of a dispute. Finally, it stated that the Court could not consider the question of the hostages as a marginal or secondary issue with regard to the legal principles involved. As to the claim of the Iranian Government that provisional measures could not be unilateral, the Court referred to Article 41 of its Statute, which emphasized the importance of provisional measures in preserving the respective rights of either party, and stated that a request for provisional measures was by its nature unilateral. Since the Government of Iran had not appeared before the Court, the International Court of Justice concluded that Iran's claim was not justified.¹⁸⁶⁸

LETTER DATED 3 JANUARY 1980 FROM 52 MEMBER STATES CONCERNING AFGHANISTAN

By a letter dated 3 January 1980 addressed to the President of the Security Council,¹⁸⁶⁹ the representatives of 43 Member States¹⁸⁷⁰ requested an urgent meeting of the Council to consider the situation in Afghanistan and its implications for international peace and security. Subsequently, nine other Member States added their signatures to the letter of request.¹⁸⁷¹

By a letter dated 4 January 1980¹⁸⁷² the representative of Afghanistan transmitted a telegram addressed to

¹⁸⁶⁴ *Ibid.*, pp. 17-19.

¹⁸⁶⁵ S/13724, *OR*, 35th yr., *Suppl. for Jan-March 1980*, p. 1.

¹⁸⁷⁰ Australia, the Bahamas, Belgium, Canada, Chile, China, Colombia, Costa Rica, Denmark, the Dominican Republic, Ecuador, Egypt, El Salvador, Fiji, Germany, Federal Republic of, Greece, Haiti, Honduras, Iceland, Italy, Japan, Liberia, Luxembourg, the Netherlands, New Zealand, Norway, Oman, Pakistan, Panama, Papua New Guinea, the Philippines, Portugal, Saint Lucia, Saudi Arabia, Singapore, Spain, Suriname, Sweden, Turkey, the United Kingdom, the United States, Uruguay and Venezuela.

¹⁸⁷¹ Bahrain, Bangladesh, Indonesia, Malaysia, Samoa, Senegal, Somalia, Thailand and Uganda (see S/13724/Add. 1 and 2).

¹⁸⁷² S/13725, *OR*, 35th yr., *Suppl. for Jan-March 1980*, p. 2. Previously and subsequently a number of communications had been and were received from various Governments commenting and expressing those Governments' positions on the events in Afghanistan, some of them criticizing or denouncing the action of the USSR in sending its military forces to Afghanistan, and others endorsing that action (See communications dated 31 Dec 1979 from China (S/13717, *OR*, 34th yr., *Suppl. for Oct-Dec 1979*, pp. 147-148), 4 Jan from Democratic Kampuchea and Chile (S/13727 and S/13728, *OR*, 35th yr., *Suppl. for Jan-March 1980*, p. 3), 11 Jan from Mongolia (S/13739, *ibid.*, p. 13), 16 Jan from Solomon Islands (S/13747, *ibid.*, p. 17), 17 Jan and 5 May from Italy (S/13760 and S/13925, *ibid.*, p. 21 and *ibid.*, *Suppl. for April-June 1980*, p. 40), 8 Feb from Dominica (S/13794, *OR*, 35th yr., *Suppl. for Jan-March 1980*, p. 46) and 11 Feb 1980 from Pakistan (S/13810, also circulated under the symbol A/35/109).

¹⁸⁶⁴ *Ibid.*, paras. 44-56.

¹⁸⁶⁵ *Ibid.*, paras. 57-72.

¹⁸⁶⁶ *Ibid.*, para. 149.

¹⁸⁶⁷ S/13989. For the judgment, see ICJ Pub. No. 451.

the President of the Security Council by the Minister for Foreign Affairs of Afghanistan in which the Government strongly opposed the convening of the Security Council to consider the situation in Afghanistan, calling such a move a direct and clear interference in Afghanistan's internal affairs.

In five other communications from Afghanistan (see letters dated 10 and 16 January, 5 March, 24 April and 17 May 1980)¹⁸⁷³ the Government explained the nature of the events in Afghanistan and the justification for calling in military assistance from the USSR, pursuant to a mutual defence treaty between the two countries, and sought to give progressive assurance that the situation was under control and that the developments were in accordance with the wishes and interests of the people of Afghanistan.

Decision of 7 January 1980 (2190th meeting): rejection of draft resolution

At the 2185th meeting on 5 January 1980, the Security Council started its deliberations with a procedural discussion as to whether the Council should convene to discuss the subject matter contained in the letter from the 52 Member States. The representatives of the USSR and the German Democratic Republic opposed the inclusion of the item in the Council's agenda at all, while the representatives of Bangladesh, Norway and China spoke in favour of such inclusion. Subsequently the President announced that in the light of the previous consultations among the members it was agreed to include the letter from the 52 Member States in the Council's agenda, which was thereafter adopted.¹⁸⁷⁴

The Council considered the matter at six meetings held between 6 and 9 January 1981, in the course of which the President, with the consent of the Council, invited the representatives of Afghanistan, Australia, Bulgaria, Canada, Chile, Colombia, Costa Rica, Czechoslovakia, Democratic Kampuchea, Egypt, the Federal Republic of Germany, Hungary, Italy, Japan, Lao People's Democratic Republic, Liberia, Malaysia, Mongolia, New Zealand, Netherlands, Pakistan, Panama, Poland, Saudi Arabia, Singapore, Somalia, Spain, Turkey, Venezuela, Viet Nam, Yugoslavia and Zaire, at their request, to participate in the discussion without the right to vote.¹⁸⁷⁵

At the 2185th meeting the representatives of the United Kingdom, Portugal, the United States, China, Bangladesh and Norway made statements in connection with the invitation extended by the Council to the representative of Afghanistan to the effect that their non-opposition to the invitation did not indicate their recognition of or support for the new Government in that country, or endorsement of the events there.¹⁸⁷⁶ The

representative of the USSR spoke in favour of the invitation to the representative of Afghanistan.¹⁸⁷⁷

Speaking on the substance of the matter before the Council, the representative of the Philippines said that the matter was both urgent and serious, requiring careful judgement by the Council and appropriate measures under Chapter VI of the Charter. For that reason it was necessary for the Council to be acquainted with all the facts of the events in Afghanistan; if it could be shown that armed intervention had occurred it was the first duty of the Member States to call for a cessation of hostilities and a withdrawal of all foreign troops from Afghanistan.¹⁸⁷⁸

The representative of Pakistan reviewed the events in Afghanistan, saying that since the last week of December 1979 the country had been subjected to a massive military invasion by the Soviet Union on the pretext of saving the country from external interference, basing that invasion on the so-called Treaty of Friendship, Good-Neighbourliness and Co-operation between the two countries. In the event, the legitimate Government of Afghanistan had been disrupted and the President there, Hafizular Amin, dislodged and executed along with members of his family, and the influx of refugees pouring out of the country into Pakistan since April 1978 had greatly increased, thereby imposing considerable strains on Pakistan's scarce resources. Pakistan regarded any attempt to solve Afghanistan's internal crisis by the use of external force as counter-productive. He pointed out that the situation threatened peace and security in the area and exhorted the Soviet Union to withdraw its troops from Afghanistan and leave the country alone.¹⁸⁷⁹

The Minister for Foreign Affairs of Afghanistan protested against the convening of the Security Council, despite earlier objections by his Government, so as to consider matters which he claimed belonged to the realm of internal affairs of his country and were not covered by the provisions of Article 34 of the Charter of the United Nations. Nevertheless he gave an account of the recent political events, which he said had culminated in the necessity of deploying Soviet forces in Afghanistan, a measure he said was legitimate, being based on the mutual treaty of friendship between the two countries. He said that subversive and counter-revolutionary activities perpetrated and directed from external, imperialist sources had been fomented in his country during the régime of the former ruler, Hafizular Amin, and had brought terrible suffering and bloodshed to the Afghan people. He declared that once that foreign interference and armed attacks against Afghanistan had ceased the limited contingents of Soviet armed forces would be withdrawn from Afghanistan immediately.¹⁸⁸⁰

At the 2186th meeting on the same day and at the 2190th meeting on 7 January 1980, the representative of the USSR said that the deployment of Soviet forces in Afghanistan was a legitimate exercise undertaken at the

¹⁸⁷³ S/13734, S/13752 and S/13835, *OR 35th yr., Suppl. for Jan.-March 1980*, pp. 7 and 73 (the letter of 16 Jan. 1980 was not reproduced in the *Suppl.*) and S/13910 and S/13951, *ibid.*, *Suppl. for April-June 1980*, pp. 29 and 59, respectively.

¹⁸⁷⁴ 2185th mtg., paras. 6-37.

¹⁸⁷⁵ For details concerning these invitations, see chapter III.

¹⁸⁷⁶ 2185th mtg., paras. 40-45.

¹⁸⁷⁷ *Ibid.*, para. 46.

¹⁸⁷⁸ *Ibid.*, paras. 53-59.

¹⁸⁷⁹ *Ibid.*, paras. 66-83.

¹⁸⁸⁰ *Ibid.*, paras. 85-116 and 2190th mtg., paras. 87-102.

invitation of the Government of Afghanistan pursuant to the mutual treaty of friendship between the two countries. It was also justified, he said, bearing in mind the recent events in Afghanistan. He then recounted some of those events which he said had jeopardized the security and sovereignty of Afghanistan and that consequently necessitated intervention by the Soviet Union in response to the Government's request. He quoted several statements from various published sources to the effect that contingents of Afghan dissidents, rebels or counter-revolutionaries were training and grouping in Afghanistan for the purpose of intensifying armed opposition against, and eventually overthrowing the Government of, Afghanistan. However, he gave assurance that after the end of the causes that had induced the request by Afghanistan, the Soviet Union would withdraw its military contingents.¹⁸⁸¹

In the course of the debate during the six meetings most of the other delegates who participated in the discussion spoke in varying degrees of criticism of the action of the Soviet Union in dispatching its troops to Afghanistan. They felt that the action had caused a situation of instability in the region and posed a threat to international peace and security. Some regarded the action as a military invasion of Afghanistan, in violation of the Charter of the United Nations and of the principles of international law, aimed at creating a puppet régime which would thereafter passively absorb a foreign ideology over the people and thereby promote what they considered to be the Soviet Union's strategy for world domination. Others complained that the absorption of Afghanistan, a neutral country, into the Soviet Union's sphere of influence would result in the weakening of the Non-Aligned Movement. They urged the Council to take appropriate measures to stop and reverse the Soviet Union's action in Afghanistan.¹⁸⁸²

Some other speakers supported the action of the Soviet Union, arguing that Afghanistan in exercise of its sovereign power had a right to request assistance from a State with which it had a mutual treaty providing for such assistance. They also stated that the arrangement between Afghanistan and the Soviet Union was legitimate under the provisions of Article 51 of the Charter of the United Nations. Therefore, they asserted, the characterization of the temporary presence of a limited contingent of Soviet military forces in Afghanistan as a

threat to international peace and security was an exaggeration which held no validity whatsoever. In the circumstances, and bearing in mind the provisions of Article 2, paragraph 7, of the Charter, which prohibits interference in the internal affairs of States, they contended that consideration by the Security Council of the situation in Afghanistan, particularly in the face of strong objections by that Government itself, was legally unfounded, politically wrong and counter-productive.¹⁸⁸³

At the 2189th meeting on 7 January 1980, the President drew the attention of the Council to a draft resolution sponsored by Bangladesh, Jamaica, the Niger, the Philippines and Zambia.¹⁸⁸⁴ Among its operative paragraphs the draft resolution would have the Security Council: deeply deplore the recent armed intervention in Afghanistan, call for the immediate withdrawal of all foreign troops from Afghanistan and request the Secretary-General to submit a report on the progress towards the implementation of the proposed resolution within two weeks.¹⁸⁸⁵

The draft resolution was introduced by the representative of Bangladesh, who said that its operative paragraphs laid down the course of action to be followed; the purpose was to reaffirm the principles of the Charter of the United Nations. He strongly commended the draft resolution and urged its full support by the Council so as to bring peace back to Afghanistan.¹⁸⁸⁶

Prior to the vote, statements were made by the representatives of China and the German Democratic Republic; the Chinese delegation considered the draft inadequate for not condemning the Soviet Union directly. The delegation of the German Democratic Republic said that the draft resolution was unacceptable because, among other things, it ignored the process of mutual bilateral treaties.¹⁸⁸⁷

The draft resolution was put to the vote. It received 13 votes in favour to two against (German Democratic Republic and Union of Soviet Socialist Republics), but was not adopted owing to the negative vote of a permanent member of the Council.¹⁸⁸⁸

After the vote the President announced that, pursuant to an earlier suggestion, the meeting would be postponed and would be reconvened after consultations.¹⁸⁸⁹

Decision of 9 January 1980 (2190th meeting): resolution 462 (1980)

The Council resumed its 2190th meeting on 9 January 1980 and had before it a draft resolution sponsored by the delegations of the Philippines and Mexico.¹⁸⁹⁰

¹⁸⁸¹ 2186th mtg., paras. 3-33 and 2190th mtg., paras. 110-121.

¹⁸⁸² For texts of relevant statements see 2185th mtg. Philippines (paras. 53-59); Japan (paras. 119-123); Egypt (paras. 126-149); 2186th mtg.: China (paras. 35-44), United Kingdom (paras. 48-55), Colombia (paras. 59-63), Democratic Kampuchea (paras. 92-106), Saudi Arabia (paras. 109-115), New Zealand (paras. 130-133), Turkey (paras. 139-142); 2187th mtg.: United States (paras. 6-27); Australia (paras. 30-35); Singapore (paras. 38-48); Norway (paras. 52-56); Finland (paras. 59-68); Somalia (paras. 72-80); Malaysia (paras. 80-90); Costa Rica (paras. 92-100); Italy (paras. 104-110); Liberia (paras. 112-133); 2188th mtg.: Portugal (paras. 24-27); Venezuela (paras. 30-38); Netherlands (paras. 51-59); Jamaica (paras. 97-102); 2189th mtg.: Zambia (paras. 6-18); Niger (paras. 53-57); Federal Republic of Germany (paras. 63-76); Yugoslavia (paras. 80-97); 2190th mtg.: Panama (paras. 10-34); Zaire (paras. 39-59); Canada (paras. 63-72); Chile (paras. 75-84); Tunisia (paras. 105-108); France (paras. 125-131); 2190th mtg., addendum 1, Mexico (paras. 160-165).

¹⁸⁸³ For texts of the relevant statements see: 2186th mtg. Bulgaria (paras. 67-87); Poland (paras. 118-126); 2187th mtg. Hungary (paras. 136-147); 2188th mtg. German Democratic Republic (paras. 4-21); Czechoslovakia (paras. 41-48); Viet Nam (paras. 62-93); and 2189th mtg. Mongolia (paras. 21-37); Lao People's Democratic Republic (paras. 101-112).

¹⁸⁸⁴ 2189th mtg., para. 3.
¹⁸⁸⁵ For the full text of the draft resolution, see S/13729, *OR, 35th yr., Suppl. for Jan.-March 1980*, p. 4.

¹⁸⁸⁶ 2189th mtg., paras. 41-49.

¹⁸⁸⁷ 2190th mtg., paras. 136-139.

¹⁸⁸⁸ *Ibid.*, para. 140.

¹⁸⁸⁹ *Ibid.*, para. 141.

¹⁸⁹⁰ Circulated in document S/13731, the draft resolution was subsequently adopted as resolution 462 (1980) (see below).

Introducing the draft resolution, the representative of the Philippines said that in view of the frustration of the Council in the discharge of its primary responsibility under the Charter and bearing in mind the gravity of the situation in Afghanistan, the sponsors of the draft resolution felt that the rest of the international community should be given an opportunity to consider the issue. Consequently, the purpose of the draft resolution was to refer the matter to the General Assembly as the only remaining, peaceful alternative recourse to the Council's inaction.¹⁸⁹¹

The representative of the USSR said that his delegation categorically opposed the idea of convening an emergency session of the General Assembly to discuss the so-called situation in Afghanistan. His delegation and the Government of Afghanistan had already objected to discussion of the matter in the Security Council in the first place; it was therefore wrong, counter-productive and contrary to the Charter of the United Nations, particularly Article 2(7) thereof, to embroil the United Nations any further in the discussion of a non-existent question. For that reason his delegation would vote against the draft resolution.¹⁸⁹²

The draft resolution was put to a procedural vote. It received 12 votes in favour to two against (German Democratic Republic and Union of Soviet Socialist Republics), with one abstention (Zambia), and was adopted as resolution 462 (1980).¹⁸⁹³ The text of the resolution reads as follows:

The Security Council.

Having considered the item on the agenda of its 2185th meeting, as contained in document S/Agenda/2185,

Taking into account that the lack of unanimity of its permanent members at the 2190th meeting has prevented it from exercising its primary responsibility for the maintenance of international peace and security,

Decides to call an emergency special session of the General Assembly to examine the question contained in document S/Agenda/2185.

Speaking after the vote, the President, in his capacity as the representative of France, said that although his delegation had voted in favour of the resolution just adopted, it had reservations concerning the wording of the second preambular paragraph of the resolution.¹⁸⁹⁴

The General Assembly convened the sixth emergency special session held between 10 and 14 January 1980 and considered the matter referred to it by the Security Council. At the conclusion of the special session the Assembly adopted resolution ES-6/2 on the subject.¹⁸⁹⁵ By a note dated 15 January 1980 the Secretary-General transmitted the text of General Assembly resolution ES-6/2 to the Security Council, drawing particular attention to paragraph 8 of the resolution, which called

upon the Council to consider ways and means which could assist in the implementation of that resolution.¹⁸⁹⁶

LETTER DATED 1 SEPTEMBER 1980 FROM THE
PERMANENT REPRESENTATIVE OF MALTA

Decision of 4 September 1980 (2246th meeting): discussion of the question postponed

By a letter dated 1 September 1980,¹⁸⁹⁷ the representative of Malta requested that the Security Council urgently convene to consider the illegal action taken by the Libyan Government which had stopped the Maltese drilling operations in the Mediterranean. He informed the Council that Libya and Malta had made an agreement on 23 May 1976 to submit the question concerning the jurisdiction of the continental shelf between the two countries to the International Court of Justice. He stated that Malta had begun its drilling operations in the area following the failure of the Libyan Government to ratify that agreement.

At the 2246th meeting on 4 September 1980, the Council invited the representatives of Malta and the Libyan Arab Jamahiriya to participate in the discussion, at their request and without the right to vote. The Council considered the item at the 2246th meeting on 4 September 1980.¹⁸⁹⁸

At the meeting, the President drew the Council's attention to the letter from the Government of Malta and to a letter dated 3 September 1980¹⁸⁹⁹ from the representative of Libya, whereby he claimed that the dispute over the continental shelf was a bilateral issue to be settled between the two countries, and of secondary importance compared to the overall relations between Malta and Libya, and accordingly did not necessitate the involvement of the Council.

The President also referred to a letter dated 4 September 1980¹⁹⁰⁰ from the representative of Malta in which he re-emphasized the importance of the issue and reiterated his request for the consideration by the Council of the unlawful act of the Libyan Government.

The representative of Malta stated that the drilling operations by Malta were in accordance with the 1958 Convention on the Continental Shelf, which was based on customary law derived from the decisions of international tribunals and the practice of States. He noted that Libya was not a party to that Convention, but asserted that the principle of the median line as the boundary between the two States justified Malta's drilling operations for the production of off-shore oil.¹⁹⁰¹

The representative of the Libyan Government requested that the meeting be postponed for a study of the Maltese statement and consultations with his Government.¹⁹⁰²

¹⁸⁹¹ Resuming 2190th mtg., paras. 145-156.

¹⁸⁹² *Ibid.*, paras. 166-169.

¹⁸⁹³ *Ibid.*, para. 178.

¹⁸⁹⁴ *Ibid.*, paras. 185-187.

¹⁸⁹⁵ For the text of the resolution, see *G.AOR, 6th emerg. spec. session, Supplement No. 1*.

¹⁸⁹⁶ S/13744.

¹⁸⁹⁷ S/14140, *OR, 35th yr., Suppl. for July-Sept. 1980*, p. 70.

¹⁸⁹⁸ For details, see chapter III.

¹⁸⁹⁹ S/14145, *OR, 35th yr., Suppl. for July-Sept. 1980*, p. 75.

¹⁹⁰⁰ S/14147, *ibid.*, p. 76.

¹⁹⁰¹ 2246th mtg., paras. 7-42.

¹⁹⁰² *Ibid.*, paras. 44-47.

The President suggested that the meeting be postponed at the request of the Libyan Government. In the absence of objection, it was decided.¹⁹⁰³

By letters dated 19 September¹⁹⁰⁴ and 13 October 1980,¹⁹⁰⁵ the representative of Malta reiterated his request that the Council take measures to protect Malta from the use of force by Libya.

By a letter dated 17 October 1980,¹⁹⁰⁶ the Secretary-General informed the President of the Council that, following consultations with the parties and with their agreement, a special representative of the Secretary-General would be sent to the two countries to discuss the issue with the two Governments.

By letter dated 22 October 1980¹⁹⁰⁷ the President informed the Secretary-General that his letter of 17 October had been discussed by the Members of the Council and they had agreed with the proposed mission by his representative.

The Secretary-General, in his report issued on 13 November 1980, stated that the submission of the case to the International Court of Justice would be an essential step in the resolution of the conflict. He informed the Council that while the Government of the Libyan Arab Jamahiriya was opposed to the drilling operations in the area until such time as the Court delivered its advisory opinion, the Government of Malta wanted to make arrangements with Libya to pursue the drilling operations that had been suspended on 20 August 1980.¹⁹⁰⁸

THE SITUATION BETWEEN IRAN AND IRAQ

Decision of 23 September 1980: statement by the President

In a letter¹⁹⁰⁹ dated 23 September 1980, the Secretary-General expressed his deep concern at the escalation of the conflict between Iran and Iraq,¹⁹¹⁰ which constituted, in his opinion, a potentially grave threat to international peace and security. He indicated that he had appealed the day before to the parties to end the fighting and to seek to settle their differences by negotiation and had offered, through the representatives of the two Governments at the United Nations, his good offices that might be of use in settling their differences. In view of the dangers that would inevitably arise from a further escalation of the conflict, he urged, as a first step, that the members of the Council meet in consultation.

On the same date, the members of the Council undertook informal consultations on the situation, as a result of which the President issued the following statement¹⁹¹¹ on behalf of the members:

Members of the Security Council have today exchanged views in informal consultations on the extremely serious situation prevailing between Iran and Iraq. They have taken note of the sharp deterioration in relations and of the escalation in armed activity leading to loss of life and heavy material damage.

Members of the Council are deeply concerned that this conflict can prove increasingly serious and could pose a grave threat to international peace and security.

The members of the Council welcome and fully support the appeal of the Secretary-General, addressed to both parties on 22 September 1980, as well as the offer that he has made of his good offices to resolve the present conflict.

The members of the Council have asked me to appeal, on their behalf, to the Governments of Iran and Iraq, as a first step towards a solution of the conflict, to desist from all armed activity and all acts that may worsen the present dangerous situation and to settle their dispute by peaceful means.

Decision of 28 September 1980 (2248th meeting): resolution 479 (1980)

In a letter¹⁹¹² dated 25 September 1980, the Secretary-General expressed his appreciation to the President of the Council for having issued the appeal to the parties following consultations. He reported that in spite of his efforts and those of the Council, the fighting had continued and intensified on land, on the sea and in the air. He warned again that the current situation was an undoubted threat to international peace and security. He therefore suggested that the Council should consider the matter with the utmost urgency.

By letter¹⁹¹³ dated 26 September 1980, the representatives of Mexico and Norway requested the President of the Council to convene an urgent meeting of the Council to consider the ongoing conflict between Iran and Iraq.

At the 2247th meeting on 26 September 1980, the Security Council included the situation between Iran and Iraq in its agenda and considered the issue at its 2247th and 2248th meetings on 26 and 28 September 1980. During these meetings the Council decided to invite the representatives of Iraq and Japan to participate, without vote, in the discussion of the question.¹⁹¹⁴

At the beginning of the meeting, the President drew the attention of the members of the Council to a number of documents which had been issued regarding the issue before the Council.¹⁹¹⁵ He then called on the Secretary-General, who summarized in detail the developments of the last few days, in particular his own activities, and informed the Council of the plan of the Islamic Conference, which had convened the same day at the Foreign Ministerial level, to send a goodwill mission to Iran and

¹⁹⁰³ *Ibid.*, para. 48.

¹⁹⁰⁴ S/14181, *OR*, 35th yr., *Suppl. for July-Sept. 1980*, pp. 108-109.

¹⁹⁰⁵ S/14217, *OR*, 35th yr., *Suppl. for Oct-Dec 1980*, p. 11.

¹⁹⁰⁶ S/14228, *ibid.*, p. 16.

¹⁹⁰⁷ S/14229, *ibid.*, p. 16.

¹⁹⁰⁸ S/14256, *ibid.*, p. 16.

¹⁹⁰⁹ S/14196, *OR*, 35th yr., *Suppl. for July-Sept. 1980*, p. 118.

¹⁹¹⁰ Several communications depicting the increasing hostility between the two countries were issued by the Organization as Security Council documents: S/14020 (a letter dated 20 June 1980), S/14070 (a letter dated 23 July 1980) and S/14191 (a letter dated 22 September 1980).

¹⁹¹¹ S/14190; see *OR*, 35th yr., *Resolutions and Decisions of the Security Council 1980*, p. 23.

¹⁹¹² S/14197, *OR*, 35th yr., *Suppl. for July-Sept. 1980*, p. 118.

¹⁹¹³ S/14198, *ibid.*, p. 119.

¹⁹¹⁴ For details, see chapter III.

¹⁹¹⁵ 2247th mtg., para. 3. In addition to those indicated above, the President mentioned the letter dated 24 September 1980 from the representative of Iraq (S/14192, *OR*, 35th yr., *Suppl. for July-Sept. 1980*, pp. 114-115), the letter dated 24 September 1980 from the Secretary-General (S/14193, *ibid.*, p. 115) and the letter dated 25 September 1980 from the representative of Tunisia (S/14195, *ibid.*, pp. 117-118).

Iraq. The Secretary-General added that in this tragic conflict the Security Council was expected to find a practical and useful way to end the fighting and to seek a settlement of the differences between the two Governments by peaceful means. In conclusion, he stated once again his willingness to do his utmost to be of assistance in finding a solution.¹⁹¹⁶

At the same meeting, the representative of Mexico pointed out that his delegation together with the delegation of Norway had sought the Council meeting because they believed that it was their duty as members of the international community to promote the peaceful settlement of disputes. He stressed their growing concern about the fratricidal war and expressed his appreciation regarding efforts of the Non-Aligned Movement and the Islamic Conference. In view of its primary responsibility in the maintenance of international peace and security, the Security Council should continue to promote the process of mediation and its deliberations should culminate in decisions of a binding nature. He urged the parties to the conflict to heed the appeal of the United Nations and called upon all States to refrain from any action which might aggravate the present situation. He emphasized in conclusion that the essential principles of the Organization—the independence and territorial integrity of States, non-intervention, the peaceful settlement of disputes and the maintenance of peace—be fully respected.¹⁹¹⁷

The representative of Norway expressed his grave concern about the war between Iraq and Iran and stated that the Council had a duty to act. He proposed that the Council should call for an immediate cessation of all military activities in the area and for the concurrent initiation of negotiations between the parties with a view to settling their dispute by peaceful means.¹⁹¹⁸

At the same meeting, the representative of Iraq brought to the attention of the Council a declaration of his Foreign Minister, who emphasized the principles of non-interference in the internal affairs of States, respect for their national sovereignty and concern for international peace and security; Iraq stood by those principles and would stop the fighting as soon as Iran would also act according to them. The Foreign Minister had declared that Iraq had no ambition concerning Iran's territory and welcomed the numerous proposals for mediation and good offices with a view to settling the current dispute. The representative of Iraq stated in conclusion that if the Council at any time were to move into substantive discussions of the conflict and perhaps would consider draft resolutions, his Government would want to be represented by the Foreign Minister, who stood ready to come to New York to participate in the Council meetings.¹⁹¹⁹

At the 2248th meeting on 28 September 1980, the President drew the attention of the Council members to

a letter dated 26 September 1980 addressed to him by the Secretary-General which contained as an annex the reply by the President of Iraq to the Secretary-General's appeal and letter dated 24 September.¹⁹²⁰

The President further stated that the Secretary-General and he himself had continued to follow the situation with vigilance and were able to report that their activities had begun to bear fruit: the Government of Iraq had accepted the offer of good offices referred to in the President's message; and information had been received that the mission of the Islamic Conference had already visited the capital of Iran, would continue to the Iraqi capital and was planning to establish contact with the Security Council. The President added that the continuation of that information and good offices mission was most welcome and improved the chance of securing those objectives toward which the Council's own efforts were directed. The main objective was the effort to bring a halt to the fighting and to initiate peaceful means between the two parties to settle their dispute. He then announced that after lengthy consultations among the members of the Council, a draft resolution had been placed before the Council by Mexico.¹⁹²¹

With the understanding that the Council was ready to vote on the draft resolution, the President put the draft to the vote; and it was unanimously adopted as resolution 479 (1980).¹⁹²² It reads as follows:

The Security Council,

Having begun consideration of the item entitled "The situation between Iran and Iraq",

Mindful that all Member States have undertaken, under the Charter of the United Nations, the obligation to settle their international disputes by peaceful means and in such a manner that international peace and security and justice are not endangered,

Mindful as well that all Member States are obliged to refrain in their international relations from the threat of or use of force against the territorial integrity or political independence of any State,

Recalling that under Article 24 of the Charter the Security Council has primary responsibility for the maintenance of international peace and security,

Deeply concerned about the developing situation between Iran and Iraq:

1. *Calls upon* Iran and Iraq to refrain immediately from any further use of force and to settle their dispute by peaceful means and in conformity with principles of justice and international law;

2. *Urges* them to accept any appropriate offer of mediation or conciliation or to resort to regional agencies or arrangements or other peaceful means of their own choice that would facilitate the fulfilment of their obligations under the Charter of the United Nations;

3. *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;

4. *Supports* the efforts of the Secretary-General and the offer of his good offices for the resolution of this situation;

5. *Requests* the Secretary-General to report to the Security Council within forty-eight hours.

¹⁹²⁰ 2248th mtg., para. 3. The letter was issued as document S/14199, OR, 35th yr., Suppl. for July-Sept. 1980, p. 119. The Secretary-General had appealed to both parties to exercise maximum restraint in the ongoing conflict.

¹⁹²¹ *Ibid.*, paras. 4-10. The draft resolution was adopted without change as resolution 479 (1980).

¹⁹²² *Ibid.*, para. 11.

¹⁹¹⁶ 2247th mtg., paras. 5-13.

¹⁹¹⁷ *Ibid.*, paras. 15-26.

¹⁹¹⁸ *Ibid.*, paras. 27-33.

¹⁹¹⁹ *Ibid.*, paras. 35-39.

Following the adoption of the resolution, the representative of Iraq asked for the floor, but the President first invited members to express their views.¹⁹²³

The Secretary-General indicated that his ability to report back to the Council within 48 hours, as requested in paragraph 5 of the resolution, depended on the response of the parties concerned, and he addressed a special appeal to them in this respect.¹⁹²⁴

The representative of Mexico expressed his satisfaction at the speedy and constructive response of the Council giving support to the mediation efforts without interfering with them at all. The constant concern had been to ensure that the authority of the Council was safeguarded and exercised in a decisive manner. He added that the Council had heeded the appeal of the President of Pakistan, who was also President of the Islamic Conference, to postpone by one day the vote on the draft resolution while he was conducting personal negotiations with the parties.¹⁹²⁵

The representative of the United States invoked Article 24 of the Charter and underlined the responsibility of the Council for peace and security; he recalled his Government's proposals for strengthening the Council's effectiveness. He supported the mediation efforts undertaken by the President of Pakistan and offered his Government's assistance. He said that his delegation had voted for the draft resolution in order to help bring about an end to the tragic hostilities. His Government was guided by several principles in this dispute: (1) the United States maintained neutrality in the dispute; (2) it expected that other countries would follow the same course of non-interference; (3) the freedom of navigation to and from the Persian Gulf must not be infringed upon; and (4) the dispute must be settled through negotiations, and hostilities must end.¹⁹²⁶

The representative of the USSR emphasized that in disputes such as the one before the Council, force should be avoided and the conflict should be resolved exclusively by peaceful means, by means of talks on mutually acceptable terms in the light of the interests of States and peoples involved, according to the provisions of the Charter. The USSR had supported the draft resolution, but it wished to reiterate its view that it would have been better if the Council had heard the parties before the resolution was adopted.¹⁹²⁷

The representative of Iraq expressed his disappointment that the President had failed to allow him to address the Council before the adoption of the resolution, although 12 delegations whom he had contacted had no objection to that request. He then referred to the verbatim record of the last meeting, at which he had explicitly requested that his Foreign Minister be enabled to come to New York as soon as the Council was ready to enter into substantive discussions regarding efforts to resolve the crisis, and registered his regret that his

request had not been accepted, although the Council had already adopted a resolution on the substance of the dispute. He further noted that the Government of Iran had already rejected the call for a cease-fire issued in the new resolution, whereas his own Government stood ready to cease fighting if the other side did the same and was willing to seek the resolution of the dispute through peaceful means, as announced by the President of Iraq.¹⁹²⁸

The President replied that the procedure followed was in accord with the understanding reached in consultations: the Council had addressed itself to major principles of the Charter and was planning to consider the substance of the dispute in the next meetings, in the presence of the Iraqi Foreign Minister.¹⁹²⁹

At the end of the meeting, the President announced that the Council would await the report of the Secretary-General before it continued its thorough consideration of the question. The next meeting would be scheduled after consultations among members of the Council.¹⁹³⁰

Decision of 5 November 1980: statement by the President

The Security Council resumed the consideration of the situation between Iran and Iraq during its 2250th to 2254th meetings between 15 and 29 October 1980. At the 2250th meeting, the President renewed the invitations to the representatives of Iraq and Japan and invited the representatives of Cuba and Iran to participate, without vote, in the discussion of the question.¹⁹³¹

At the beginning of the 2250th meeting, the President drew the attention of the Council members to several relevant documents: the report¹⁹³² issued by the Secretary-General on 30 September in which he informed the Council that Iraq was prepared to accept the provisions of resolution 479 (1980), if Iran did likewise, and that Iran had promised to reply by 1 October, and in which he provided further information regarding the goodwill mission of the Islamic Conference and new developments in the dispute; the letter¹⁹³³ dated 29 September 1980 from the Representative of Iraq conveying to the Secretary-General his Government's response to resolution 479 (1980); the letter¹⁹³⁴ dated 1 October 1980 from the representative of Iran, who notified the Secretary-General that the President of Iran would not accept resolution 479 (1980) unless Iraq stopped its war of aggression; further letters¹⁹³⁵ from both parties and a letter¹⁹³⁶ from the Secretary-General regarding his effort

¹⁹²⁸ *Ibid.*, paras. 120-129.

¹⁹²⁹ *Ibid.*, paras. 130-133.

¹⁹³⁰ *Ibid.*, para. 148.

¹⁹³¹ *Sec. 2250th mtg.*, para. 5. For further details, see chapter III.

¹⁹³² S/14205, *OR, 35th yr. Suppl. for July-Sept. 1980*, pp. 120-121.

¹⁹³³ S/14203, *ibid.*, p. 121.

¹⁹³⁴ S/14206, *ibid.*, *Suppl. for Oct.-Dec. 1980*, p. 3.

¹⁹³⁵ S/14210, *ibid.*, pp. 8-9 (letter dated 6 October 1980 from the representative of Iraq), S/14214 and S/14216, *ibid.*, pp. 10, 11 (letters dated 12 and 13 October 1980 from the representative of Iran).

¹⁹³⁶ S/14213, *ibid.*, p. 9 (letter dated 10 October 1980 from the Secretary-General).

¹⁹²³ For the exchange regarding the procedural request by Iraq, *ibid.*, paras. 13-17.

¹⁹²⁴ *Ibid.*, paras. 19 and 20.

¹⁹²⁵ *Ibid.*, paras. 21-30.

¹⁹²⁶ *Ibid.*, paras. 31-46.

¹⁹²⁷ *Ibid.*, paras. 75-82.

to obtain safe passage for commercial vessels trapped in the area of conflict.¹⁹¹⁷

At the same meeting, the representative of Iraq accused Iran of having pursued for centuries a policy of territorial expansionism, a policy that had led since 1520 to the breach or cancellation of numerous border treaties. The most recent crisis involving the Islamic Republic of Iran was not anticipated since the Government of Iraq had welcomed the revolution in Iran and the new Government under Ayatollah Khomeini. Yet, the new régime turned hostile and decided to export its Islamic revolution to Iraq and the Arab Gulf region.

The representative of Iraq reviewed the troubled history of the Iran-Iraq border dispute, referred to a letter dated 11 July 1969¹⁹¹⁸ in which his Government had given a detailed account about the whole situation following the unilateral attempt of the Iranian Government to abrogate the boundary treaty of 1937, and reported that the last effort, the Algiers Agreement of 6 March 1975, had similarly been violated. The Government of Iraq, faced with the situation that Iran had secured its own advantage, decided to press for the completion of the process of returning the areas belonging to Iraq, but was met by a more and more explicit wave of hostility and denial by the new Iranian régime. The growing tension culminated in no fewer than 57 violations of Iraqi air space by Iranian military aircraft between February 1979 and May 1980, accompanied by declarations in Iranian official circles that Iran no longer considered itself bound by the Algiers Agreement. The Government of Iraq decided to reassert its right under international law by taking possession of its lands and at the same time to terminate from its side the Algiers Agreement. The response by Iran was the escalation of the conflict to total war.

The Iraqi representative concluded by affirming that his Government had no territorial ambitions in Iran, that it would fulfil resolution 479 (1980) if Iran did the same, and that it sought to resolve the dispute through peaceful means, in accordance with the appeals of the Security Council.¹⁹¹⁹

Following the Iraqi statement, the representative of Iran requested that the Council arrange for the next meeting on Friday, as the Prime Minister of Iran was planning to come in person to explain Iran's position in the Security Council.¹⁹²⁰

The representative of Cuba, speaking in his capacity as representative of Acting President of the Non-Aligned Movement, indicated that his Government was deeply disturbed by the deepening conflict involving Iran and Iraq and had sent the Foreign Minister to Baghdad and Teheran to offer Cuba's co-operation in settling the dispute, which constituted a serious threat to peace and stability in the area.¹⁹²¹

At the 2251st meeting,¹⁹²² the Prime Minister of Iran rejected all charges put forward by the representative of Iraq and accused the Iraqi Government of having launched an unprovoked war of aggression against the Islamic Republic of Iran in order to mutilate the revolutionary movement. He maintained that the Iraqi Government had cancelled the Algiers Agreement of 1975 and had tried to blame the Government of Iran for this in order to fabricate a pretense for its aggression, and he listed in some detail the incidents of interference and aggression committed by Iraq prior to the abrogation of the agreement.

The Prime Minister posed several questions regarding the origins, goals and external support of the Iraqi aggression and announced that his people did not expect any help from the Security Council, which was prevented from acting decisively because major Powers would block the implementation of these decisions, and concluded that an end to the war could be found only if the aggressor was vanquished and punished.¹⁹²³

At the same meeting, the representative of the United States reminded the Council of the fate of the 52 Americans held for almost a year in Iran against their will and responded to the questions of the Prime Minister of Iran that the United States expected its hostages to be freed on the same principles of law, justice and human dignity on which Iran based its appeal to the Council.¹⁹²⁴

At the 2252nd meeting on 23 October 1980, the representative of the United States stated that the work of the Council in matters of peace and war was premised on the adherence of member States to cardinal principles of international law, in particular the principles that war should no longer be a tool of national policy, that territory must not be seized by force, that disputes should be settled by peaceful means and that States should not interfere in the internal affairs of others. He added that his Government had no specific proposal to offer except that negotiations between the two parties should begin promptly.¹⁹²⁵

The representative of Norway proposed that a suitable Council resolution would provide for internationally supervised withdrawal of all foreign forces from territories acquired through the use of armed force and call again for respect for the principles of territorial integrity, sovereignty and national independence and of non-interference in the internal affairs of another country.¹⁹²⁶

¹⁹¹⁷ At the beginning of the 2251st meeting, the President drew the attention of the Council to a letter dated 16 October 1980 (S. 14221, *OR*, 35th yr., *Suppl. for Oct-Dec 1980*, p. 131), in which the Secretary-General transmitted to the Council his appeal to the parties regarding the security of ships immobilized in the conflict area and his suggestions for resolving the problem and the negative reply from the Government of Iraq.

¹⁹¹⁸ 2251st mtg., paras. 5-38. The representative of Iraq spoke after the Prime Minister of Iran and reiterated his charges in a long statement; *ibid.*, paras. 40-68.

¹⁹¹⁹ *Ibid.*, paras. 69-74.

¹⁹²⁰ 2252nd mtg., paras. 29-41.

¹⁹²¹ *Ibid.*, paras. 42-48.

¹⁹¹⁷ For the President's remarks, see 2250th mtg., para. 5.

¹⁹¹⁸ S/9323, *OR*, 24th yr., *Suppl. for July-Sept 1969*, pp. 108-123.

¹⁹¹⁹ 2250th mtg., paras. 7-45.

¹⁹²⁰ *Ibid.*, para. 47.

¹⁹²¹ *Ibid.*, para. 49-57.

The representative of the German Democratic Republic quoted the provisions of Article 33 of the Charter and expressed his conviction that the application of that Article would make it possible to resolve the conflict in a manner acceptable to both sides.¹⁹⁴⁷

The representative of Cuba announced that the Co-ordinating Bureau of the non-aligned countries had created an *ad hoc* committee composed of Ministers for Foreign Affairs of non-aligned countries, whose objective would be to bridge the gap between Iran and Iraq, and that the committee had already begun its work.¹⁹⁴⁸

At the 2254th meeting on 29 October 1980, the President, speaking in his capacity as representative of the USSR, expressed his Government's deepening concern about the escalating war between Iran and Iraq. He stressed that his Government had consistently favoured an early political settlement of the conflict, primarily through efforts by both sides to arrive at mutually acceptable solutions. He emphasized that at the present time war and the use of force could not and must not be a means of resolving disputes between States and that the principle of non-intervention guided his country's policies toward the two parties. The work of the Security Council in the maintenance of international peace and security should be based on the three principles embedded in Article 2 of the Charter, namely peaceful settlement of disputes, non-use of force and non-intervention.¹⁹⁴⁹

At the conclusion of the meeting, the President announced that the date of the next meeting of the

Council to continue the consideration of the item would be set in consultation with the Council members.¹⁹⁵⁰

On 5 November 1980, the President of the Council issued the following statement:¹⁹⁵¹

During recent days, members of the Security Council have continued intensive consultations about the situation between Iran and Iraq. Their aim continues to be to bring an early end to the hostilities and to bring about a peaceful settlement of the dispute in accordance with the purposes and principles of the United Nations.

Members of the Council are deeply concerned that hostilities continue, with resulting loss of life and material damage. They continue to urge that all concerned be guided by Member States' obligations under the Charter to settle their international disputes by peaceful means and in such a manner that international peace and security and justice are not endangered and to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State.

The Secretary-General has participated fully in the Council's consultations. Members of the Council have reiterated their full support for the use of his good offices to bring about peaceful negotiations between Iran and Iraq with a view to arriving at a just solution to their differences. Members of the Council welcome the fact that, in the exercise of his good offices, the Secretary-General is considering sending a representative to the region in order to facilitate authoritative communication with and between the Governments concerned so that negotiations for peace can proceed on an urgent basis.

Members of the Council express their hope that Iran and Iraq continue their co-operation with the Council and appeal to both parties to support the efforts of the Secretary-General.

The Security Council requests the Secretary-General to keep it fully informed about his efforts.

¹⁹⁴⁷ *Ibid.*, paras. 49-67. Several other delegations expressed support for the same principles as basis for negotiations.

¹⁹⁴⁸ *Ibid.*, paras. 69-72.

¹⁹⁴⁹ 2254th mtg., paras. 84-94.

¹⁹⁵⁰ *Ibid.*, para. 94.

¹⁹⁵¹ For the text of the statement (S/14244), see *OR, 35th yr., Resolutions and Decisions of the Security Council 1980*, pp. 23-24.

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 and other questions of membership have been dealt with in chapter VII, and the decisions on the questions considered under the Council's responsibility for the maintenance of international peace and security in chapter VIII. During the period under review no further action was taken by the Council regarding the decisions taken in 1970¹ and 1972,² on the question of hijacking, in the exercise of other functions and powers under the Charter.³

The issue of hijacking did arise on one occasion, however, in connection with the complaint by the Prime Minister of Mauritius, current Chairman of the Organization of African Unity (OAU), of the "act of aggression" by Israel against Uganda, and in the course of its consideration of that item the Council voted upon a draft resolution dealing with the question of hijacking which referred to the Security Council consensus on that subject of 20 June 1972. As past practice has been to present decisions relating to the question of hijacking in this chapter, the case history is offered below.⁴

¹ Resolution 286 (1970). See *Repertoire of the Practice of the Security Council, Supplement 1969-1970*, chap. IX, for the case history.

² Consensus of 20 June 1972. See *Repertoire of the Practice of the Security Council, Supplement 1972-1974*, chap. IX, for the case history.

³ Decisions concerning the relations of the Security Council with other organs of the United Nations, arising from Articles 12, 93, paragraph 2, and 97 of the Charter, are covered in chapter VI.

⁴ The case history presented below focuses on the Council's consideration of this item as it relates to the question of hijacking; for a complete history see chapter VIII.

COMPLAINT BY THE PRIME MINISTER OF MAURITIUS, CURRENT CHAIRMAN OF THE ORGANIZATION OF AFRICAN UNITY, OF THE "ACT OF AGGRESSION" BY ISRAEL AGAINST THE REPUBLIC OF UGANDA

Decision of 14 July 1976 (1943rd meeting): rejection of the two-Power draft resolution.

At its 1939th to 1943rd meetings, from 9 to 14 July 1976, the Council considered the complaint by the Prime Minister of Mauritius, current Chairman of the OAU, of the "act of aggression" by Israel against Uganda, which dealt with the Israeli raid on Entebbe Airport following the hijacking of a French aircraft.

In the course of the meetings on this item, virtually every member of the Council condemned hijacking and affirmed the need for further international action to combat international terrorism; however, a number of delegations objected to a discussion of the question in the current debate on the grounds that it represented a departure from the agreed agenda.⁵ At the 1940th meeting, the representative of the Libyan Arab Republic, speaking on a point of order, stated that he opposed the attempt to distract the Council from its agreed agenda by debating the hijacking,⁶ to which the President of the Council replied that any item had always been interpreted with some latitude and it was the duty of each participant to stick to the item, but not with such a restrictive interpretation.⁷ At the 1941st meeting, the representative of the United Republic of Tanzania voiced objections similar to those of the Libyan Arab Republic, and stated that his delegation would have preferred the case of the violation of Uganda's sovereignty to be treated on its own

merits, and the question of hijacking, with all its implications, also to be treated on its own merits.⁸

Other delegations asserted that the Council could not consider the episode at Entebbe without also considering the events that had led to it, with a view to preventing future occurrences of a similar nature. At the 1940th meeting, the representative of the United Kingdom, recalling previous action by the international community in connection with hijacking, stated that what was needed now was: (a) to make the existing international action as effective as possible and to ensure the maximum compliance with it by all members of the international community; and (b) to consider whether there was any further action that the international community, and specifically the United Nations, could take so as to prevent further acts of hijacking and to punish those responsible.⁹

The representative of the United States, at the 1941st meeting, stated that his delegation believed strongly that the Council should address itself to the causes of incidents such as that which had occurred in Uganda, and once again take positive action to put an end to such senseless violence. The Council should reaffirm its opposition to hijacking, which was expressed in the Council's consensus decision on hijacking adopted on 20 June 1972, and take a firm stand against terrorist hijacking, which was one of the most dangerous threats to peace and security in the world today.¹⁰

⁵ In addition to the statements cited below, see 1941st mtg.: Benin, paras. 4-26; USSR, paras. 144-171 and 1942nd mtg.: Mauritius, paras. 151-160.

⁶ 1940th mtg., paras. 6-12.

⁷ *Ibid.*, paras. 22 and 23.

⁸ 1941st mtg., paras. 97-120.

⁹ 1940th mtg., paras. 90-109.

¹⁰ 1941st mtg., paras. 70-96. For other statements calling for international action against terrorism, see 1941st mtg.: Federal Republic of Germany, paras. 46-61; 1942nd mtg.: Japan, paras. 48-58; and 1943rd mtg.: Italy, paras. 54-67.

At the 1940th meeting, the representative of the United Kingdom, on behalf of the United Kingdom and the United States, introduced a draft resolution¹¹ that, in its second preambular paragraph, recalled the Council's decision on hijacking adopted by consensus on 20 June 1972, and other international instruments against hijacking, and in its operative part would have the Council: condemn hijacking and all other acts that threatened the lives of passengers and crews and the safety of international civil aviation and call upon all States to take every necessary measure to prevent and punish all such terrorist acts; deplore the tragic loss of human life that had resulted from the hijacking of the French aircraft; reaffirm the need to respect the sovereignty and territorial integrity of all States in accordance with the Charter of the United Nations and international law; and enjoin the international community to give the highest priority to the consideration of further means of assuring the safety and reliability of international civil aviation.¹²

At the 1943rd meeting, on 14 July 1976, the draft resolution received 6 votes to none, with 2 abstentions, and was not adopted having failed to receive the required majority. Seven members did not participate in the vote.

Prior to the voting, at the same meeting, the representative of Pakistan stated that, while his Government was opposed to and deplored hijacking and would be ready to contribute to a discussion of the question at the proper time and place, the draft resolution before the Council was not really related to the subject matter under discussion, and therefore his delegation would not be able to participate in the vote.¹³ Other members gave similar reasons for not participating in the voting.¹⁴

After the vote, at the same meeting, the representative of the United Kingdom stated that his delegation's interest in sponsoring the draft resolution had been to promote an equitable and balanced resolution covering all aspects of the events at Entebbe in a way that they hoped would lay the groundwork for future international co-operation to deal with the scourge of terrorism. He added that although it had not been possible to agree on action at the current time, they hoped that the debate would serve as a stimulus to further international discussion, particularly on the subject of hijacking, and that some time in the near future they would be able to agree on action in the United Nations that would prevent future acts of terrorism.¹⁵

¹¹1943rd mtg., paras. 151-155.

¹²See 1943rd mtg.: Guyana, paras. 156-158; Benin, para. 159; and USSR, paras 160 and 161.

¹³*Ibid.*, paras. 164-177.

¹¹S/12138, OR, 31st yr., Suppl. for July-Sept. 1976.

¹²1940th mtg., paras. 102-109.

Chapter X

CONSIDERATION OF THE PROVISIONS OF CHAPTER VI OF THE CHARTER

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INTRODUCTORY NOTE

As in the previous volumes of the *Repertoire*, the criterion for inclusion of material in the present chapter is the occurrence of discussion in the Security Council regarding Articles 33-38 of Chapter VI of the Charter. Thus, Chapter X does not cover all the activities of the Council in the pacific settlement of disputes, for 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. For the decisions of the Council in the pacific settlement of disputes, the reader should turn to the appropriate sub-headings of the analytical table of measures adopted by the Council.¹

The material in this chapter constitutes only part of the relevant material, since the procedures of the Council reviewed in chapters I-VI, in so far as they relate to the consideration of disputes and situations, are also integral to the application by the Council of Chapter VI of the Charter. Chapter X only presents the instances of deliberate consideration by the Council of the relation of its proceedings or of measures proposed to the text of Chapter VI.

The case histories on each question must be examined in the context of the respective proceedings presented in chapter VIII.

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.

¹Chapter VIII, part I.

"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

During the period under review, two communications requesting that the Council be convened to take up a situation contained references to prior efforts at pacific settlement.² 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 situation in Timor,³ the question submitted by Iceland,⁴ the communications from France and Somalia concerning the incident of 4 February 1976,⁵ the complaint by Greece against Turkey,⁶ the complaint by Chad⁷ and the situation between Iran and Iraq.⁸

References to prior efforts at peaceful settlement were made during opening statements in the initial phase of the Council's consideration of the situation concerning Western Sahara,⁹ the situation in Timor,¹⁰ the question submitted by Iceland,¹¹ the communications from France and Somalia concerning the incident of 4 February 1976,¹² the complaint by Greece against Turkey,¹³ the complaint by Chad,¹⁴ the letters dated 13 and 15 June 1979 from the representative of Morocco,¹⁵ the letter dated 25 November 1979 from the Secretary-General,¹⁶ the letter dated 22 December 1979 from the representative of the United States,¹⁷ the letter dated 1 September 1980 from the representative of Malta¹⁸ and the situation

between Iran and Iraq.¹⁹ Throughout the period under review, the Council heard opening statements regarding the ongoing efforts to maintain or resume the intercommunal talks or to seek new approaches to a settlement of the situation in Cyprus.²⁰

The significance of Article 33 in the pacific settlement of disputes and situations rests not only on the discharge by the parties of their obligation under that Article but also on the possibility of recourse to the Article by the Council itself.²¹

The four case histories entered in this part of chapter X cover proceedings in the Council that have some bearing on the exercise by the Council of its responsibility to bring about pacific settlement of a dispute or situation.

Two resolutions adopted by the Council in connection with the same agenda item contained explicit references to Article 33 (case 1). In three other cases the decisions of the Council contained clear implicit references to the Article and were preceded by extensive deliberations involving the constitutional significance and applicability of Article 33 with regard to the situations on the agenda (cases 2-4).

The resolutions and decisions adopted by the Council during the period under review contained several provisions calling upon parties to seek a peaceful settlement to their disputes²² and to resume negotiations to settle their differences.²³ In connection with the situation in the Middle East, the Council appeared to the parties on a number of occasions to implement the provisions regarding peaceful settlement in resolution 338 (1973).²⁴ In several instances, the Council urged the parties to act

²See the letter dated 17 February 1975 from the representative of Cyprus (S/11625, OR, 30th yr., Suppl. for Jan.-March 1975) requesting the President to convene an urgent meeting of the Council with regard to the situation in Cyprus. The letter charged that the procedure of the intercommunal talks had been wrecked by various alleged actions by the Turkish Cypriot side. See also the letter dated 1 September 1980 from the representative of Malta (S/14140, OR, 35th yr., Suppl. for July-Sept. 1980) referring to protracted negotiations with the Libyan Arab Jamahiriya about the delimitation of the continental shelf between the two countries.

³See the letter dated 30 November 1975 from the representative of Portugal to the Secretary-General (S/11890, OR, 30th yr., Suppl. for Oct.-Dec. 1975).

⁴See the note by the President of the Council containing the reply dated 15 December 1975 from the Government of the United Kingdom to the letter dated 11 December 1975 from the representative of Ireland (S/11914, OR, 30th yr., Suppl. for Oct.-Dec. 1975).

⁵See the letters dated 13 and 18 February 1976 from the representative of Somalia regarding third-party mediation efforts (S/11979 and S/11987, OR, 31st yr., Suppl. for Jan.-March 1976).

⁶See the letter dated 10 August 1976 from the representative of Greece pointing out various efforts at peaceful settlement, including an appeal to the International Court of Justice (S/12168, OR, 31st yr., Suppl. for July-Sept. 1976).

⁷See the letter dated 6 February 1978 from the representative of Chad referring to an *Ad Hoc* Committee of OAU for the settlement of the Chad-Libyan frontier dispute (S/12554, OR, 33rd yr., Suppl. for Jan.-March 1978).

⁸See the letter dated 22 September 1980 from the representative of Iraq with a reference to the Treaty of 1975 between Iran and Iraq (S/14191, OR, 35th yr., Suppl. for July-Sept. 1980).

⁹1849th mtg.: Spain, paras. 5-38.

¹⁰1864th mtg.: Portugal, paras. 7-64.

¹¹1866th mtg.: Iceland, paras. 10-22; and United Kingdom, paras. 23-36.

¹²1889th mtg.: France, paras. 6-24; and Somalia, paras. 26-44.

¹³1949th mtg.: Greece, paras. 7-29; and 1950th mtg.: Turkey, paras. 5-26.

¹⁴2060th mtg.: Chad, paras. 8-39.

¹⁵2151st mtg.: Morocco, paras. 12-43.

¹⁶2172nd mtg.: Secretary-General, paras. 5-11, in connection with the detention of United States diplomatic personnel in Teheran.

¹⁷2175th mtg.: United States, paras. 6-25 on the same issue.

¹⁸2246th mtg.: Malta, paras. 10-42.

¹⁹2247th mtg.: Mexico, paras. 16-26; Norway, paras. 29-33; and Secretary-General, paras. 5-13.

²⁰1813th mtg.: Cyprus, paras. 11-55; 1830th mtg.: Secretary-General, paras. 10-12; 1863rd mtg.: Secretary-General, paras. 6 and 7; 1925th mtg.: Cyprus, paras. 11-42; 1979th mtg.: Secretary-General, paras. 13-15; 2012th mtg.: Secretary-General, paras. 7-10; 2026th mtg.: Cyprus, paras. 6-38; 2054th mtg.: Cyprus, paras. 26-56; 2081st mtg.: Cyprus, paras. 10-28; 2099th mtg.: Cyprus, paras. 4-20; 2107th mtg.: Cyprus, paras. 10-23; 2150th mtg.: Secretary-General, paras. 6-10; 2179th mtg.: Secretary-General, paras. 6 and 7; 2230th mtg.: Secretary-General, paras. 6-13; and 2257th mtg.: Secretary-General, paras. 7-10. In most of these cases other speakers, such as Greece, Turkey and the spokesman of the Turkish Cypriots, also referred to the manifold prior efforts at peaceful settlement.

²¹In this connection, see also 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.

²²This general call was issued in Council resolution 457 (1979), para. 2, in connection with the letter dated 25 November 1979 from the Secretary-General regarding the detention of United States diplomatic personnel in Iran, and in resolution 479 (1980), para. 1, in connection with the situation between Iran and Iraq; similar appeals were issued in the Presidential statements on behalf of the Council on 23 September and 5 November 1980 in connection with the same agenda item (OR, 35th yr., Resolutions and Decisions of the Security Council 1980, pp. 23 and 24).

²³The call for the resumption of negotiations was issued by the Council in connection with the situation in Cyprus in resolutions 367 (1975), paras. 5, 7 and 8; 414 (1977), para. 5; 440 (1978), para. 3; 451 (1979), para. 2; 458 (1979), para. 2; 472 (1980), para. 2; and 482 (1980), para. 2. A similar appeal was issued in resolution 395 (1976), para. 3, in connection with the complaint by Greece against Turkey.

²⁴For these provisions in connection with the extension of the United Nations Disengagement Observer Force (UNDOF) and the United Nations Emergency Force (UNEF II), see the Council's resolutions 368 (1975), operative para. (a), 369 (1975), operative para. (a), 390 (1976), operative para. (a), 396 (1976), para. 1 (a), 398 (1976), operative para. (a), 408 (1977), operative para. (a), 416 (1977), para. 1 (a), 420 (1977), operative para. (a), 429 (1978), operative para. (a), 441 (1978), operative para. (a), 449 (1979), operative para. (a), 456 (1979), operative para. (a), 470 (1980), operative para. (a), and 481 (1980), operative para. (a).

with restraint so as not to jeopardize the search for a peaceful solution.²⁵ In one case, the Council urged the two parties to reduce the tension in the area to facilitate the negotiating process.²⁶ In still another case, the Council urged the parties to accept mediation or conciliation or to resort to regional agencies or arrangements or other peaceful means to facilitate the fulfilment of their obligations under the Charter of the United Nations.²⁷ In one instance, the Council urged all parties to co-operate fully with the efforts of the United Nations to achieve a peaceful solution.²⁸ In a number of cases, the Council asked the Secretary-General to offer his good offices or to continue offering them to the parties concerned.²⁹ In connection with the situation concerning Western Sahara, the Council asked the Secretary-General to enter into immediate consultations with the parties concerned.³⁰ In several cases, the Council requested the Secretary-General to designate a special representative to pursue approaches to a peaceful settlement or to visit areas of conflict.³¹

A number of draft resolutions that were either not adopted or not voted upon by the Council also contained implicit references to Article 33. During the consideration of the situation in the Middle East, which the Council had resumed in response to letters dated 3 December 1975 from the representatives of Lebanon and Egypt,³² the representative of the United States proposed as an amendment to the draft resolution two additional paragraphs, under the second of which the Council would have called upon the parties to refrain from any action that might endanger negotiations aimed at achieving a just and lasting peace in the Middle East.³³ The amendment was put to the vote and was not adopted, having failed to obtain the affirmative vote of nine members; the draft resolution failed to be adopted owing to the negative vote of a permanent member.³⁴

²⁵ This appeal was issued in connection with the situation in Cyprus in resolutions 370 (1975), para. 3; 383 (1975), para. 3; 391 (1976), para. 3; 401 (1976), para. 3; 410 (1977), para. 3; and 422 (1977), para. 3; in connection with the situation concerning Western Sahara in resolutions 377 (1975), para. 2; and 379 (1975), para. 1; in connection with the complaint by Greece against Turkey in resolution 395 (1976), para. 1; and in connection with the letter dated 25 November 1979 from the Secretary-General in resolution 457 (1979), para. 3.

²⁶ See resolution 395 (1976), para. 2, in connection with the complaint by Greece against Turkey.

²⁷ See resolution 479 (1980), para. 2, in connection with the situation between Iran and Iraq.

²⁸ Resolution 384 (1975), para. 4, in connection with the situation in Timor.

²⁹ In connection with the situation in Cyprus, see resolutions 367 (1975), paras. 6 and 7; 370 (1975), para. 6; 383 (1975), para. 6; 391 (1976), para. 6; 401 (1976), para. 6; 410 (1977), para. 6; 422 (1977), para. 6; 430 (1978), para. 2; 443 (1978), para. 2; 451 (1979), para. 3; 458 (1979), para. 3; 472 (1980), para. 3; 482 (1980), para. 3; in connection with the letters dated 25 November 1979 from the Secretary-General and 22 December 1979 from the representative of the United States, see the Presidential statement of 9 November 1979 and the resolutions 457 (1979), para. 4 and 461 (1979), para. 4; and in connection with the situation between Iran and Iraq, see the Presidential statement of 23 September 1980 and resolution 479 (1980), para. 4.

³⁰ Resolutions 377 (1975), para. 1; 379 (1975), para. 2; and 380 (1975), para. 3.

³¹ In connection with the situation in Timor, see resolutions 384 (1975), para. 5; and 389 (1976), para. 3; in connection with the situation in Southern Rhodesia, see resolution 415 (1977), para. 2; and in connection with the situation in Namibia, see resolution 431 (1978), para. 1. For more detailed information regarding special representatives of the Secretary-General see chapter V in the present Supplement.

³² See letters from Lebanon (S/11892) and Egypt (S/11893), *OR*, 30th yr., *Suppl. for Oct.-Dec. 1975*, for the request for an urgent Council meeting to consider massive Israeli air attacks against refugee camps and villages in Lebanon.

³³ See 1862nd mtg.: United States, paras. 44-53 for the submission of the amendment and the text of the two paragraphs to be added to the draft resolution. For the text of the draft resolution see S/11898, *OR*, 30th yr., *Suppl. for Oct.-Dec. 1975*.

³⁴ See 1862nd mtg., paras. 115-118, for the votes regarding the amendment and the draft resolution unamended.

In the course of its consideration of the situation in the Comoros during February 1976, the Council had before it a draft resolution³⁵ sponsored by Benin, Guyana, the Libyan Arab Republic, Panama and the United Republic of Tanzania, providing, *inter alia*, that the Council request the Government of France to enter into immediate negotiations with the Government of the Comoros.

At the 1888th meeting, on 6 February 1976, the draft resolution was put to the vote and not adopted owing to the negative vote of a permanent member.³⁶

During the consideration of the situation in South-East Asia and its implications for international peace and security, the representative of China sponsored a draft resolution,³⁷ which provided in its paragraph 4 that the Council would urge Viet Nam and Democratic Kampuchea to enter into negotiations at an early date to settle their differences. The draft resolution was not put to the vote. In connection with the same item, Indonesia, Malaysia, the Philippines, Singapore and Thailand sponsored another draft resolution,³⁸ by paragraph 5 of which the Council would have called upon all the parties to the conflict to settle their disputes by peaceful means in accordance with the Charter of the United Nations, and by paragraph 6 of which it would have welcomed the offer of the good offices of the Secretary-General in the search for a peaceful solution. The draft was not adopted owing to the negative vote of a permanent member.³⁹

When the Council considered the question of the exercise by the Palestinian people of its inalienable rights in 1979 and 1980, the representative of Senegal, who also held the position of Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, introduced a draft resolution,⁴⁰ which, in its preambular part, had the Council reaffirm the urgent necessity of the establishment of a just and lasting peace through a comprehensive settlement based on full respect for the purposes and principles of the Charter. The draft that was submitted to the Council at its 2162nd meeting on 24 August 1979 was not put to the vote. The identical preambular paragraph was included in a draft resolution⁴¹ submitted by Tunisia, when the Council resumed consideration of the item at the 2219th and 2220th meetings, on 29 and 30 April 1980. The draft resolution was put to the vote at the 2220th meeting and failed to be adopted owing to the negative vote of a permanent member.⁴²

At the 2191st meeting, on 11 and 13 January 1980, when the Council resumed its consideration of the letter dated 22 December 1979 from the representative of the United States regarding the detention of its diplomatic personnel in Teheran, the United States submitted a draft resolution⁴³ under which, in its tenth preambular paragraph, the Council would have reiterated that once the hostages had been released, the Governments of Iran and the United States should take steps to resolve peacefully the remaining issues between them. The draft resolution

³⁵ S/11967, *OR*, 31st yr., *Suppl. for Jan.-March 1976*.

³⁶ For the vote see 1888th mtg., para. 247.

³⁷ S/13119, *OR*, 34th yr., *Suppl. for Jan.-March 1979*. The President called attention to the Chinese draft at the 2115th meeting, on 24 February 1979.

³⁸ S/13162, *OR*, 34th yr., *Suppl. for Jan.-March 1979*. The draft resolution was introduced by Thailand at the 2129th meeting, on 16 March 1979.

³⁹ For the vote (13 in favour, 2 against), see 2129th mtg., para. 72.

⁴⁰ For the full text, see S/13514, *OR*, 34th yr., *Suppl. for July-Sept. 1979*.

⁴¹ S/13911, *OR*, 35th yr., *Suppl. for April-June 1980*.

⁴² For the vote, see 2220th mtg., para. 151.

⁴³ S/13735, *OR*, 35th yr., *Suppl. for Jan.-March 1980*.

was put to the vote at the resumed 2191st meeting, on 13 January 1980, and was not adopted owing to the negative vote of a permanent member.⁴⁴

Following consideration at the 2246th meeting, on 4 September 1980, of the letter dated 1 September 1980 from the representative of Malta,⁴⁵ the Secretary-General, by a letter dated 17 October,⁴⁶ informed the President of the Council that, following consultations with the parties and with their agreement, a special representative was to be sent to the countries concerned to discuss the question at issue with the two Governments. In a letter dated 22 October,⁴⁷ the President informed the Secretary-General that the Council had considered his letter of 17 October in consultations and agreed with his proposal. In accordance with this agreement, arrived at through informal consultations, the Secretary-General dispatched his Special Representative, whose report on his mission to Malta and the Libyan Arab Jamahiriya was issued on 13 November 1980.⁴⁸

Other than in the debates presented under the following cases 1-4, there were only a few instances of explicit references to Article 33 in the proceedings of the Council: the Article was invoked during the consideration of the situation in Namibia,⁴⁹ the situation in Timor,⁵⁰ and the complaint by the Prime Minister of Mauritius, current Chairman of OAU, of the "act of aggression" by Israel against Uganda.⁵¹

There have also been what might be considered implicit references to Article 33 in various debates in the Council. Throughout the period under review the need for negotiations and the application of the Charter provisions for pacific settlement were emphasized in connection with the situation in Cyprus. With regard to the complaint by Chad⁵² and the telegram dated 3 January 1979 from the Deputy Prime Minister in charge of Foreign Affairs of Democratic Kampuchea⁵³ a number of references to the provisions of Article 33 were made during the Council's proceedings. In the consideration of some other agenda items,⁵⁴ incidental references that might be seen as touching upon the Article were made in a few instances.

CASE I.

Situation concerning Western Sahara

(In connection with a draft resolution (S/11858) prepared in the course of consultations and adopted by

⁴⁴For the vote, see 2191st mtg. and Add.1, para. 149.

⁴⁵S/14140, OR, 35th yr., Suppl. for July-Sept. 1980.

⁴⁶S/14228, *ibid.*, Suppl. for Oct.-Dec. 1980.

⁴⁷S/14229, *ibid.*

⁴⁸S/14256, *ibid.*

⁴⁹1824th mtg., paras. 103 and 104, in which the representative of France invoked the language of Article 33 and suggested the appointment of a contact committee to promote a peaceful solution in Namibia.

⁵⁰1864th mtg., para. 51: the representative of Portugal invoked Article 33 and asked why Indonesia did not resort to one of the peaceful measures provided for in the Article.

⁵¹1942nd mtg., para. 30: the representative of Panama stated that the International Court of Justice, while admitting that a State had the right to protect its nationals, limited that right to the exercise of diplomatic or international judicial action and to the means for the peaceful settlement of disputes laid down in Article 33.

⁵²See the opening statement by the representative of Chad at the 2060th mtg., paras. 7-39, on 17 February 1978, suggesting the establishment of a mediation committee and seeking the Council's assistance in settling the conflict through peaceful means.

⁵³See 2109th mtg.: Kuwait, para. 11, and Bangladesh, para. 50; 2110th mtg.: Malaysia, para. 38; 2111th mtg.: Yugoslavia, para. 125, and Indonesia, para. 70.

⁵⁴Consideration of the situation in the Middle East (1964th mtg.), the situation in the occupied Arab territories (1919th mtg.), the question submitted by Iceland (1866th mtg.), the letter dated 3 January 1980 from 52 Member States regarding Afghanistan (2185th mtg.) and the letter dated 1 September 1980 from the representative of Malta (2246th mtg.) gave rise to such incidental references to the Article.

consensus as resolution 377 (1975) and a draft resolution (S/11870) also prepared in the course of consultations and adopted by consensus as resolution 380 (1975))

During the Council's deliberations concerning Western Sahara, the meaning of the explicit reference to Article 33 of the Charter in resolutions 377 (1975) and 380 (1975) was discussed. Some representatives insisted that the letter and spirit of Article 33 required that the interested parties should try to settle their conflicting views about Western Sahara through negotiations as espoused in the Charter. Another representative held that the particular issue before the Council needed to be dealt with by the Council and that the interested parties had to carry out any decisions taken by the Council in fulfilling their obligations under the Charter provisions for the peaceful settlement of disputes. A third position was taken by another representative who demanded that the Council take forceful action to block, or put an end to, the aggressive action that threatened peace and security in the region; in doing so the Security Council would fulfil its obligation under Articles 33 and 34.⁵⁵

At its 1850th meeting, on 22 October 1975, the Council adopted by consensus resolution 377 (1975), which had been agreed upon in the course of informal consultations.⁵⁶ Paragraph 1 reads as follows:

The Security Council,

1. *Acting in accordance with Article 34 of the Charter of the United Nations and without prejudice to any action which the General Assembly might take under the terms of its resolution 3292 (XXIX) of 13 December 1974 or to negotiations that the parties concerned and interested might undertake under Article 33 of the Charter, requests the Secretary-General to enter into immediate consultations with the parties concerned and interested and to report to the Security Council as soon as possible on the results of his consultations in order to enable the Council to adopt the appropriate measures to deal with the present situation concerning Western Sahara;*

At the 1854th meeting, on 6 November 1974, after informal consultations, the Council adopted by consensus resolution 380 (1975).⁵⁷ Paragraph 3 reads as follows:

The Security Council,

3. *Calls upon Morocco and all other parties concerned and interested, without prejudice to any action which the General Assembly might take under the terms of its resolution 3292 (XXIX) of 13 December 1974 or any negotiations which the parties concerned and interested might undertake under Article 33 of the Charter of the United Nations, to co-operate fully with the Secretary-General in the fulfilment of the mandate entrusted to him in Security Council resolutions 377 (1975) and 379 (1975).*

Throughout the debate concerning Western Sahara, there were numerous references to Article 33, together with Article 34 and Chapter VI.⁵⁸

⁵⁵For relevant statements and explicit references to Article 33 see 1849th mtg.: Morocco, paras. 56 and 57; 1850th mtg.: Algeria, paras. 18 and 122; Morocco, para. 94; Spain, paras. 110 and 112; 1852nd mtg.: Mauritania, para. 101; and 1854th mtg.: Spain, para. 65.

⁵⁶Draft resolution S/11858 was adopted without change as resolution 377 (1975). For the President's declaration and the adoption of the resolution by consensus, see 1850th mtg., para. 19.

⁵⁷Draft resolution S/11870 was adopted without change as resolution 380 (1975). For the President's statement and the adoption of the resolution by consensus, see 1854th mtg., para. 6.

⁵⁸Implicit references to Article 33 and other related provisions occurred frequently throughout the deliberations at the 1849th, 1850th, 1852nd and 1854th mtgs.

CASE 2

Complaint by Greece against Turkey

(In connection with a four-Power draft resolution (S/12187) adopted by consensus as a resolution 395 (1976))

During the Council's deliberations about the Greek complaint that Turkey had repeatedly violated the sovereign rights of Greece on its continental shelf in the Aegean Sea, the majority of the representatives participating in the discussion held that it was up to the parties to seek a solution of their conflict through negotiations. A few expressed a slightly different viewpoint in that they emphasized the Council's primary responsibility for the maintenance of peace and security and for the pacific settlement of disputes; therefore, the Council should take an active role in the tense situation prevailing between the two parties, which had failed so far to resolve their differences, and actively promote the use of the instruments available under Article 33 and Chapter VI as a whole, including resort to the International Court of Justice. If, as the one party claimed, the situation constituted an acute threat to international peace and security, the Council could not remain passive.⁵⁹

The draft resolution that was submitted by the representatives of France, Italy, the United Kingdom and the United States was adopted by the Council at its 1953rd meeting, on 25 August 1976, by consensus as resolution 395 (1976).⁶⁰ Relevant provisions that have a bearing on the interpretation of Article 33 read as follows:

The Security Council,

Bearing in mind the principles of the Charter of the United Nations concerning the peaceful settlement of disputes, as well as the various provisions of Chapter VI of the Charter concerning procedures and methods for the peaceful settlement of disputes,

Noting the importance of the resumption and continuance of direct negotiations between Greece and Turkey to resolve their differences,

Conscious of the need for the parties to respect each other's international rights and obligations and to avoid any incident which might lead to the aggravation of the situation and which, consequently, might compromise their efforts towards a peaceful solution,

1. *Appeals* to the Governments of Greece and Turkey to exercise the utmost restraint in the present situation;
2. *Urges* the Governments of Greece and Turkey to do everything in their power to reduce the present tensions in the area so that the negotiating process may be facilitated;
3. *Calls upon* the Governments of Greece and Turkey to resume direct negotiations over their differences and appeals to them to do everything in their power to ensure that these negotiations will result in mutually acceptable solutions;

...

⁵⁹For the relevant statements, including explicit and implicit references to Article 33, see 1949th mtg.: Greece, paras. 7-29; 1950th mtg.: Turkey, paras. 5-26, 40-44; and 1953rd mtg.: France, paras. 34-42; Italy, paras. 13-22; Pakistan, paras. 70-82; Panama, paras. 44-49; Romania, paras. 50-57; United Kingdom, paras. 3-12; and United States, paras. 23-32. There were incidental references to the procedure of peaceful settlement and the role of the Council throughout the debate during the three meetings.

⁶⁰For the detailed procedural history of this case see chapter VIII, part II of the present *Supplement*, under the same title.

⁶¹For the discussion of paragraph 4 of the resolution, see below under Article 36 in this chapter. See also the treatment of chapter VI of the Charter in the present chapter.

CASE 3

Letter dated 25 November 1979 from the Secretary-General and letter dated 22 December 1979 from the representative of the United States

(In connection with the statement of the President dated 27 November 1979 (S/13652); a draft resolution (S/13677) prepared in the course of consultations among members of the Council and adopted as resolution 457 (1979); a draft resolution (S/13711/Rev.1) sponsored by the United States, voted upon and adopted as resolution 461 (1979); and another draft resolution (S/13735) sponsored by the United States, voted upon at the 2191st meeting, on 13 January 1980, and not adopted, owing to the negative vote of a permanent member of the Council)

During the Council's deliberations on the prolonged detention of United States diplomatic personnel in Teheran, the capital of Iran, the Council members and other representatives were initially in agreement that the critical situation could be settled only through the use of the procedures for peaceful settlement as indicated in Chapter VI of the Charter, especially in Article 33. As the crisis deepened, without any indication that the Iranian Government was willing to terminate the detention of the United States diplomatic personnel, the representative of the United States, supported by various other participants in the Council's deliberations, began calling for stronger measures, including the application of sanctions under Chapter VII of the Charter,⁶² despite continuing efforts by the Secretary-General to make available his good offices and despite the appeal by the United States to the International Court of Justice. Ultimately, the Council was divided between those who adhered to the instruments of peaceful settlement of the conflict between Iran and the United States and those who saw no alternative to the imposition of mandatory sanctions against Iran.⁶³

At the 2172nd meeting, on 27 November 1979, the President, on behalf of the Council, made a statement⁶⁴ in which he read out the text of the letter dated 25 November 1979 from the Secretary-General and renewed an appeal issued by the Council on 9 November. The Secretary-General had asked that the Council be convened urgently to seek a peaceful solution to the problem, and the Council expressed determination not to relent in its urgent efforts to seek such a solution in conformity with the principles of justice and international law.

⁶²For the discussion of the measures under Chapter VII in connection with the detention of United States diplomatic personnel in Teheran, see chapter XI, in particular the consideration of the provisions of Article 41, in the present *Supplement*.

⁶³For relevant statements see 2172nd mtg.: President, para. 16; and Secretary-General, paras. 5-10; 2175th mtg.: Bangladesh, paras. 82 and 83; Bolivia, paras. 74 and 75; Gabon, para. 57; Nigeria, para. 107; Norway, para. 29; United States, paras. 23 and 24; Zaire, paras. 145 and 146; and Zambia, para. 96; 2176th mtg.: Canada, paras. 58 and 59; Italy, para. 91; Kuwait, paras. 6-8; Malawi, para. 86 (Article 33 explicit); and Yugoslavia, paras. 115 and 116; 2177th mtg.: Austria, para. 19; and Swaziland, para. 8; 2178th mtg.: Secretary-General, para. 17; 2182nd mtg.: France, para. 60; Federal Republic of Germany, para. 70; Norway, paras. 43 and 44; and United States, para. 20; 2183rd mtg.: Bolivia, paras. 36 and 39; Jamaica, para. 34; and Zambia, paras. 24 and 25; 2184th mtg.: Bangladesh, para. 15; Gabon, paras. 5 and 9; USSR, para. 35; and Zambia, para. 52; and 2191st mtg. and Add. I: German Democratic Republic, paras. 75-81; USSR, paras. 46-55; and Zambia, paras. 116 and 117. All these statements contained references to the principle and procedures of peaceful settlement of disputes under the Charter, but with the single exception indicated, did not invoke Article 33 explicitly.

⁶⁴S/13652. For the text see 2172nd mtg., paras. 13-17. See also S/13646, *OR*, 34th yr., *Suppl. for Oct.-Dec. 1979*.

At the 2178th meeting, on 4 December 1979, the Council unanimously adopted a draft resolution,⁶⁵ which had been prepared in the course of consultations among its members, as resolution 457 (1979). It reads, *inter alia*, as follows:

The Security Council,

...
Mindful of the obligation of States to settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered,

...
 2. *Further calls upon* the Governments of Iran and the United States of America to take steps to resolve peacefully the remaining issues between them to their mutual satisfaction in accordance with the purposes and principles of the United Nations;

...
 4. *Requests* the Secretary-General to lend his good offices for the immediate implementation of the present resolution and to take all appropriate measures to this end;

...
 At the 2184th meeting, on 31 December 1979, the Council adopted a draft resolution, sponsored by the United States,⁶⁶ by 11 votes to none, with 4 abstentions, as resolution 461 (1979). It reads, *inter alia*, as follows:

The Security Council,

...
Mindful of the obligation of States to settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered,

...
 4. *Reiterates its request* to the Secretary-General to lend his good offices and to intensify his efforts with a view to assisting the Security Council in achieving the objectives called for in the present resolution, and in this connection takes note of his readiness to go personally to Iran;

...
 5. *Requests* the Secretary-General to report to the Security Council on his good offices efforts before the Council meets again;

...
 At the 2191st meeting, on 11 January 1980, the representative of the United States submitted a draft resolution,⁶⁷ which contained, *inter alia*, provisions referring to Article 33; they read as follows:

The Security Council,

...
Mindful of the obligation of States to settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered and, to that end, to respect the decision of the Security Council,

...
Reiterating that once the hostages have been safely released, the Governments of Iran and the United States of America should take steps to resolve peacefully the remaining issues between them to their mutual satisfaction in accordance with the purposes and principles of the United Nations,

...
 At the 2191st meeting, which was resumed on 13 January 1980, the draft resolution, which provided for mandatory sanctions under Articles 39 and 41,⁶⁸ was put to the vote and received 10 votes to 2, with 2 abstentions; one member did not participate in the voting; the draft

was not adopted owing to the negative vote of a permanent member of the Council.⁶⁹

CASE 4

The situation between Iran and Iraq

(In connection with the statement of the President dated 23 September 1980 (S/14190); a draft resolution (S/14201) sponsored by Mexico and adopted unanimously as resolution 479 (1980); and the statement of the President dated 5 November 1980 (S/14244))

During the Council's deliberations regarding the war between Iran and Iraq, the members of the Council and one of the parties stated their strong belief that the military conflict between the two neighbours should be settled as quickly as possible through negotiations based on an immediate cease-fire and that all efforts at settlement should be pursued with the good offices of the Secretary-General encouraged and monitored by the Council in accordance with its mandate under the Charter. The other party considered the even-handed approach to the war as unjust and inadequate since peace in justice could be restored if the responsibility for the outbreak of the war were to be documented by the United Nations and if the aggressor were to be punished.⁷⁰

On 23 September 1980, following consultations that the Secretary-General had requested in view of the escalation of the conflict between Iran and Iraq, the President issued a statement⁷¹ on behalf of the members of the Council. It reads, *inter alia*, as follows:

...
 The members of the Council welcome and fully support the appeal of the Secretary-General, addressed to both parties on 22 September 1980, as well as the offer that he has made of his good offices to resolve the present conflict.

The members of the Council have asked me to appeal, on their behalf, to the Governments of Iran and Iraq, as a first step towards a solution of the conflict, to desist from all armed activity and all acts that may worsen the present dangerous situation and to settle their dispute by peaceful means.

At the 2248th meeting, on 28 September 1980, the Council unanimously adopted a draft resolution⁷² sponsored by Mexico, which had been prepared in the course of lengthy consultations, as resolution 479 (1980). It reads, *inter alia*, as follows:

The Security Council,

...
Mindful that all Member States have undertaken, under the Charter of the United Nations, the obligation to settle their international disputes by peaceful means and in such a manner that international peace and security and justice are not endangered,

...
 1. *Calls upon* Iran and Iraq to refrain immediately from any further use of force and to settle their dispute by peaceful means and in conformity with principles of justice and international law;

⁶⁵ S/13677, adopted without change as resolution 457 (1979).

⁶⁶ S/13711/Rev. 1, adopted without change as resolution 461 (1979).

⁶⁷ S/13735, OR, 35th yr., Suppl. for Jan.-March 1980.

⁶⁸ For the analysis of the Council's activities with regard to Articles 39 and 41, see Chapter XI of the present Supplement

⁶⁹ S/14201, adopted without change as resolution 479 (1980).

⁷⁰ For the relevant statements, see 2247th mtg.: Mexico, paras. 20-26; Norway, paras. 29-33; and Secretary-General, paras. 6-12; 2248th mtg.: Bangladesh, paras. 88-91; France, paras. 55-60; German Democratic Republic, paras. 104 and 105; Iraq, paras. 127 and 128; Japan, paras. 138-140; Philippines, paras. 113-117; USSR, paras. 78-80; and United States, paras. 32-45; 2250th mtg.: Cuba, paras. 56-58; 2151st mtg.: Iran, paras. 5-38; and United States, paras. 69-93; 2252nd mtg.: German Democratic Republic, paras. 64 and 65 (invoking Article 33 explicitly); and United States, paras. 31-36; 2253rd mtg.: Philippines, paras. 13-24; and United Kingdom, paras. 5-11; and 2254th mtg.: China, paras. 44-47; France, paras. 7-20; Jamaica, paras. 25-32; Portugal, paras. 77-82; USSR, paras. 89-94; and Tunisia, paras. 61-72.

⁷¹ S/14190. For the full text, see OR, 35th yr., Resolutions and Decisions of the Security Council, 1980.

2. Urges them to accept any appropriate offer of mediation or conciliation or to resort to regional agencies or arrangements or other peaceful means of their own choice that would facilitate the fulfilment of their obligations under the Charter of the United Nations;

4. Supports the efforts of the Secretary-General and the offer of his good offices for the resolution of this situation;

On 5 November 1980, the President of the Council issued the following statement,⁷³ which reads, *inter alia*, as follows:

During recent days, members of the Security Council have continued intensive consultations about the situation between Iran and Iraq. Their aim continues to be to bring an early end to the hostilities and to bring

⁷³S/14244. For the full text, see *OR, 35th yr., Resolutions and Decisions of the Security Council, 1980*, pp. 23 and 24.

about a peaceful settlement of the dispute in accordance with the purposes and principles of the Charter of the United Nations.

Members of the Council are deeply concerned that hostilities continue, with resulting loss of life and material damage. They continue to urge that all concerned be guided by Member States' obligations under the Charter to settle their international disputes by peaceful means and in such a manner that international peace and security and justice are not endangered and to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State.

The Secretary-General has participated fully in the Council's consultations. Members of the Council have reiterated their full support for the use of his good offices to bring about peaceful negotiations between Iran and Iraq with a view to arriving at a just solution to their differences.⁷⁴

⁷⁴For the detailed procedural history of this case, see chapter VIII, part II, under the same title.

Part II

CONSIDERATION OF THE PROVISIONS OF ARTICLE 34 OF THE CHARTER

NOTE

During the period under review, the Council invoked Article 34 explicitly in three resolutions adopted consecutively in connection with the same issue.⁷⁵ This case, as well as a few others, gave rise to some constitutional discussion regarding the interpretation and application of this Article.⁷⁶

The five case histories entered in this part relate in varying degrees to the functions of investigation by the Council as envisaged in Article 34; in two of these instances the stated purpose of the proposed investigation was to determine whether the particular situation was indeed likely to endanger the maintenance of international peace and security.⁷⁷ In a third instance, the Council agreed to dispatch a mission to assess the needs of a Member State in pursuing its development projects in the face of hostile acts committed by the illegal régime in Southern Rhodesia.⁷⁸ In a fourth instance, the Council established a commission to examine the situation in the occupied Arab territories.⁷⁹ In a fifth instance, the Council set up an *ad hoc* committee so that it could assist the Council in the implementation of a programme of assistance, which the committee proposed following a fact-finding mission to Zambia in order to establish the extent of damages incurred from Southern Rhodesian aggressive acts.⁸⁰

In connection with its consideration of the situation in Timor, the Council apparently invoked Article 34 in requesting the Secretary-General to send urgently a special representative⁸¹ to East Timor for the purpose of making an on-the-spot assessment of the existing situation and of establishing contact with all the parties in the

Territory and all States concerned in order to ensure the implementation of the Council's resolution.⁸² Several representatives emphasized the importance of the fact-finding mission, but pointed out that it had been requested merely to ensure the implementation of the Council's resolution.⁸³

On several occasions during the period under review, suggestions were made that the Council consider the dispatch of fact-finding missions for the purposes of inquiry and information-gathering in connection with issues that the Council had taken up or was asked to consider. Concerning an incident in February 1976 involving Somalia and France, the representative of Somalia supported a proposal to send a fact-finding mission to the area.⁸⁴ In a letter dated 14 April 1976,⁸⁵ the representative of Oman, as Chairman of the Arab Group for that month, requested the Secretary-General to send a personal representative or another suitable representative to Palestine to look into the question of secret land acquisitions by Israel in the occupied Arab territories and to report to the Secretary-General the facts and findings of this investigation. In a letter dated 6 July 1976,⁸⁶ the representative of the Ivory Coast transmitted to the President of the Council the text of a statement by the President of the Ivory Coast, in which the United Nations was called upon to dispatch a mission as soon as possible to verify the accuracy or inaccuracy of the accusations that had been made by Guinea against the Ivory Coast regarding "aggression by mercenaries" allegedly organized from within the borders of Senegal and the Ivory Coast. At the 1945th meeting, on 28 July 1976, during the consideration of the complaint by Zambia against South Africa, the representative of Liberia asked whether South Africa would accept and co-operate with a fact-finding mission of the Council and make available to that mission all relevant information regarding the Zambian charges; she requested a reply from South Africa so that

⁷⁵See case 5 below, in connection with the situation concerning Western Sahara.

⁷⁶Not all case histories involve constitutional discussion, of which there was little during the period under review. Case 9, for instance, did not contain any constitutional material.

⁷⁷See case 5 below, in connection with the situation concerning Western Sahara, and case 7 below, in connection with the complaint by Benin.

⁷⁸See case 6 below, in connection with the complaint by Botswana.

⁷⁹See case 8 below, in connection with the situation in the occupied Arab territories.

⁸⁰See case 9 below, in connection with the complaint by Zambia.

⁸¹For further details regarding the role of such special representatives, see chapter V in the present *Supplement*.

⁸²Resolution 184 (1975), paras. 4 and 5. The resolution was adopted at the 1869th meeting (para. 12) on 2 December 1975.

⁸³For the relevant statements, see 1864th mtg.: Mr. Horta, para. 134; 1869th mtg.: France, paras. 93 and 94, Italy, paras. 85-87; Japan, paras. 43-45; and United Republic of Tanzania, paras. 76-78.

⁸⁴See 1889th mtg.: Somalia, para. 95, in connection with the consideration of communications from France and Somalia concerning the incident of 4 February 1976.

⁸⁵S/12053, *OR, 31st yr., Suppl. for April-June 1976*.

⁸⁶S/12125, *ibid., Suppl. for July-Sept. 1976*.

the suggestions could be taken into consideration in preparing a draft resolution.⁸⁷

At the 2151st meeting, on 20 June 1979, when the Council considered the letters dated 13 and 15 June 1979 from the representative of Morocco, the Moroccan representative indicated his Government's willingness to facilitate any investigation the Council might consider necessary to ascertain the veracity of the facts about the acts of aggression that he had reported in his letters.⁸⁸

During the Council's consideration of the letter dated 25 November 1979 from the Secretary-General with regard to the detention of United States diplomatic personnel in Teheran, there was what might be seen as a reference to the power of the Council under Article 34 in the suggestion by the representative of Egypt that the Council might send a good-will mission to Iran to examine the situation and to seek to obtain the release of the hostages.⁸⁹ In a report to the Council, on 6 January 1980, the Secretary-General noted that he had discussed with the Iranian authorities the establishment of an international inquiry committee that would investigate the allegations of human rights violations and other illegal acts by the previous régime in Iran.⁹⁰ The function of that commission would have had a remote relationship with the functions stated in Article 34.

During the period under review, the suggestion to send a fact-finding mission to Cyprus to investigate the bases of the communal conflict was renewed in a number of Council meetings without leading to a formal proposal for the Council's decision.⁹¹

Article 34 was explicitly invoked in connection with several issues presented in the cases below and once in connection with the letters dated 13 and 15 June 1979 from the representative of Morocco.⁹²

CASES

Situation concerning Western Sahara

(In connection with a draft resolution (S/11858) arrived at as a result of consultations and adopted by consensus on 22 October 1975 as resolution 377 (1975))

During the Council's consideration of the situation in the Western Sahara, one of the parties, supported by a large number of members of the Council and other representatives, proposed that in view of the great danger in the region the Council, which was legitimately concerned with the question in accordance with Article 34 of the Charter, should decide to dispatch a mission to establish in detail the prevailing situation and to advise

⁸⁷ See 1945th mtg., paras. 124-128, in connection with the complaint by Zambia against South Africa.

⁸⁸ 2151st mtg.: Morocco, para. 43. At the 2153rd meeting, on 22 June 1979, the representative of Madagascar suggested that the Council should envisage taking more forceful action than the steps under Articles 34 and 35 suggested by the representative of Morocco (2153rd mtg., para. 39). The Council took no action on the matter raised by Morocco.

⁸⁹ See 2176th mtg.: Egypt, para. 35. The possible connection with Article 34 is merely suggested.

⁹⁰ See S/13730, OR, 35th yr., Suppl. for Jan.-March 1980, for the report of the Secretary-General in pursuance of Council resolutions 457 (1979) and 461 (1979).

⁹¹ In connection with the situation in Cyprus, see 1813th mtg.: USSR, para. 204; 1814th mtg.: Cyprus, paras. 60-63; 1815th mtg.: Bulgaria, para. 135; 1817th mtg.: USSR, para. 150; and Cyprus, para. 192; 1818th mtg.: Cyprus, para. 84; 1926th mtg.: Cyprus, para. 219; 1979th mtg.: USSR, para. 219; and 2015th mtg.: Cyprus, paras. 160-162. For an explanation of why the Turkish Cypriots did not share the wish for such a mission of inquiry, see 1819th mtg.: Mr. Çelik, paras. 125, 130 and 131.

⁹² 2153rd mtg.: Madagascar, para. 39. The representative invoked Articles 34 and 35 and suggested that the Council had obligations beyond the mandate of these two articles in the issue under consideration.

appropriate measures by the Council to maintain peace and security. Another party to the conflict argued however, citing Articles 34 and 35 of the Charter, that there was no justification for the Council's involvement as there was no new dispute or situation in Western Sahara.⁹³

At the 1850th meeting, on 22 October 1975, the President announced that as a result of most intensive consultations among the members of the Council agreement had been reached⁹⁴ on the text of a draft resolution.⁹⁵ At the same meeting, in the absence of objections, he declared the draft resolution adopted by consensus as resolution 377 (1975).⁹⁶ Its paragraph 1 reads as follows:

The Security Council.

1. Acting in accordance with Article 34 of the Charter of the United Nations and without prejudice to any action which the General Assembly might take under the terms of its resolution 3292 (XXIX) of 13 December 1974 or to negotiations that the parties concerned and interested might undertake under Article 33 of the Charter, requests the Secretary-General to enter into immediate consultations with the parties concerned and interested and to report to the Security Council as soon as possible on the results of his consultations in order to enable the Council to adopt the appropriate measures to deal with the present situation concerning Western Sahara;

Under its resolutions 379 (1975) of 2 November 1975 and 380 (1975) of 6 November 1975, the Council reiterated that request and appealed to the parties to co-operate fully with the Secretary-General in his effort to fulfil the mandate of the Council.⁹⁷

CASE 6

Complaint by Botswana against the illegal régime in Southern Rhodesia

(In connection with a draft resolution (S/12276) submitted by Benin, India, the Libyan Arab Republic, Mauritius, Pakistan, Panama, Romania and Venezuela, voted upon and adopted as resolution 403 (1977))

During the Security Council's consideration of the complaint of the Government of Botswana that the illegal régime in Southern Rhodesia had repeatedly committed serious acts of aggression against Botswana and had gravely violated its territorial sovereignty, the representative of Botswana requested not only international assistance for his country but also expressed the wish that the Council dispatch as soon as possible a fact-finding mission to assess its needs in carrying out its development projects in the face of hostile and provocative acts committed by the Southern Rhodesian régime. When the Council took up the report of that mission, several members referred to the mission in terms of the function assigned to the Council under Article 34. However, no constitutional discussion arose about this situation.⁹⁸

At the 1985th meeting, on 14 January 1977, the representative of Mauritius, speaking on behalf of the eight sponsors (Benin, India, the Libyan Arab Republic, Mauritius, Pakistan, Panama, Romania and Venezuela),

⁹³ For the relevant statements, see 1849th mtg.: Morocco, paras. 42-45, 58-61; Mauritania, paras. 78-80; and Spain, paras. 89-91; 1850th mtg.: Algeria, paras. 17 and 18; and Spain, paras. 110-112. The representatives of Algeria, Guyana, Morocco and Spain invoked Article 34 explicitly.

⁹⁴ 1850th mtg., para. 3.

⁹⁵ S/11858, adopted without change as resolution 377 (1975).

⁹⁶ 1850th mtg., para. 19.

⁹⁷ Resolutions 379 (1975), para. 2, and 380 (1975), para. 3. For the detailed procedural history of this case see chapter VIII, part II, under the same title.

⁹⁸ For the relevant statements, see 1983rd mtg.: Botswana, para. 41; 1985th mtg.: Secretary-General, para. 206; 2006th mtg.: President (Benin), para. 5; Secretary-General, paras. 7-17, and Sierra Leone, para. 57, and 2008th mtg.: India, para. 35.

introduced the draft resolution.⁹⁹ At the same meeting, the President put the draft to the vote; it was adopted by 13 votes to none, with 2 abstentions, as resolution 403 (1977).¹⁰⁰ Its paragraph 6 reads as follows:

The Security Council,

6. *Accepts* the invitation of the Government of Botswana to dispatch a mission to assess the needs of Botswana in carrying out its development projects under the present circumstances and, accordingly, requests the Secretary-General, in collaboration with appropriate organizations of the United Nations system, to organize with immediate effect financial and other forms of assistance to Botswana and to report to the Security Council not later than 31 March 1977;

CASE 7

Complaint by Benin

(In connection with a draft resolution (S/12282) submitted by Benin, the Libyan Arab Republic and Mauritius, revised and adopted, as amended, by consensus as resolution 404 (1977))

When the Council considered the complaint by Benin that on 16 January 1977 imperialists and their mercenaries had attacked the airport and city of Cotonou, the representative of Benin requested that the Council investigate the events fully in order to establish the veracity of the charges brought against the anonymous aggressors and to accept that the events threatened the peace in that region of Africa. Members of the Council were more or less unanimous in their support for the suggested fact-finding mission which was based on the mandate spelled out in Article 34.¹⁰¹

At the 1986th meeting, on 7 February 1977, the representative of Mauritius introduced a draft resolution¹⁰² sponsored by Benin, the Libyan Arab Republic and Mauritius; the text was subsequently revised in that the second operative paragraph was somewhat reworded and a new fourth operative paragraph was inserted. At the end of the 1987th meeting, on 8 February 1977, the President announced that members of the Council were agreed that the draft resolution might be adopted by consensus and declared it adopted as resolution 404 (1977).¹⁰³ Its second to fourth paragraphs read as follows:

The Security Council,

...

2. *Decides* to send a Special Mission composed of three members of the Security Council to the People's Republic of Benin in order to investigate the events of 16 January 1977 in Cotonou and report not later than the end of February 1977;

3. *Decides* that the members of the Special Mission will be appointed after consultations between the President and the members of the Security Council;

4. *Requests* the Secretary-General to provide the Special Mission with the necessary assistance;

⁹⁹S/12276, adopted without change as resolution 403 (1977).

¹⁰⁰For the vote, see 1985th mtg., para. 202. For the detailed procedural history, see chapter VIII, part II, under the same title.

¹⁰¹For the relevant statements see 1986th mtg.: Algeria, para. 118; Benin, para. 40; Guinea, para. 106; Madagascar, para. 84; Mauritius, para. 47; and Rwanda, para. 56; 1987th mtg.: China, para. 55; France, para. 31; India, para. 60; Libyan Arab Republic, para. 21; Mali, para. 112; Pakistan, para. 51; Panama, para. 120; Romania, para. 40; Somalia, para. 97; Togo, para. 68; and USSR, para. 10. The discussion of the complaint by Benin did not give rise to any constitutional argument about Article 34.

¹⁰²S/12282, slightly revised and adopted as resolution 404 (1977).

¹⁰³For the reference to the revised draft resolution (S/12282/Rev.1), see 1987th mtg., para. 3; for its adoption, see *ibid.*, para. 123.

The Special Mission admitted its report,¹⁰⁴ which was considered during the 2000th-2005th meetings of the Council in April 1977.

CASE 8

Situation in the occupied Arab territories

(In connection with a draft resolution (S/13171) submitted by Bangladesh, Kuwait, Nigeria and Zambia, revised and adopted by vote as resolution 446 (1979), and a draft resolution (S/13827) prepared in the course of consultations and adopted unanimously as resolution 465 (1980))

During the Council's extended deliberations regarding the Arab territories occupied by Israel since 1967, it was proposed that the Council send a Mission composed of Council members to the area to investigate the conditions prevailing there in order to expose the practices of the occupation authorities and thereby to initiate some progress towards a peaceful settlement as envisaged in resolution 242 (1967). Several Council members recognized in principle the usefulness of such investigations as authorized in Article 34, but held that in the current phase of peace efforts in the Middle East such an engagement might serve merely to complicate matters.¹⁰⁵

At the 2128th meeting, on 16 March 1979, the representative of Kuwait introduced the draft resolution,¹⁰⁶ which was sponsored by Bangladesh, Kuwait, Nigeria and Zambia. The text was twice revised in that part of paragraph 8 was deleted and the number of Council members to form the fact-finding mission was reduced from five to three.¹⁰⁷ At the 2134th meeting, on 22 March 1979, the draft resolution as revised was put to the vote and adopted by 12 votes to none, with 3 abstentions, as resolution 446 (1979).¹⁰⁸ Its fourth to sixth paragraphs read as follows:

The Security Council,

...

4. *Establishes* a commission consisting of three members of the Security Council, to be appointed by the President of the Council, after consultation with the members of the Council, to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem;

5. *Requests* the Commission to submit its report to the Security Council by 1 July 1979;

6. *Requests* the Secretary-General to provide the Commission with the necessary facilities to enable it to carry out its mission;

¹⁰⁴S/12294 and Add.1, OR, 32nd yr., Special Supplement No. 3 (S/12294/Rev.1). For the complete procedural history of this case, see chapter VIII, part II, under the same title. See also chapter V for a case history of the Mission as a subsidiary organ of the Council.

¹⁰⁵For the relevant statements, see 2123rd mtg.: Jordan, para. 74; 2134th mtg.: Bangladesh, paras. 61 and 62; Bolivia, para. 122; Israel, paras. 170 and 171; Jordan, para. 152; Kuwait, paras. 20 and 25; United Kingdom, para. 56; and United States, para. 129; 2156th mtg.: Egypt, para. 161; Israel, paras. 64, 68-70, 72, 73, 104 and 105; Jordan, para. 120; Palestine Liberation Organization, paras. 184-187; and Portugal (Chairman), paras. 11-24; 2157th mtg.: France, paras. 40 and 41; and Kuwait, para. 22; 2159th mtg.: President (United Kingdom), paras. 46 and 48; and United States, para. 23; and 2202nd mtg.: Mexico, paras. 89-94.

¹⁰⁶S/13171, slightly modified and adopted as resolution 446 (1979). For the statement introducing the draft resolution, see 2128th meeting: Kuwait, paras. 24-33.

¹⁰⁷The first revision (S/13171/Rev.1) involved the deletion of part of paragraph 8. The second revision (S/13171/Rev.2) affected the number of Council members to form the mission and established the method of selecting its composition.

¹⁰⁸For the vote, see 2134th mtg., para. 113. For the detailed procedural history, see chapter VIII, part II, under the same title.

The Commission submitted a first report¹⁰⁹ on 12 July 1979 and, at the request of the Council, submitted a second report¹¹⁰ on 4 December 1979.

At the 2203rd meeting, on 1 March 1980, the President drew attention to the text of a draft resolution¹¹¹ that had been prepared in the course of consultations. The draft resolution was then put to the vote and adopted unanimously as resolution 465 (1980).¹¹² It reads, *inter alia*, as follows:

The Security Council,

1. *Comments* the work done by the Security Council Commission established under resolution 446 (1979) in preparing the report contained in document S/13679;

8. *Requests* the Commission to continue to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem, to investigate the reported serious depletion of natural resources, particularly the water resources, with a view to ensuring the protection of those important natural resources of the territories under occupation, and to keep under close scrutiny the implementation of the present resolution;

9. *Requests* the Commission to report to the Security Council before 1 September 1980 and decides to convene at the earliest possible date thereafter in order to consider the report and the full implementation of the present resolution.

The Commission submitted its report¹¹³ on 25 November 1980.

CASE 9

Complaint by Zambia

(In connection with a draft resolution (S/13645) sponsored by Bangladesh, Gabon, Jamaica, Kuwait, Nigeria and Zambia and adopted by consensus as resolution 455 (1979))

When the Council considered the complaint by Zambia in November 1979 regarding renewed and intensified acts

¹⁰⁹S/13450 and Corr. 1 and Add. 1, *OR*, 34th yr., *Suppl. for July-Sept. 1979*.

¹¹⁰S/13679, *ibid.*, *Suppl. for Oct.-Dec. 1979*.

¹¹¹S/13827, adopted without change as resolution 465 (1980).

¹¹²For the President's statement and the vote, see 2203rd mtg., paras. 3-5 and 13. For the detailed procedural history, see chapter VIII, part II, under the same title.

¹¹³S/14268, *OR*, 35th yr., *Suppl. for Oct.-Dec. 1980*.

of aggression by the illegal régime in Southern Rhodesia against vital rail and road bridges throughout Zambia, the discussion was brief and focused on the steps to be taken for Zambia to be able to obtain compensation for the damages suffered and to continue its policy of implementing the sanctions that the Security Council had imposed against Southern Rhodesia. The *Ad Hoc* Committee set up by the Council under resolution 455 (1979) decided to pay a visit to Zambia and to inspect the various sites of the Southern Rhodesian aggression in order to carry out more effectively the task set out in the resolution.¹¹⁴

At the 2171st meeting, on 23 November 1979, the President drew attention to a draft resolution¹¹⁵ sponsored by Bangladesh, Gabon, Jamaica, Kuwait, Nigeria and Zambia.¹¹⁶ During the same meeting, the draft resolution was adopted by consensus as resolution 455 (1979).¹¹⁷ It reads, *inter alia*, as follows:

The Security Council,

1. *Strongly condemns* the illegal régime in the British colony of Southern Rhodesia for its continued, intensified and unprovoked acts of aggression against the Republic of Zambia, which constitute a flagrant violation of the sovereignty and territorial integrity of Zambia;

5. *Calls* for the payment of full and adequate compensation to the Republic of Zambia by the responsible authorities for the damage to life and property resulting from the acts of aggression;

6. *Further calls upon* all Member States and international organizations urgently to extend material and other forms of assistance to the Republic of Zambia in order to facilitate the immediate reconstruction of its economic infrastructure;

7. *Decides* to establish an *ad hoc* committee composed of four members of the Security Council, to be appointed by the President after consultation with members, in order to assist the Council in the implementation of the present resolution, in particular paragraphs 5 and 6 thereof, and report to the Council by 15 December 1979;

¹¹⁴For the relevant statements, see the deliberations at the 2171st mtg. on 23 November 1979, especially the opening statement by the representative of Zambia. For the decision of the *Ad Hoc* Committee to visit Zambia for the purposes of fact-finding and of meeting with officials of the Government, see the letter dated 6 December 1979 (S/13681), *OR*, 34th yr., *Suppl. for Oct.-Dec. 1979* from the Chairman of the *Ad Hoc* Committee transmitting an interim report of the Committee adopted on that date.

¹¹⁵S/13645, adopted without change as resolution 455 (1979).

¹¹⁶2171st mtg., para. 3.

¹¹⁷*Ibid.*, para. 94. For the detailed procedural history, see chapter VIII, part II, under the same title, and the case history in chapter V.

Part III

CONSIDERATION OF THE PROVISIONS OF ARTICLE 35 OF THE CHARTER

NOTE

During the period under review, 37 questions involving the maintenance of international peace and security were brought to the attention of the Council. In three cases, requests were submitted by subsidiary organs of the General Assembly;¹¹⁸ and in two cases, the Secretary-General submitted items relating to peace and security.¹¹⁹ In all other cases, the requests under Article 35 were brought to the attention of the Council by Members of the United Nations. The relevant data

regarding the submission of these questions are summarized in the appended tabulation.¹²⁰

The Council has continued to consider, at the request of the parties or other Members of United Nations or, in one instance, a committee of the General Assembly, questions that previously had been included in the agenda: the situation in Cyprus; the situation in the Middle East; the situation in Southern Rhodesia; complaint by Zambia; and the situation in Namibia.

¹²⁰The tabulation was expanded to include sections A-C in line with the scheme utilized in the original *Repertoire 1946-1951*, but the heading of section E was reworded to include questions submitted by the General Assembly or its subsidiary organs.

¹¹⁸For details see the tabulation, section I.

¹¹⁹For details see the tabulation, section C.

SUBMISSION BY MEMBERS OF THE UNITED NATIONS

Members of the United Nations have generally submitted questions to the Council by means of a communication to the President of the Council.¹²¹ Article 35 was cited four times¹²² as the basis of submission.¹²³

No question was submitted by Members to the Council as a dispute. In 22 instances¹²⁴ questions were explicitly described as situations. In 26 cases¹²⁵ the letter of submission contained terms similar to those of Article 39. In several instances, the request for the Council to consider a question did not specify circumstances or give other details.¹²⁶ In one case, the Council was asked to hold consultations on the matter submitted for its consideration.¹²⁷ The Council was also asked to resume consideration of a question,¹²⁸ to remain seized of a matter,¹²⁹ to consider recent developments¹³⁰ and to examine reports of the Secretary-General.¹³¹ In three instances, the Council was requested to consider the defiance by Member States of resolutions of the Council.¹³²

With regard to the situation concerning Western Sahara, the Council was requested to convene to dissuade the Moroccan Government from carrying out the announced invasion of Western Sahara,¹³³ to consider the refusal of the Government of Morocco to halt the invasion¹³⁴ and to discuss the violation of the Western Saharan frontier.¹³⁵

In connection with the situation in the Middle East, Council meetings were requested to consider Israeli attacks on refugee camps and villages in Lebanon,¹³⁶ continuous acts of terror and violence perpetrated from Lebanese territory against Israel,¹³⁷ to discuss the escalation of Israeli attacks,¹³⁸ to help consolidate a *de facto* cease-fire¹³⁹ and to deliberate on persistent designs by Israel to alter the status of Jerusalem.¹⁴⁰

Regarding the situation in the Comoros, the African Group requested the Council to meet in order to consider the political situation of that country.¹⁴¹ In another case, an urgent meeting was requested in order to consider a serious incident on the frontier between the French Territory of the Afars and the Issas and the Somali Republic;¹⁴² and another meeting was requested on the

same item since the other party had not reciprocated the serious, meaningful efforts to settle the matter peacefully.¹⁴³

Meetings concerning the occupied Arab territories were requested to consider the practices of the Israeli occupation authorities with regard to settlement and colonization and the accelerating erosion of the status of Jerusalem,¹⁴⁴ to consider the expulsion of two mayors and a judge¹⁴⁵ and to consider assassination attempts and arbitrary detention.¹⁴⁶

Following killings and violence in Soweto and other areas of South Africa, two requests were submitted that the Council consider the repression of the African population by the *apartheid* régime.¹⁴⁷ In another case, one party requested a Council meeting for the consideration of repeated violations of its sovereign rights on its continental shelf by the other party.¹⁴⁸ Lesotho requested that the Council meet following the closure of the border by South Africa between the south-eastern part of Lesotho and "Transkei".¹⁴⁹ Tension between Botswana and the minority régime in Southern Rhodesia endangering the security of the former led Botswana to seek a meeting of the Council.¹⁵⁰ The Government of Guinea, committed to the struggle to eliminate all mercenary practices in Africa, joined in calling for a meeting of the Council to hear the complaint by Benin.¹⁵¹

Several times when the question of South Africa was on the agenda, the meetings had been requested so that the Council could deal with the repressive measures of the Pretoria authorities against the South African people,¹⁵² that it consider the establishment of a body to supervise the implementation of the mandatory arms embargo under resolution 418 (1977),¹⁵³ and in connection with the declared intent of the South African Government to execute Solomon Mahlangu.¹⁵⁴

Mozambique requested a Council meeting with regard to the increased tension between the Southern Rhodesian régime and Mozambique, further escalated by an attack by the minority régime.¹⁵⁵ In connection with the situation in Southern Rhodesia, Council meetings were requested to extend an invitation to the Secretary-General to appoint a representative to enter into discussions with the British Resident Commissioner and all the parties in Southern Rhodesia,¹⁵⁶ and to consider the Southern Rhodesia Constitution Order 1979, providing for the assumption of full legislative and executive authority over Southern Rhodesia by a British governor.¹⁵⁷

When the Council was seized with the detention of United States diplomatic personnel in Teheran, the Council was asked to meet to consider what might be done to secure the release of the detained diplomats;¹⁵⁸ it was also requested to convene in view of the "war psychosis" created by the United States and the American threat to the peace and security of Iran, the region and the world.¹⁵⁹ In another case, the Iranian Government

¹²¹ In only four cases were communications sent to the Secretary-General. See tabulation, entries 2, 13 (ii), 33 (ii) and 37.

¹²² For these cases, see tabulation, entries 3 (i), 14 (together with Article 1), 20 (i) and 35.

¹²³ In four instances, Charter Articles were cited in the letter of submission: see the tabulation, entry 2 invoking Articles 5, 6 and 41; item 8 (iii) invoking Article 33; item 10 citing Article 50; and item 39 in which Chapter VII was invoked.

¹²⁴ See tabulation, entries 1 (ii); 4 (i), (iii), (viii) and (xi); 6; 7 (ii); 11; 12 (ii) and (v); 21 (v), (ix) and (x); 23 (ii) and (vi); 24; 27; 28 (ii); 30 (i)-(iii); and 34.

¹²⁵ See tabulation, entries 4 (ii); (iv) and (ix); 5; 7 (i); 8 (ii); 9; 10; 14; 15 (i); 16 (i)-(iii); 20 (i) and (iii); 24; 25 (i) and (ii); 26 (i)-(iv); 29 (i) and (ii); 31; and 32.

¹²⁶ See tabulation, entries 1 (i) and (iii); and 21 (i) and (viii). Mention should be made of the unusual request by Mexico for a meeting of the Council to seek measures under Articles 5, 6 and 41 against the Franco régime in Spain (entry 2).

¹²⁷ See tabulation, entry 21 (vii).

¹²⁸ See tabulation, entry 21 (iv).

¹²⁹ See tabulation, entry 21 (x).

¹³⁰ See tabulation, entries 23 (iii) and (iv).

¹³¹ See tabulation, entry 4 (vi).

¹³² See tabulation, entries 12 (iv) and (vii); and 28 (i).

¹³³ See tabulation, entry 3 (i).

¹³⁴ See tabulation, entry 3 (ii).

¹³⁵ See tabulation, entry 3 (iii).

¹³⁶ See tabulation, entry 4 (i).

¹³⁷ See tabulation, entry 4 (v).

¹³⁸ See tabulation, entry 4 (vii).

¹³⁹ See tabulation, entry 4 (ix).

¹⁴⁰ See tabulation, entry 4 (xii).

¹⁴¹ See tabulation, entry 7 (ii).

¹⁴² See tabulation, entry 8 (i).

¹⁴³ See tabulation, entry 8 (iii).

¹⁴⁴ See tabulation, entry 12 (iii).

¹⁴⁵ See tabulation, entry 12 (vi).

¹⁴⁶ See tabulation, entry 12 (viii).

¹⁴⁷ See tabulation, entries 13 (i) and (ii).

¹⁴⁸ See tabulation, entry 17.

¹⁴⁹ See tabulation, entry 18.

¹⁵⁰ See tabulation, entry 19.

¹⁵¹ See tabulation, entry 20 (ii).

¹⁵² See tabulation, entry 21 (ii).

¹⁵³ See tabulation, entry 21 (iii).

¹⁵⁴ See tabulation, entry 21 (vi).

¹⁵⁵ See tabulation, entry 22.

¹⁵⁶ See tabulation, entry 23 (i).

¹⁵⁷ See tabulation, entry 23 (v).

¹⁵⁸ See tabulation, entry 33 (i).

¹⁵⁹ See tabulation, entry 33 (ii).

welcomed the request by the Secretary-General for a Council meeting but asked to postpone the formal deliberations until after a major Islamic holiday.¹⁶⁰ Subsequently, the United States requested another meeting of the Council since the continued detention of the hostages jeopardized international order.¹⁶¹

A meeting of the Council was requested in view of an illegal action taken by the other party, which also constituted a threat to regional and international peace.¹⁶² When the war broke out between Iran and Iraq, two other Members requested that the Council meet urgently to consider the ongoing conflict.¹⁶³

SUBMISSION BY STATES NOT MEMBERS OF THE UNITED NATIONS

During the period under review, there was no request by a non-Member State for a meeting of the Security Council.

SUBMISSION BY THE GENERAL ASSEMBLY OR ITS SUBSIDIARY ORGANS

During the period under review, three committees of the General Assembly requested that the Council be convened to consider matters that both the Council and the subsidiary organs of the Assembly were dealing with. In one case, the Chairman of the Special Committee against *Apartheid* endorsed the recommendation of a United Nations Seminar on Nuclear Collaboration with South Africa that the Council should urgently consider the situation arising from the efforts of the *apartheid* régime to acquire nuclear weapon capability.¹⁶⁴ On another occasion, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples requested, in connection with the situation in Namibia, the Council to convene urgently to consider imposing comprehensive and mandatory sanctions against South Africa under Chapter VII of the Charter.¹⁶⁵

On three occasions, the Chairman of the Committee on the Exercise of the Inalienable Rights of the

Palestinian People submitted formal requests for the Council to be convened so that recommendations proposed by the Committee and endorsed by the General Assembly could be considered for adoption by the Council itself.¹⁶⁶

SUBMISSION BY THE SECRETARY-GENERAL

On three occasions during the period under review, the Secretary-General formally requested that the Council meet urgently to consider issues that posed a threat to international peace and security. In one case, following the detention of United States diplomatic personnel in Teheran, he asked that the Council be convened to consider this serious threat.¹⁶⁷ In connection with the situation between Iran and Iraq, the Secretary-General first requested that the Council meet in consultation,¹⁶⁸ and then asked for an urgent meeting of the Council¹⁶⁹ to discuss the escalating conflict between the two neighbouring countries.

PROCEDURAL CONSEQUENCES OF SUBMISSION UNDER ARTICLE 35

Communications submitting questions for consideration by the Council were dealt with in accordance with rules 6-9 of the provisional rules of procedure;¹⁷⁰ material relating to the application of these rules is contained in chapter II, parts II and III, of the present *Supplement*.

During the period under review, none of the letters of submission contained a draft resolution.

The Council did not consider whether or not to accept the designation of any of the new questions submitted for its consideration in the initial submission.¹⁷¹ Nor was any question raised as to the appropriate designation for a question included in the agenda at an earlier date.

¹⁶⁰ See tabulation, entries 38 (i)-(iii).

¹⁶¹ See tabulation, entry 40.

¹⁶² See tabulation, entry 41 (i).

¹⁶³ See tabulation, entry 41 (ii).

¹⁷⁰ In a number of cases the Council did not take up the questions or communications submitted for its consideration: for these instances see tabulation, entries 2; 14; 16 (ii); 27; 28 (ii); 31; and 38 (i).

¹⁷¹ In three cases, prior to the adoption of the agenda, statements were made reflecting opposition to the proposed agenda item on grounds of wording and substance. Despite these expressions of doubt or dissent, the Council proceeded to adopt the provisional agenda and to discuss the items. (See tabulation, entries 29, 30 and 34, together with the opening statements at the 2108th, 2114th and 2185th meetings of the Council.)

¹⁶⁰ See tabulation, entry 33 (iii).

¹⁶¹ See tabulation, entry 33 (iv).

¹⁶² See tabulation, entry 35.

¹⁶³ See tabulation, entry 36.

¹⁶⁴ See tabulation, entry 37.

¹⁶⁵ See tabulation, entry 39.

TABULATION OF QUESTIONS SUBMITTED TO THE SECURITY COUNCIL, 1975-1980

****Section A. Questions submitted by Members as disputes**

Section B. Questions submitted by Members as situations

<i>Question</i>	<i>Submitted by</i>	<i>Other parties</i>	<i>Articles invoked in letter</i>	<i>Request for action by Security Council</i>	<i>Reference</i>
1. Situation in Cyprus					
(i) Letter dated 17 February 1975	Cyprus	Turkey		Requesting an urgent meeting on the question of Cyprus following violation by Turkey of General Assembly and Council resolutions	S/11625, <i>OR.</i> 30th yr., <i>Suppl. for Jan.-March 1975</i>
(ii) Letter dated 26 August 1977	Cyprus	Turkey		Reiterating an oral request of 24 August 1977 for an urgent meeting to consider the seriously deteriorating situation in the island as a result of violation by Turkey of Council and General Assembly resolutions and of attendant internal crimes against the people of Cyprus	S/12387, <i>ibid.</i> , 32nd yr., <i>Suppl. for July-Sept. 1977</i>
(iii) Letter dated 7 November 1978	Cyprus			Confirming an earlier oral request for an urgent meeting on the question of Cyprus	S/12918, <i>ibid.</i> , 33rd yr., <i>Suppl. for Oct.-Dec. 1978</i>
2. Letter dated 28 September 1975 from the representative of Mexico to the Secretary-General	Mexico	Spain	5, 6, 41	Requesting an urgent extraordinary meeting so that, in accordance with Articles 5 and 6 of the Charter, the Council might recommend to the General Assembly that the Spanish régime be suspended from the exercise of the rights and privileges of its membership. Also requesting, in accordance with Article 41, that the Council call upon the Members of the United Nations to interrupt completely their economic relations as well as their means of communication and to sever diplomatic relations with Spain	S/11831, <i>ibid.</i> , 30th yr., <i>Suppl. for July-Sept. 1975</i>
3. Situation concerning Western Sahara					
(i) Letter dated 18 October 1975	Spain	Morocco	35	Urging the convening of an emergency meeting so that appropriate decisions might be adopted and the Moroccan Government might be dissuaded from carrying out the announced invasion of Western Sahara	S/11851, <i>ibid.</i> , <i>Suppl. for Oct.-Dec. 1975</i>
(ii) Letter dated 1 November 1975	Spain	Morocco		Requesting the holding of an extremely urgent meeting owing to the refusal of the Government of Morocco to halt the announced invasion	S/11864, <i>ibid.</i>

TABULATION OF QUESTIONS SUBMITTED TO THE SECURITY COUNCIL, 1975-1980 (continued)

Question	Submitted by	Other parties	Articles invoked in letter	Request for action by Security Council	Reference
(iii) Letter dated 6 November 1975	Spain	Morocco		Stating that it had become most urgently necessary that the Council meet in public session inasmuch as the frontier of the Western Sahara had now been violated	S/11867, <i>ibid.</i>
4. Situation in the Middle East					
(i) Letter dated 3 December 1975	Lebanon	Israel		Referring to Israel's attack on refugee camps and villages in various parts of Lebanon, and in view of the gravity of the situation, requesting an urgent meeting	S/11892, <i>ibid.</i>
(ii) Letter dated 3 December 1975*	Egypt	Israel		Confirm the request for an urgent meeting to discuss the Israeli aggression	S/11893, <i>ibid.</i>
(iii) Letter dated 23 March 1977	Egypt			Confirm the request for a meeting to discuss the situation in the Middle East	S/12306, <i>ibid.</i> , 32nd yr., <i>Suppl. for Jan.-March 1977</i>
(iv) Letter dated 17 March 1978*	Lebanon	Israel		Pursuant to a letter dated 15 March 1978 ["Israeli aggression against Lebanon"], requesting an urgent meeting	S/12606, <i>ibid.</i> , 33rd yr., <i>Suppl. for Jan.-March 1978</i>
(v) Letter dated 17 March 1978	Israel	Lebanon		Requesting the convening of a meeting to consider the continuous acts of terror and violence being perpetrated from Lebanese territory against Israel	S/12607, <i>ibid.</i>
(vi) Letter dated 25 April 1979	Lebanon			Requesting a meeting to examine the interim report of the Secretary-General of 19 April 1979 (S/13258) and the special report of the Secretary-General (S/13254) of the same date	S/13270, <i>ibid.</i> , 34th yr., <i>Suppl. for April-June 1979</i>
(vii) Letter dated 30 May 1979	Lebanon	Israel		Requesting an urgent meeting to discuss Israeli escalation of its attacks	S/13356, <i>ibid.</i>
(viii) Letter dated 24 August 1979	Lebanon	Israel		Referring to the deteriorating situation in southern Lebanon, which was endangering peace and security, and requesting an urgent meeting	S/13516, <i>ibid.</i> , <i>Suppl. for July-Sept. 1979</i>
(ix) Letter dated 28 August 1979	Lebanon	Israel		Requesting a meeting at the earliest possible date to help consolidate the <i>de facto</i> cease-fire (refers to S/13516)	S/13520, <i>ibid.</i>
(x) Letter dated 10 April 1980*	Lebanon	Israel		Request a meeting to put an end to Israeli aggression and enable UNIFIL to acquire full control of the totality of its area of operation	S/13885, <i>ibid.</i> , 35th yr., <i>Suppl. for April-June 1980</i>

(xi)	Letter dated 28 May 1980	Pakistan	Israel		Request an immediate meeting to consider the situation arising from the latest decision by Israel to annex and declare the Holy City of Jerusalem as the capital of Israel	S/13966, <i>ibid.</i>
(xii)	Letter dated 1 August 1980	Pakistan	Israel		Referring to the persistent designs by Israel to alter the status of the Holy City of Jerusalem and, in view of the serious implications of that action, requesting an immediate meeting	S/14084, <i>ibid.</i> , <i>Suppl. for July-Sept. 1980</i>
5.	Situation in Timor Letter dated 7 December 1975*	Portugal	Indonesia		Requesting an urgent meeting so that the military aggression by Indonesia might be terminated	S/11899, <i>ibid.</i> , <i>30th yr., Suppl. for Oct.-Dec. 1975</i>
6.	Question submitted by Iceland Letter dated 12 December 1975	Iceland	United Kingdom		Referring to the British auxiliary vessels operating under instructions of British naval units that had repeatedly rammed an Icelandic Coastguard vessel and, in view of the gravity of the situation, requesting an urgent meeting	S/11907, <i>ibid.</i>
7.	Situation in the Comoros (i) Telegram dated 28 January 1976*	Comoros	France		Referring to the French Government's decision to organize a referendum in Mayotte and, in view of that flagrant aggression, requesting the urgent convening of the Council	S/11953, <i>ibid.</i> , <i>31st yr., Suppl. for Jan.-March 1976</i>
	(ii) Letter dated 3 February 1976	Guinea-Bissau	Comoros		Requesting, on behalf of the African group, a meeting to consider the request of the Government of the Comoros regarding the political situation of that country	S/11959, <i>ibid.</i>
8.	Communications from France and Somalia concerning the incident of 4 February 1976 (i) Letter dated 4 February 1976	France	Somalia		Requesting a meeting as a matter of urgency to consider a serious incident that had occurred on the frontier between the French Territory of Afars and the Issas and the Somali Republic	S/11961, <i>ibid.</i>
	(ii) Letter dated 5 February 1976*	Somalia	France		Requesting a meeting for the purpose of considering an act of open and unprovoked aggression against Somalia by France	S/11969, <i>ibid.</i>
	(iii) Letter dated 18 February 1976	Somalia	France	33	Requesting an urgent meeting since no serious effort had been reciprocated by the other party during a reasonably long period of time	S/11987, <i>ibid.</i>

TABULATION OF QUESTIONS SUBMITTED TO THE SECURITY COUNCIL, 1975-1980 (continued)

Question	Submitted by	Other parties	Articles invoked in letter	Request for action by Security Council	Reference
9. Complaint by Kenya concerning aggression by South Africa against Angola Letter dated 10 March 1976*	Kenya	South Africa Angola		Requesting, on behalf of the African Group, a meeting to consider the act of aggression committed by South Africa against Angola	S/12007, <i>ibid.</i>
10. Request by Mozambique under Article 50 of the Charter Telegram dated 10 March 1976*	Mozambique	Southern Rhodesia	50	Requesting a meeting as a matter of urgency, stating that its decision to impose sanctions involved serious economic consequences for Mozambique and that, during the night of 23 to 24 February, the racist régime had launched an outright war of aggression against Mozambique	S/12009, <i>ibid.</i>
11. Request by the Libyan Arab Republic and Pakistan for consideration of the serious situation arising from recent developments in the occupied Arab territories Letter dated 19 March 1976	Libyan Arab Republic Pakistan	Israel		Requesting an urgent meeting to take measures that would halt the deterioration of the situation and put an end to Israeli defiance of its existing decisions on Jerusalem	S/12017, <i>ibid.</i>
12. Situation in the occupied Arab territories (i) Letter dated 3 May 1976	Egypt	Israel		Requesting an urgent meeting to consider Israel's persistence in its aggressive expansionist policy in the occupied territories, referring to changes in the demographic composition of the occupied territories and blatant outrages against the holy places and shrines	S/12066, <i>ibid.</i> , <i>Suppl. for April-June 1976</i>
(ii) Letter dated 20 October 1976	Egypt	Israel		Referring to continuing Israeli repressive measures against the inhabitants of these territories and requesting a meeting to discuss the dangerous situation	S/12218, <i>ibid.</i> , <i>Suppl. for Oct.-Dec. 1976</i>

(iii)	Letter dated 23 February 1979	Jordan	Israel		Requesting a meeting in consequence of the Israeli occupation authorities practice of settlement and colonization of the occupied Arab territories and the accelerating erosion of the status of Jerusalem	S/13115, <i>ibid.</i> , 34th yr., <i>Suppl. for Jan.-March 1979</i>
(iv)	Letter dated 15 February 1980	Jordan	Israel		Requesting a meeting to deliberate on Israel's defiance of resolutions 446 (1979) and 452 (1979)	S/13801, <i>ibid.</i> , 35th yr., <i>Suppl. for Jan.-March 1980</i>
(v)	Letter dated 15 February 1980	Morocco	Israel		Requesting an urgent meeting to consider the grave situation created by the recent measures taken by Israel in the occupied Palestinian city of Hebron on the West Bank of the Jordan	S/13802, <i>ibid.</i>
(vi)	Letter dated 8 May 1980	Tunisia	Israel		Requesting an urgent meeting to consider the expulsion measure taken by Israel against the mayors of Al-Khalil and Halhul and the Islamic judge of Al-Khalil	S/13926, <i>ibid.</i> , <i>Suppl. for April-June 1980</i>
(vii)	Letter dated 16 May 1980	Jordan	Israel		Requesting a meeting of the Council to consider Israel's defiance of resolution 468 (1980) of 8 May 1980	S/13941, <i>ibid.</i>
(viii)	Letter dated 3 June 1980	Bahrain			Requesting, on behalf of the Group of Arab States, an immediate meeting to consider the assassination attempts on the elected mayors of Nablus, Ramallah and Al Bireh and the arbitrary detention of a great number of Palestinian students in the occupied Palestinian territory	S/13977, <i>ibid.</i>
13.	Situation in South Africa					
(i)	Letter dated 18 June 1976	Benin Libyan Arab Republic United Republic of Tanzania			Requesting an emergency meeting to consider the measures of repression perpetrated by the <i>apartheid</i> régime in South Africa against the African people in Soweto and other areas in South Africa	S/12100, <i>ibid.</i> , 31st yr., <i>Suppl. for April-June 1976</i>
(ii)	Telegram dated 18 June 1976	Madagascar			Referring to the savage and criminal acts perpetrated by the white minority of South Africa and, in view of the merciless repression of the rebelling African population, urging the Council to convene	S/12101, <i>ibid.</i>
14.	Letter dated 4 July 1976 from the representative of the Sudan to the President of the Security Council*	Sudan	Libyan Arab Republic	35, 1	Referring to the act of armed banditry designed to effect the overthrow of the Government of the Sudan and evidence that the act was conceived, prepared and executed by the Government of the Libyan Arab Republic and, as the intervention was a threat to the security of the Sudan, requesting an urgent meeting	S/12122, <i>ibid.</i> , <i>Suppl. for July-Sept. 1976</i>

TABULATION OF QUESTIONS SUBMITTED TO THE SECURITY COUNCIL, 1975-1980 (continued)

Question	Submitted by	Other parties	Articles invoked in letter	Request for action by Security Council	Reference
15. Complaint by Mauritius, current chairman of OAU, of the "act of aggression" by Israel against Uganda					
(i) Letter dated 6 July 1976 ^a	Assistant Executive Secretary, OAU	Israel Uganda		Requesting, on behalf of the heads of State and Government of OAU, an immediate meeting to consider the wanton act of aggression	S/12126, <i>ibid.</i>
(ii) Letter dated 6 July 1976	Mauritania	Israel Uganda		Requesting a meeting to consider the contents of the telegram sent on 6 July 1976	S/12128, <i>ibid.</i>
16. Complaint by Zambia against South Africa					
(i) Letter dated 19 July 1976 ^a	Zambia	South Africa		Requesting an urgent meeting on the repeated acts of aggression against the Republic of Zambia	S/12147, <i>ibid.</i>
(ii) Letter dated 25 August 1978 ^a	Benin	Zambia South Africa		Requesting, on behalf of the Group of African States, an urgent meeting to consider the aggression by South Africa against Zambia	S/12823, <i>ibid.</i> , 33rd yr., <i>Suppl. for July-Sept. 1978</i>
(iii) Letter dated 8 April 1980 ^a	Zambia	South Africa		Referring to the intensified acts of aggression against Zambia by the racist régime of South Africa and requesting a meeting with a view to taking measures to compel the Pretoria régime to desist from committing aggression	S/13878, <i>ibid.</i> , 35th yr., <i>Suppl. for April-June 1980</i>
17. Complaint by Greece against Turkey					
Letter dated 10 August 1976	Greece	Turkey		Referring to the repeated flagrant violations by Turkey of the sovereign rights of Greece on its continental shelf in the Aegean, and asking for an urgent meeting	S/12167, <i>ibid.</i> , 31st yr., <i>Suppl. for July-Sept. 1976</i>
18. Complaint by Lesotho against South Africa					
Letter dated 16 December 1976	Lesotho	South Africa		Requesting a meeting following the closure of the border, by South Africa, between the south-eastern part of Lesotho and Transkei	S/12257, <i>ibid.</i> , <i>Suppl. for Oct.-Dec. 1976</i>
19. Complaint by Botswana					
Letter dated 22 December 1976	Botswana			Requesting an urgent meeting as a result of the tension between Botswana and the illegal régime, endangering the security of Botswana	S/12262, <i>ibid.</i>

20. Commitment by Benin					
(i) Letter dated 26 January 1977 ^a	Benin	35	Requesting a meeting to discuss aggression by the imperialists and their mercenaries against Benin	S/12278, <i>ibid.</i> , 32nd yr., <i>Suppl. for Jan.-March 1977</i>	
(ii) Letter dated 4 February 1977	Guinea		The Government of Guinea, committed to the struggle to eliminate all necessary practices in Africa, calling for an immediate meeting	S/12281, <i>ibid.</i> , 32nd yr., <i>Suppl. for Jan.-March 1977</i>	
(iii) Letter dated 4 November 1977 ^a	Benin		Requesting a meeting to resume consideration of the question of the armed aggression against Benin	S/12437, <i>ibid.</i> , <i>Suppl. for Oct.-Dec. 1977</i>	
21. Question of South Africa (see 37 below)					
(i) Letter dated 9 March 1977	Nigeria		In conformity with Assembly resolution 31/6 and Council resolution 392 (1976), requesting a meeting to consider the question of South Africa	S/12295, <i>ibid.</i> , <i>Suppl. for Jan.-March 1977</i>	
(ii) Letter dated 20 October 1977	Tunisia		Requesting a meeting in the light of the repressive measures the racist régime of Pretoria had taken against the South African people	S/12420, <i>ibid.</i> , <i>Suppl. for Oct.-Dec. 1977</i>	
(iii) Letter dated 5 December 1977	United Republic of Cameroon		Requesting a meeting to consider the establishment of a body to supervise the implementation of Council resolution 418 (1977)	S/12470, <i>ibid.</i>	
(iv) Letter dated 25 January 1978	Gabon Mauritius Nigeria		Requesting the convening of the Council to resume consideration of the question of South Africa	S/12538, <i>ibid.</i> , 33rd yr., <i>Suppl. for Jan.-March 1978</i>	
(v) Letter dated 5 April 1979	Ivory Coast		Requesting an urgent meeting, on behalf of the African Group, to consider the situation created in South Africa by renewed outbreaks against the African nationalist freedom fighters and against the black population	S/13223, <i>ibid.</i> , 34th yr., <i>Suppl. for April-June 1979</i> , p. 14	
(vi) Letter dated 5 April 1979	Sri Lanka		Requesting, as Chairman of the Coordinating Bureau of Non-Aligned Countries, an urgent meeting in connection with the declared intent of the South African Government to execute Solomon Mahlangu	S/13224, <i>ibid.</i>	
(vii) Letter dated 14 September 1979	Liberia		Referring to the proclamation by the Pretoria régime of the so-called independence of yet another bantustan and requesting, on behalf of the African Group, consultations among members of the Council	S/13542, <i>ibid.</i> , <i>Suppl. for July-Sept. 1979</i>	
(viii) Letter dated 29 May 1980	Morocco		Requesting, on behalf of the African Group, a meeting to consider the question of South Africa	S/13969, <i>ibid.</i> , 35th yr., <i>Suppl. for April-June 1980</i>	

TABULATION OF QUESTIONS SUBMITTED TO THE SECURITY COUNCIL, 1975-1980 (continued)

Question	Submitted by	Other parties	Articles invoked in letter	Request for action by Security Council	Reference
(ix) Letter dated 23 September 1980	Sierra Leone			Requesting, on behalf of the African Group, an urgent meeting to consider the situation in South Africa	S/14189, <i>ibid.</i> , <i>Suppl. for July-Sept. 1980</i>
(x) Letter dated 6 October 1980	Sierra Leone			Further to the letter from Sierra Leone on behalf of the African Group requesting a meeting to consider the situation in South Africa, and as Chairman of the Council of Ministers of OAU, confirming the wish of the African Group that the Council remain seized of the matter and that, after consultations, an appropriate date be suggested for its consideration	S/14212, <i>ibid.</i> , <i>Suppl. for Oct.-Dec. 1980</i>
22. Complaint by Mozambique Letter dated 22 June 1977	Mozambique			Requesting a meeting with regard to the increased tension between Smith's régime and Mozambique, further escalated by a recent attack against Mozambique	S/12350 and Add.1, <i>ibid.</i> , <i>32nd yr.</i> , <i>Suppl. for April-June 1977</i>
23. Situation in Southern Rhodesia					
(i) Letter dated 23 September 1977	United Kingdom			Requesting a meeting to invite the Secretary-General to appoint a representative to enter into discussions with the British Commissioner and all the parties in Southern Rhodesia	S/12402, <i>ibid.</i> , <i>Suppl. for July-Sept. 1977</i>
(ii) Letter dated 1 March 1978	Upper Volta			Requesting a meeting to discuss the deterioration in the situation in Southern Rhodesia due to the cynical manoeuvring of the Ian Smith régime	S/12578, <i>ibid.</i> , <i>33rd yr.</i> , <i>Suppl. for Jan.-March 1978</i>
(iii) Letter dated 28 February 1979	Equatorial Guinea			On behalf of the African Group, requesting an urgent meeting to discuss recent developments in Southern Rhodesia	S/13121, <i>ibid.</i> , <i>34th yr.</i> , <i>Suppl. for Jan.-March 1979</i>
(iv) Letter dated 26 April 1979	Ivory Coast			On behalf of the African Group, requesting an urgent meeting to consider recent developments in Southern Rhodesia	S/13276, <i>ibid.</i> , <i>Suppl. for April-June 1979</i>
(v) Letter dated 18 December 1979	United Kingdom			Requesting the Council to consider the Southern Rhodesia Constitution Order 1979, providing for the assumption of full legislative and executive authority over Southern Rhodesia by a British governor	S/13698, <i>ibid.</i> , <i>Suppl. for Oct.-Dec. 1979</i>

(vi) Letter dated 25 January 1980	Malawi	United Kingdom	On behalf of the African Group, requesting an urgent meeting to consider the situation in Southern Rhodesia arising from violations of the Lancaster House agreement on Southern Rhodesia by the United Kingdom	S/13764, <i>ibid.</i> , 35th yr., <i>Suppl. for Jan.-March 1980</i>
24. Complaint by Chad Letter dated 8 February 1978 ^a	Chad	Libyan Arab Jamahiriya	Requesting a meeting to consider the extremely serious situation prevailing in northern Chad as a result of Libyan aggression and of the Chad-Libyan frontier problem	S/12553, <i>ibid.</i> , 33rd yr., <i>Suppl. for Jan.-March 1978</i>
25. Complaint by Zambia (i) Letter dated 9 March 1978 ^a	Zambia		Requesting an urgent meeting to consider the latest premeditated and unprovoked act of . . . aggression against Zambia by forces of the rebel minority régime in Southern Rhodesia	S/12589, <i>ibid.</i>
(ii) Letter dated 22 November 1979 ^a	Zambia		Requesting an urgent meeting to consider the escalating acts of aggression against Zambia by the illegal régime in the British colony of Southern Rhodesia	S/13636, <i>ibid.</i> , 34th yr., <i>Suppl. for Oct.-Dec. 1979</i>
26. Complaint by Angola against South Africa (i) Letter dated 5 May 1978 ^a	Angola		Requesting an urgent meeting to deal with the recent aggression on the sovereignty and territorial integrity of Angola by the racist minority régime of Pretoria	S/12690, <i>ibid.</i> , 33rd yr., <i>Suppl. for April-June 1978</i>
(ii) Letter dated 16 March 1979 ^a	Angola		Requesting an urgent meeting in the light of the continuing acts of aggression and violations of the sovereignty and territorial integrity of Angola by the racist South African régime	S/13176, <i>ibid.</i> , 34th yr., <i>Suppl. for Jan.-March 1979</i>
(iii) Letter dated 31 October 1979 ^a	Angola		Requesting an urgent meeting in connection with the question of South African aggression against Angola	S/13595, <i>ibid.</i> , <i>Suppl. for Oct.-Dec. 1979</i>
(iv) Letter dated 26 June 1980 ^a	Angola		Requesting an urgent meeting in connection with the question of South African aggression against Angola	S/14072, <i>ibid.</i> , 35th yr., <i>Suppl. for April-June 1980</i>
27. Letter dated 2 September 1978 from the representative of Venezuela	Venezuela	Nicaragua	Requesting an urgent meeting to consider the situation in Nicaragua, whose duration and gravity threaten the peace and security of the region	S/12833, <i>ibid.</i> , 33rd yr., <i>Suppl. for July-Sept. 1978</i>

TABULATION OF QUESTIONS SUBMITTED TO THE SECURITY COUNCIL, 1975-1980 (continued)

Question	Submitted by	Other parties	Articles invoked in letter	Request for action by Security Council	Reference
28. Situation in Namibia (see 39 below)					
(i) Letter dated 24 October 1978	Burundi	South Africa		On behalf of the African Group, requesting an urgent meeting to consider South Africa's defiance of resolution 435 (1978)	S/12906, <i>ibid.</i> , <i>Suppl. for Oct.-Dec. 1978</i>
(ii) Letter dated 1 December 1978	Congo			On behalf of the African Group, requesting an urgent meeting to consider the situation in Namibia	S/12945, <i>ibid.</i>
29. Telegram dated 3 January 1979 from the Deputy Prime Minister in charge of Foreign Affairs of Democratic Kampuchea					
(i) Telegram dated 3 January 1979	Democratic Kampuchea	Viet Nam		Requesting an urgent meeting to condemn the Vietnamese aggression	S/13003, <i>ibid.</i> , <i>34th yr., Suppl. for Jan.-March 1979</i>
(ii) Letter dated 14 and 17 February 1979 ^a	Democratic Kampuchea	Viet Nam		Requesting an urgent meeting to consider once again and to condemn the Vietnamese aggression against and invasion of Democratic Kampuchea	S/13085 and S/13096, <i>ibid.</i>
30. Situation in South-East Asia and its implications for international peace and security					
(i) Letter dated 22 February 1979	Norway Portugal United Kingdom United States			Requesting an urgent meeting to consider the situation in South-East Asia	S/13111, <i>ibid.</i>
(ii) Letter dated 22 February 1979	Japan			Stating that, in the light of the current circumstances in Indo-China, a meeting should be called as soon as possible on the situation in Indo-China	S/13112, <i>ibid.</i>
(iii) Letter dated 23 February 1979	Australia Canada New Zealand			Referring to the situation in South-East Asia and its implications for international peace and security, which should be a matter for urgent consideration by the Council	S/13114, <i>ibid.</i>
31. Complaint by Uganda against the United Republic of Tanzania					
Letter dated 28 March 1979 ^a	Uganda	United Republic of Tanzania		Requesting an urgent meeting in connection with the question of the aggression by the United Republic of Tanzania against Uganda	S/13204, <i>ibid.</i>

32.	Letters dated 13 and 15 June 1979 from the representative of Morocco ^a	Morocco	Algeria	Requesting a meeting to consider the acts of aggression committed by the Algerian Government against Morocco	S/13394 and S. 13397, <i>ibid.</i> , <i>Suppl. for April-June 1979</i>				
33.	Letter dated 25 November 1979 from the Secretary-General and letter dated 22 December 1979 from the representative of the United States (see 40 below)	United States	Iran	Requesting that the Council urgently consider what might be done to secure the release of the diplomatic personnel being held by a group of Iranians	S/13615, <i>ibid.</i> , <i>Suppl. for Oct.-Dec. 1979</i>				
(i)	Letter dated 9 November 1979								
(ii)	Letter dated 13 November 1979					Iran	United States	Requesting a meeting in view of the fact that the United States had plunged the world into a war psychosis and of the fact that it deemed its own peace and security and those of the region and the world to be threatened	S/13626, <i>ibid.</i>
(iii)	Letter dated 27 November 1979					Iran	Iran	Welcoming the request of the Secretary-General for a meeting of the Council (S/13646), recalling the request by the Foreign Minister for a meeting in view of the threats to the peace and security of Iran and asking that formal deliberations of the Council be postponed on account of Islamic holidays	S/13650, <i>ibid.</i>
(iv)	Letter dated 22 December 1979					United States	Iran	Requesting that the Council meet at an early date to consider Iran's continued detention of the hostages, which jeopardized the international order vital to all nations	S/13705, <i>ibid.</i>
34.	Letter dated 3 January 1980 from 52 Member States regarding Afghanistan	52 Member States	Afghanistan	Requesting an urgent meeting to consider the situation in Afghanistan	S/13724 and Add.1 and 2, <i>ibid.</i> , 35th yr., <i>Suppl. for Jan.-March 1980</i>				
35.	Letter dated 1 September 1980 from the representative of Malta	Malta	Libyan Arab Jamahiriya	35	Requesting an urgent meeting in view of an illegal action taken by the Libyan Government, which also constituted a threat to regional and international peace	S/14140, <i>ibid.</i> , <i>Suppl. for July-Sept. 1980</i>			
36.	Situation between Iran and Iraq (see 41 below) Letter dated 26 September 1980	Mexico Norway	Iran Iraq	Requesting an urgent meeting to consider the ongoing conflict between Iran and Iraq	S/14198, <i>ibid.</i>				

TABULATION OF QUESTIONS SUBMITTED TO THE SECURITY COUNCIL, 1975-1980 (continued)

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

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

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

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

Question	Submitted by	Other parties	Articles invoked in letter	Request for action by Security Council	Reference
37. Question of South Africa (see 21 above) Letter dated 7 March 1979	Chairman, Special Committee against Apartheid			On behalf of the Special Committee, endorsing the recommendation of the United Nations Seminar on Nuclear Collaboration with South Africa that the Council consider urgently the situation arising from the efforts of the apartheid régime to acquire nuclear-weapon capability	S/13157, <i>ibid.</i> , 34th yr., <i>Suppl. for Jan.-March 1979</i>
38. Question of the exercise by the Palestinian people of its inalienable rights	Chairman, Committee on the Exercise of the Inalienable Rights of the Palestinian People			Referring to General Assembly resolution 33/28 A and expressing the conviction that the Council would wish to consider the recommendations of the Committee in accordance with the appeal of the Assembly	S/13164, <i>ibid.</i>
(i) Letter dated 13 March 1979					
(ii) Letter dated 27 June 1979	Idem			Referring to the reply dated 24 May 1979 from the President to his letter (S/13164) and conveying the Committee's conviction that the Council should resume consideration of the Committee's recommendations	S/13418, <i>ibid.</i> , <i>Suppl. for April-June 1979</i>
(iii) Letter dated 24 March 1980	Chairman, Committee on the Exercise of the Inalienable Rights of the Palestinian People			Referring to General Assembly resolution 34/65 A and to developments in the occupied Arab territories and requesting that the Council convene urgently to consider the recommendations of the Committee	S/13855, <i>ibid.</i> , 35th yr., <i>Suppl. for Jan.-March 1980</i>

9. Situation in Namibia (see 28 above)
Letter dated 28 August 1980

Chairman, Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Chapter VII

Submitting a consensus adopted by the Special Committee on 21 August 1980 recommending that the Council convene urgently to consider imposing comprehensive and mandatory sanctions against South Africa under Chapter VII of the Charter

S/14133 (for the text of the consensus, see *OR, G.A. 35th Session, Suppl. No. 23 (A/35/23/Rev.1)*, chap. VIII, para. 13)

Section G. Questions submitted by the Secretary-General

<i>QUESTION</i>	<i>Submitted by</i>	<i>Other parties</i>	<i>Articles invoked in letter</i>	<i>Request for action by Security Council</i>	<i>Reference</i>
40. Letter dated 25 November 1979 (see 33 above)	Secretary-General	Iran United States		Requesting an urgent meeting to consider the seizure of the United States Embassy at Teheran and detention of its diplomatic personnel, which posed a serious threat to international peace and security	S/13646, <i>OR, 34th yr., Suppl. for Oct.-Dec. 1979</i>
41. Situation between Iran and Iraq (see 36 above)					
(i) Letter dated 23 September 1980	Secretary-General	Iran Iraq		Stating that in view of the dangers that would inevitably arise from a further escalation of the conflict, it was urgently necessary for the members of the Council to meet in consultation	S/14196, <i>ibid., 35th yr., Suppl. for July-Sept. 1980</i>
(ii) Letter dated 25 September 1980	Secretary-General	Iran Iraq		Stating that the current situation was an undoubted threat to international peace and security and suggesting that the Council should consider the matter with the utmost urgency	S/14197, <i>ibid.</i>

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

Part IV

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

NOTE

Part IV deals with cases in which discussion has arisen regarding the responsibility of the Security Council for the settlement of the particular dispute or situation under consideration in the light of the provisions of Chapter VI of the Charter.¹⁷² It also includes those instances where Articles 36-38 or Chapter VI have been invoked or where the proceedings of the Council have a bearing on the interpretation of these provisions.

During the period under review, debates preceding decisions of the Council in this field dealt mostly with the actual issues before the Council and the relative merits of measures proposed without discussion regarding their relation to the provisions of the Charter. Evidence for the interpretation of the provisions of Articles 36-38 continued to be scant. Chapter VI was explicitly invoked in a resolution adopted by the Council and several decisions of the Council contained implicit references to Article 36. This Article, as well as Chapter VI as a whole, were explicitly referred to in Council debates and in related communications.¹⁷³

Resolution 395 (1976), concerning the complaint by Greece against Turkey,¹⁷⁴ contained in the preamble an explicit reference to Chapter VI invoking both the principles as well as the procedures and methods for the peaceful settlement of disputes, and, in the operative part, invited the Governments of Greece and Turkey to continue to take into account the contribution that appropriate judicial means, in particular the International Court of Justice, were qualified to make to the settlement of any remaining legal differences that they might identify in connection with their dispute.¹⁷⁵ The debate leading to the adoption of this resolution brought out the intimate link between the text of the Council's decision and the provisions of Chapter VI, especially Articles 33 and 36. However, the deliberations did not give rise to a constitutional discussion regarding the framework of Chapter VI of the Charter for the peaceful settlement of disputes and other forms of conflict.

During the consideration of the detention of United States diplomatic personnel in Teheran, Chapter VI and Article 36 were repeatedly invoked as the Council grappled with the problem of applying the procedures of peaceful settlement to this situation. The references to Chapter VI as a whole were made in connection with

recommendations by Member States to apply fully the provisions for peaceful settlement before considering mandatory sanctions under Chapter VII.¹⁷⁶ The Council further referred to judicial settlement in accordance with Article 36, especially its paragraph 3, when in resolution 461 (1979) it took into account the Order of the International Court of Justice of 15 December 1979 (S/13697) calling upon the Government of the Islamic Republic of Iran to ensure the immediate release, without any exception, of all persons of United States nationality who were being held as hostages in Iran and also calling upon the Government of the United States and the Government of the Islamic Republic of Iran to ensure that no action would be taken by them that would aggravate the tension between the two countries.¹⁷⁷

When the Council considered the request by the Libyan Arab Republic and Pakistan in March 1976 with regard to the serious situation that had arisen in the occupied Arab territories, the spokesman for the PLO repeatedly called for Council action under Article 36.¹⁷⁸ A draft resolution¹⁷⁹ submitted by Benin, Guyana, Pakistan and the United Republic of Tanzania provided for the Council to call upon Israel to refrain from all measures against the Arab inhabitants of the occupied territories and to ask Israel to respect the Holy Places, to desist from the expropriation of Arab property and to refrain from any steps to change the legal status of Jerusalem.¹⁸⁰ This draft, which was put to the vote and failed to be adopted owing to the negative vote of a permanent member,¹⁸¹ might be seen as a set of corollary measures for a peaceful settlement in accordance with Article 36 (1).¹⁸²

Article 36 and the referral of legal issues to the International Court of Justice were of significance in the Council's direct and indirect efforts to assist the Governments of Malta and the Libyan Arab Jamahiriya in settling their differences regarding the delimitation of the continental shelf area between the two countries. In a letter dated 1 September 1980¹⁸³ and in subsequent communications, the representative of Malta deplored the delay in submitting the whole question to the Court, as agreed in 1976, and sought the help of the Council and the Secretary-General in easing the tension and facilitating that step toward judicial settlement. The Libyan Government also reiterated its willingness to see the matter

¹⁷² For general criteria for entries in this part, see *Repertoire of the Practice of the Security Council, 1946-1951*, pp. 296 and 410.

¹⁷³ For explicit references to Article 36 of the Charter in connection with the Middle East problem including the Palestinian question, see 1870th mtg.: PLO, para. 188; and 1876th mtg.: Guinea, para. 113; in connection with the complaint by Kenya concerning aggression by South Africa against Angola, see 1906th mtg.: United Kingdom, para. 251; and, in connection with the question of the exercise by the Palestinian people of its inalienable rights, see 1935th mtg.: Laos, para. 77. For explicit references to Chapter VI of the Charter in connection with the complaint by Zambia against South Africa, see 1948th mtg.: United Kingdom, para. 144; in connection with the admission of new members (Socialist Republic of Viet Nam), see 1972nd mtg.: Mexico, para. 13; in connection with the situation in Cyprus, see 2081st mtg.: Cyprus, para. 21; in connection with the letter dated 3 January 1980 from 52 Member States regarding Afghanistan, see 2185th mtg.: Philippines, para. 54; and in connection with the question of South Africa, see 2231st mtg.: United States, para. 18.

¹⁷⁴ See case 2 above for the detailed description of the resolution and of its adoption.

¹⁷⁵ Resolution 395 (1976), fourth preambular paragraph and operative paragraph 4. For references to Article 36 during the Council's deliberations, see 1953rd mtg.: France, para. 40; Italy, para. 19; United Kingdom, para. 10; and United States, para. 31.

¹⁷⁶ For explicit references to Chapter VI see 2175th mtg.: Czechoslovakia, para. 115; 2183rd mtg.: Czechoslovakia, para. 13; Zambia, para. 24. Chapter VI was implicitly referred to throughout the proceedings of the Council. For specific references to Article 36 and judicial settlement through the International Court of Justice see 2175th mtg.: Nigeria, para. 108; United States, para. 23.

¹⁷⁷ Resolution 461 (1975), sixth preambular paragraph. The reference to that Order was reiterated in the United States-sponsored draft resolution (S/13735), which failed to be adopted owing to the negative vote of a permanent member. For the text of the Order, see S/13697 (mimeograph), and publication No. 447 of the International Court of Justice. The Judgment of the Court was circulated as a Council document as requested by the letter dated 9 June 1980 from the representative of the United States (S/13989). For the Judgment, see publication No. 451 of the Court. See chapter VIII, part II of the present Supplement for the detailed case history.

¹⁷⁸ 1893rd mtg., para. 69; and 1899th mtg., para. 124. For further references by the PLO to Article 36, see footnote 173 above.

¹⁷⁹ S/12022, OR, 31st yr., Suppl. for Jan.-March 1976.

¹⁸⁰ Paragraphs 2 and 3 of the draft resolution.

¹⁸¹ For the vote, see 1899th mtg., para. 106.

¹⁸² The explicit references to Article 36 by the spokesman of the PLO would add support to this interpretation.

¹⁸³ For the text of the letter, see S/14140, OR, 35th yr., Suppl. for July-Sept. 1980. For other relevant communications during the remainder of 1980, see S/14170, S/14181 and S/14217 detailing aspects of Libyan pressure.

submitted to the Court.¹⁴⁴ The issue was, however, not satisfactorily settled during the period under review, despite a meeting of the Council¹⁴⁵ and the dispatch, with Council approval, of a Special Representative to discuss the question with both Governments.¹⁴⁶ Throughout this period, the use of judicial procedures to obtain a peaceful resolution of the conflict between the two countries was clearly envisaged by the Council, the parties and the Secretary-General, as suggested under Article 36 of the Charter.

¹⁴⁴ See, in particular, the letter dated 16 September 1980 (S/14176, 35th yr., Suppl. for July-Sept. 1980).

¹⁴⁵ The Council considered the issue at its 2246th meeting, on 4 September 1980.

¹⁴⁶ For the exchange of letters between the Secretary-General and the President of the Council regarding the decision to dispatch a special representative, see S/14228 and S/14229, *OR*, 35th yr., Suppl. for Oct.-Dec. 1980; and for the report of the Secretary-General on the mission of the Special Representative to Malta and the Libyan Arab Jamahiriya, see S/14256, *OR*, 35th yr., Suppl. for Oct.-Dec. 1980.

It should be noted that during the period covered by the present *Supplement*, resolutions adopted by the Council and draft resolutions that were not adopted contained provisions that could be interpreted as corollary measures of pacific settlement.¹⁴⁷ As a guide to relevant decisions of the Council, the appropriate headings in the analytical table of measures of chapter VIII of the present *Supplement* should be consulted, as well as the materials in the other parts of chapter X. For discussions bearing on procedures of pacific settlement under Chapter VI of the Charter as a whole and Article 36, the relevant parts of chapters VIII and X of the present *Supplement* should be consulted, whereas reference should 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.

¹⁴⁷ Special reference should be made to part I of this chapter, where much of this material has already been dealt with, as it has a bearing on the interpretation and application of the basic instruments of peaceful settlement as contained in Article 33 of the Charter.

Chapter XI

CONSIDERATION OF THE PROVISIONS OF CHAPTER VII OF THE CHARTER

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INTRODUCTORY NOTE

The present *Supplement* 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 any 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 forces 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 measures 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 applications 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

¹ Up to *Supplement 1964-1965*, chapter XI dealt with instances in which proposals placed before the Council evoked discussion regarding the application of Chapter VII of the Charter. The change was introduced in the *Supplement 1966-1968*.

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.

"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

Due to the frequently interconnected nature of the proceedings of the Council involving, especially, Articles 39 and 41, Articles 39-42 are again considered together, rather than separately.

During the period under review, the Council has taken one decision in which Article 39 was explicitly invoked together with Article 41.¹ Twice, Article 39 was explicitly referred to in draft resolutions that failed to be adopted: in one case the article was invoked together with Articles 40 to 46;² in the second instance Articles 39 and 41 were referred to.³

The Council has also taken a number of decisions containing implicit references to Article 39 or employing the language of that article. In connection with the situation in Southern Rhodesia, the Council reiterated⁴ in four resolutions⁵ its finding that the situation constituted a threat to international peace and security and

invoked Chapter VII⁶ in affirming and expanding the sanctions imposed on Southern Rhodesia.

When the Council considered the complaint by the Government of Botswana against the illegal régime in Southern Rhodesia concerning violations of its territorial sovereignty, it recalled in its resolutions 403 (1977) and 406 (1977)⁷ the determination under resolution 232 (1966) that the situation in Southern Rhodesia constituted a threat to international peace and security. The same finding was also reiterated in resolution 411 (1977)⁸ regarding the complaint by Mozambique and in resolutions 424 (1978)⁹ and 455 (1979)¹⁰ with regard to complaints by Zambia.

In 1977, after a prolonged examination of the question of South Africa, the Council adopted resolution 418 (1977) of 4 November 1977 in which it determined that the acquisition by South Africa of arms and related *matériel* constituted a threat to the maintenance of international peace and security and imposed a mandatory arms embargo.¹¹ This determination under Article 39 was recalled in resolution 421 (1977) of 9 December 1977

¹Case I below.

²S/12310, para. 5, *OR*, 32nd yr., *Suppl. for Jan.-March 1977*. See also part IV for further details.

³S/13735. See case I below.

⁴Resolution 232 (1966) of 16 December 1966 contained the original reference to Articles 39 and 41 and the finding that the situation constituted a serious threat to international peace and security. Resolution 253 (1968) of 29 May 1968 reaffirmed the determination under Article 39 and contained an explicit invocation of Chapter VII.

⁵Resolution 388 (1976) of 6 April 1976, fourth and fifth preambular paras.; resolution 409 (1977) of 27 May 1977, fourth and fifth preambular paras.; resolution 423 (1978) of 14 March 1978, second preambular para.; and resolution 445 (1979), seventh preambular para.

⁶Resolutions 388 (1976) and 409 (1977) contained explicit references to Chapter VII, whereas resolutions 423 (1978) and 445 (1979) invoked it only implicitly.

⁷Resolution 403 (1977) of 14 January 1977, fourth preambular para.; and resolution 406 (1977) of 25 May 1977, third preambular para.

⁸Resolution 411 (1977) of 30 June 1977, seventh preambular para.

⁹Resolution 424 (1978) of 17 March 1978, eighth preambular para.

¹⁰Resolution 455 (1979) of 23 November 1979, eighth preambular para. The third to sixth preambular paras. contained formulations that were similar to the language of Article 39.

¹¹Resolution 418 (1977), para. 1. See below for the sanctions under Article 41 and for the explicit invocation of Chapter VII in this decision.

when the Council took additional measures to implement the arms embargo.¹³

During its consideration of the complaint by Angola against South Africa, the Council adopted resolution 447 (1979) of 28 March 1979, in which it condemned South Africa for premeditated, persistent and sustained armed invasions of Angola which constituted a flagrant violation of the sovereignty and territorial integrity of that country as well as a serious threat to international peace and security.¹⁴ This condemnation was reiterated in resolution 475 (1980) of 27 June 1980.¹⁵

In 1980, when the Council resumed consideration of the question of South Africa, it adopted resolution 473 (1980) of 13 June 1980, in which it reaffirmed that the policy of *apartheid* was a crime against the conscience of and dignity of mankind and was incompatible with the rights and dignity of man, the Charter of the United Nations and the Universal Declaration of Human Rights, and seriously disturbed international peace and security.¹⁶

There were a number of instances in which resolutions adopted by the Council contained provisions that might be considered to be similar to the language of Article 39. These are briefly listed as follows:

(a) Resolution 387 (1976) of 31 March 1976, sixth preambular paragraph:¹⁷

Gravely concerned at the acts of aggression committed by South Africa against the People's Republic of Angola and the violation of its sovereignty and territorial integrity.

(b) Resolution 405 (1977) of 14 April 1977, paragraph 2:¹⁸

2. *Strongly condemns* the act of armed aggression perpetrated against the People's Republic of Benin on 10 January 1977;

(c) Resolution 454 (1979) of 2 November 1979, fourth preambular paragraph and paragraph 1:¹⁹

Gravely concerned at the premeditated, persistent and sustained armed invasions committed by South Africa in violation of the sovereignty, air space and territorial integrity of the People's Republic of Angola,

1. *Strongly condemns* South Africa's aggression against the People's Republic of Angola;

(d) Resolution 466 (1980) of 11 April 1980, third to sixth preambular paragraphs:²⁰

Gravely concerned at the escalation of hostile and unprovoked acts by the racist régime of South Africa, violating the sovereignty, air space and territorial integrity of the Republic of Zambia,

Recalling its resolution 455 (1979) in which, *inter alia*, it strongly condemned the collusion by racist South Africa with the then illegal régime in Southern Rhodesia in acts of aggression against the Republic of Zambia,

Grieved at the tragic loss in human life and concerned about the damage and destruction of property resulting from the escalated acts and armed incursions by the racist régime of South Africa against the Republic of Zambia,

¹³Resolution 421 (1977), first preambular para. For the sanctions and the establishment of a committee to oversee the implementation of the embargo see below under Article 41.

¹⁴Resolution 447 (1979), para. 1. For the explicit reference to Chapter VII see further below in part IV.

¹⁵Resolution 475 (1980), para. 1. See also part IV below for the explicit invocation of Chapter VII.

¹⁶Resolution 473 (1980), para. 3. The resolution also deals with the strengthening of the embargo against South Africa under resolution 418 (1977).

¹⁷In connection with the complaint by Kenya on behalf of the African Group of States at the United Nations, concerning acts of aggression committed by South Africa against the People's Republic of Angola.

¹⁸In connection with the complaint by Benin.

¹⁹In connection with the complaint by Angola against South Africa.

²⁰In connection with the complaint by Zambia against South Africa.

Deeply concerned that the wanton acts by the racist régime of South Africa are aimed at the destabilization of the Republic of Zambia,

The Council considered a number of draft resolutions containing implicit references to Article 39, which, however, were either not voted upon or failed to be adopted. These drafts read as follows:

(a) S/11713, paragraph 9:

Acting under Chapter VII of the United Nations Charter:

(a) *Determines* that the illegal occupation of the Territory of Namibia by South Africa constitutes a threat to international peace and security;²¹

(b) S/12211, paragraph 11:

Acting under Chapter VII of the Charter of the United Nations:

(a) *Determines* that the illegal occupation of Namibia and the war being waged there by South Africa constitute a threat to international peace and security;²²

(c) S/12310, second preambular paragraph and paragraph 2:

Reaffirming that the imposition of *apartheid* in South Africa and the massive violence and repression by the racist régime of South Africa against the great majority of the population is seriously disturbing international peace and security,

2. *Further declares* that the policies and actions of the South African racist régime have seriously disturbed peace in the region and constitute a grave threat to international peace and security;²³

(d) S/12311, sixth preambular paragraph:

Recognizing that the military build-up and persistent acts of aggression by the South African racist régime against the neighbouring States pose a grave threat to the security and sovereignty of independent African States and to the security of the great majority of the people of South Africa;²⁴

(e) S/12433, fourth preambular paragraph and paragraph 1:

Considering that the policies and acts of the South African Government are fraught with danger to international peace and security,

1. *Determines*, having regard to the policies and acts of the South African Government, that the acquisition by South Africa of arms and related material constitutes a threat to the maintenance of international peace and security;²⁵

(f) S/12547, seventh preambular paragraph:

Considering that the policies and actions of the South African racist régime have further aggravated the situation in South Africa and that

²¹S/11713, OR, 30th yr., Suppl. for April-June 1975: draft resolution submitted by Guyana, Iraq, Mauritania, the United Republic of Cameroon and the United Republic of Tanzania in connection with the situation in Namibia, failed to be adopted owing to the negative votes of three permanent members.

²²S/12211, OR, 31st yr., Suppl. for Oct.-Dec. 1976: draft resolution submitted by Benin, Guyana, the Libyan Arab Republic, Pakistan, Panama, Romania and the United Republic of Tanzania in connection with the situation in Namibia, failed to be adopted owing to the negative votes of three permanent members.

²³S/12310, OR, 32nd yr., Suppl. for Jan.-March 1977: draft resolution submitted by Benin, Libyan Arab Republic and Mauritius in connection with the question of South Africa, revised, failed to be adopted owing to the negative votes of three permanent members. For further details see part IV below.

²⁴S/12311, OR, 32nd yr., Suppl. for Jan.-March 1977: draft resolution submitted by Benin, Libyan Arab Republic and Mauritius in connection with the question of South Africa, revised, failed to be adopted owing to the negative votes of three permanent members.

²⁵S/12433, OR, 32nd yr., Suppl. for Oct.-Dec. 1977: draft resolution submitted by Canada and the Federal Republic of Germany in connection with the question of South Africa; the draft resolution was withdrawn.

the continuation of the situation constitutes a serious threat to international peace and security.²⁶

(g) S/13022, fifth preambular paragraph:

Convinced that Viet Nam's aggression against Democratic Kampuchea constitutes a threat to international peace and security,²⁷

(h) S/13117, third preambular paragraph:

Convinced that this aggression constitutes a threat to international peace and security,²⁸

(i) S/13119, second preambular paragraph:

Convinced that the Vietnamese authorities' continued military invasion and occupation of Democratic Kampuchea in disregard of the just demand of the thirteen States members of the Security Council for the withdrawal of Vietnamese forces constitute a serious threat to international peace and security,²⁹

(j) S/14106, paragraph 4:

4. *Affirms also* that this action constitutes a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East, and constitutes a threat to international peace and security;³⁰

During the period under review, Article 39 was not explicitly invoked in any letter of submission to the Council, but in a number of cases letters requesting a meeting of the Council employed language similar to that of Article 39.³¹

There were a number of explicit references to Article 39 during the consideration of several agenda items in the Security Council.³² 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.³³

²⁶S/12547, OR, 33rd yr., Suppl. for Jan.-March 1978: draft resolution submitted by Gabon, Mauritius and Nigeria in connection with the question of South Africa; not put to the vote.

²⁷S/13022, OR, 34th yr., Suppl. for Jan.-March 1979: draft resolution submitted by China in connection with the telegram dated 3 January 1979 from the Deputy Prime-Minister in charge of Foreign Affairs of Democratic Kampuchea; not put to the vote.

²⁸S/13117, OR, 34th yr., Suppl. for Jan.-March 1979: draft resolution submitted by Czechoslovakia and the USSR in connection with the situation in South-East Asia and its implications for international peace and security; not put to the vote.

²⁹S/13119, OR, 34th yr., Suppl. for Jan.-March 1979: draft resolution submitted by China in connection with the same agenda item; not put to the vote.

³⁰S/14106, OR, 35th yr., Suppl. for July-Sept. 1980: draft resolution submitted by 35 Member States in connection with the situation in the Middle East; not put to the vote.

³¹For the relevant details, see the tabulation of requests under Article 35 in chapter X of the present Supplement.

³²In connection with the situation in Namibia, 1823rd mtg.: Burundi, para. 60; 1828th mtg.: Sweden, para. 100; and 1884th mtg.: Sweden, para. 118; in connection with the situation in Timor, 1864th mtg.: Portugal, para. 56; in connection with the situation in the Comoros, 1888th mtg.: France, para. 272; in connection with the situation in the occupied Arab territories, 1966th mtg.: Syria, para. 160; in connection with the complaint by Benin, 1986th mtg.: Madagascar, para. 68; in connection with the question of South Africa, 2039th mtg.: Senegal, para. 36; and 2046th mtg.: United Kingdom, para. 42; in connection with the situation in Cyprus, 2055th mtg.: Cyprus, para. 144; Panama, paras. 121 and 122; in connection with the complaint by Zambia, 2171st mtg.: United Kingdom, para. 104; and in connection with the letter dated 22 December 1979 from the Permanent Representative of the United States, 2184th mtg.: Bangladesh, para. 17; Zambia, para. 56; and 2191st mtg. and Add.1: Jamaica, para. 85; Mexico, para. 63; President (France), para. 133; and United States, paras. 26 and 157.

³³Such statements occurred especially in connection with questions involving developments in southern Africa, but also in discussions about the situation in the Middle East, other African issues, the detention of American hostages in Iran, the situation in South-East Asia involving Democratic Kampuchea, Viet Nam and China, the letter dated 3 January 1980 from 52 Member States regarding Afghanistan and the situation between Iran and Iraq.

During the period under review, the Council took no decision explicitly under Article 40 of the Charter. The question whether there were any resolutions or other decisions containing implicit references to that Article cannot be answered in the affirmative because the action considered by the Council and the accompanying proceedings did not make clear whether the Council was actually considering basing its decision on the provisions of Article 40. 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 a situation. Such provisional measures included (a) calls for the withdrawal of armed forces;³⁴ (b) calls upon parties to refrain from further military action and acts of violence;³⁵ (c) calls for a cease-fire, including cessation of all hostilities;³⁶ (d) demands for the immediate cessation of an armed invasion;³⁷ (e) demands that the independence, sovereignty and territorial integrity of a country be respected;³⁸ (f) declarations that elections were null and void;³⁹ (g) demands for the release of detained personnel of an embassy;⁴⁰ (h) demands that the illegal expulsion of elected officials be rescinded and their return to their functions be facilitated;⁴¹ (i) calls for payment of full and adequate compensation for the effects of acts of aggression;⁴² (j) calls upon a party to rescind certain measures in an occupied territory;⁴³ and (k) calls upon Member States to co-operate with the United Nations.⁴⁴

³⁴Resolution 380 (1975), para. 2, in connection with the situation concerning Western Sahara; resolution 384 (1975), para. 2, and resolution 389 (1976), para. 2, in connection with the situation in Timor; resolution 425 (1978), para. 2, in connection with the situation in the Middle East; resolution 428 (1978), para. 3, resolution 454 (1979), para. 2, and resolution 475 (1980), para. 3, in connection with the complaint by Angola against South Africa; and resolution 466 (1980), para. 2, in connection with the complaint by Zambia against South Africa.

³⁵Resolution 392 (1976), para. 5, in connection with the situation in South Africa; resolution 393 (1976), para. 3, in connection with the complaint by Zambia against South Africa; resolution 425 (1978), para. 2, and resolution 436 (1978), para. 1, in connection with the situation in the Middle East; and resolution 471 (1980), para. 9, in connection with the question of South Africa.

³⁶Resolution 403 (1977), para. 4, in connection with the complaint by Botswana; resolution 436 (1978), para. 1, in connection with the situation in the Middle East; and statement of the President (S/14190) of 23 September 1980, last paragraph, in connection with the situation between Iran and Iraq.

³⁷Resolution 447 (1979), para. 3, and resolution 454 (1979), para. 2, in connection with the complaint by Angola against South Africa.

³⁸Resolution 450 (1979), fifth preambular para. and para. 2, in connection with the situation in the Middle East; resolution 454 (1979), para. 3, and resolution 475 (1980), para. 3, in connection with the complaint by Angola against South Africa; and resolution 466 (1980), para. 2, in connection with the complaint by Zambia against South Africa.

³⁹Resolution 445 (1979), para. 6, and resolution 448 (1979), para. 2, in connection with the situation in Southern Rhodesia.

⁴⁰Statement of the President (S/13616) of 9 November 1979; resolution 457 (1979), para. 1, and resolution 461 (1979), para. 3, in connection with the letter dated 25 November 1979 from the Secretary-General and the letter dated 22 December 1979 from the representative of the United States.

⁴¹Resolution 468 (1980), para. 1; resolution 469 (1980), para. 2, and resolution 484 (1980), para. 3, in connection with the situation in the occupied Arab territories.

⁴²Resolution 455 (1979), para. 5, in connection with the complaint by Zambia; and resolution 475 (1980), para. 6, in connection with the complaint by Angola against South Africa.

⁴³Statement of the President (S/12233) of 11 November 1976, para. 4, in connection with the situation in the occupied Arab territories.

⁴⁴Resolution 435 (1978), para. 5, and resolution 439 (1978), para. 5, in connection with the situation in Namibia.

The Council also called upon certain Member States to take a number of specific measures. Thus, South Africa was called upon to end its bantustan policy, to withdraw from Namibia, to release all Namibian political prisoners, to abolish the race laws and to grant unconditionally the right to all Namibians in exile for political reasons to return to Namibia;⁴⁵ to respect the independence of Angola, to stop using Namibia for attacks on Angola and other African States and to compensate Angola for the damages;⁴⁶ to reopen the border posts;⁴⁷ to end violence and repression against the black people; to release all persons arbitrarily imprisoned and detained; to cease the violence against demonstrators against *apartheid*, the murders in detention and the torture of political prisoners; to abrogate the bans on organizations and news media opposed to *apartheid*; and to abolish the system of racial discrimination and the policy of bantustanization;⁴⁸ to end the occupation of Namibia;⁴⁹ and to cancel the elections planned in Namibia.⁵⁰

In 1979, the United Kingdom, as the administering Power, was requested to prevent further illegal executions in Southern Rhodesia.⁵¹ Israel was called upon to cease the assistance it continued to lend to irresponsible armed groups in Lebanon; and all parties were called upon to refrain from activities inconsistent with the objectives of UNIFIL and to co-operate for the fulfilment of those objectives.⁵² Israel was called upon to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem.⁵³ The Council condemned the proclamation of the so-called "independence" of Venda, declared it totally invalid and called upon all Governments to deny any form of recognition to the so-called "independent" bantustans, to refrain from any dealings with them and to reject travel documents issued by them, and urged Governments of Member States to take effective measures to prohibit all individuals, corporations and other institutions under their jurisdiction from having any dealings with the so-called "independent" bantustans.⁵⁴ The Council again demanded that South Africa desist from utilizing Namibia for launching acts of aggression against Angola and other neighbouring African States.⁵⁵ With regard to Southern Rhodesia, the Council called for strict adherence to the agreements reached and for their full implementation by the administering Power and all the parties concerned and called upon the administering Power to ensure that no South African or other external forces, regular or mercenary, would remain in or enter Southern Rhodesia, except

those forces provided for under the Lancaster House agreement.⁵⁶

During 1980, the Council called upon the Government of the United Kingdom to ensure the withdrawal of any remaining South African forces from Southern Rhodesia, to take all necessary steps to ensure that eligible Zimbabwe nationals would freely participate in the upcoming electoral process, including the return of exiles and refugees, the release of all political prisoners, the rescinding of all emergency measures and regulations inconsistent with the conduct of free and fair elections, to create conditions in Southern Rhodesia which would ensure free and fair elections and thereby avert the danger of the collapse of the Lancaster House agreement, and to release any South African political prisoners, including captured freedom fighters, in Southern Rhodesia and to ensure their safe passage to any country of their choice.⁵⁷ The Council further condemned the assassination attempts against three Palestinian mayors, called for the immediate apprehension and prosecution of the perpetrators of these crimes, and called upon the Government of Israel to provide the victims with adequate compensation.⁵⁸ The Government of South Africa was called upon urgently to end violence against the African people and to take urgent measures to eliminate *apartheid*, to take measures immediately to eliminate the policy of *apartheid* and to grant to all South African citizens equal rights, including equal political rights, and a full and free voice in the determination of their destiny, and to release all political prisoners, including Nelson Mandela and other black leaders.⁵⁹ Regarding Jerusalem, the Council reconfirmed that all legislative and administrative measures and actions taken by Israel, the occupying Power, which purported to alter the character and status of Jerusalem, had no legal validity and constituted a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and also constituted a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East; the Council reiterated that all such measures that had altered the character and status of Jerusalem were null and void and must be rescinded in compliance with the relevant resolutions of the Council, and urgently called upon Israel to desist forthwith from persisting in the policy and measures affecting the character and status of Jerusalem.⁶⁰ The Council censured in the strongest terms the enactment by Israel of a "basic law" on Jerusalem and the refusal to comply with relevant Council resolutions, determined that all legislative and administrative measures and action taken by Israel regarding Jerusalem were null and void and must be rescinded forthwith, affirmed that that action constituted a serious obstruction to achieving peace in the Middle East, decided not to recognize the "basic law" and other actions by Israel with regard to Jerusalem and called upon those States that had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City.⁶¹ When two Palestinian mayors were expelled, Israel was called upon to adhere to the

⁴⁵ Resolution 385 (1976), paras. 4, 10 and 11, in connection with the situation in Namibia.

⁴⁶ Resolution 387 (1976), paras. 2, 3 and 5, in connection with the complaint by Kenya concerning aggression by South Africa against Angola.

⁴⁷ Resolution 402 (1976), para. 4, in connection with the complaint by Lesotho against South Africa.

⁴⁸ Resolution 417 (1977), para. 3, in connection with the question of South Africa.

⁴⁹ Resolution 428 (1978), para. 7, in connection with the complaint by Angola against South Africa.

⁵⁰ Resolution 439 (1978), para. 4, in connection with the situation in Namibia.

⁵¹ Resolution 445 (1979), para. 4, in connection with the situation in Southern Rhodesia.

⁵² Resolution 450 (1979), paras. 2 and 3, in connection with the situation in the Middle East.

⁵³ Resolution 452 (1979), para. 3, in connection with the situation in the Middle East.

⁵⁴ Statement of the President (S/13549) of 21 September 1979, paras. 3 and 4, in connection with the question of South Africa.

⁵⁵ Resolution 454 (1979), para. 4, in connection with the complaint by Angola against South Africa.

⁵⁶ Resolution 460 (1979), paras. 6 and 7, in connection with the situation in Southern Rhodesia.

⁵⁷ Resolution 463 (1980), paras. 4-7, in connection with the situation in Southern Rhodesia.

⁵⁸ Resolution 471 (1980), paras. 1 and 3, in connection with the situation in the Middle East.

⁵⁹ Resolution 473 (1980), paras. 5, 7 and 8, in connection with the question of South Africa.

⁶⁰ Resolution 476 (1980), paras. 3-5, in connection with the situation in the Middle East.

⁶¹ Resolution 478 (1980), paras. 1, 3, 4 and 5, in connection with the situation in the Middle East.

provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War.⁶²

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. These 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;⁶³ in several instances, the Council announced that Chapter VII measures would have to be considered.⁶⁴

In one instance, Article 40, together with Articles 39 and 41-46, was explicitly invoked in a draft resolution⁶⁵ in connection with the consideration by the Council of the question of South Africa. The draft was not put to the vote, but subsequently it was submitted again in revised form and put to the vote: it received 10 votes in favour and 5 against and was not adopted owing to the negative votes of three permanent members.⁶⁶

During the period under review, the Council adopted two resolutions that contained explicit references to Article 41.⁶⁷ Regarding the situation in Southern Rhodesia, the Council had invoked Article 41 in two resolutions adopted in 1966 and 1970,⁶⁸ and referred in subsequent resolutions that were devoted to the establishment and strengthening of the economic sanctions imposed against the rebellious white minority régime⁶⁹ to Chapter VII in general and to the provisions of Article 41 in particular, but only in resolution 409 (1977) was the Article explicitly invoked.⁷⁰ Whereas resolutions 388 (1976), 409 (1977), 437 (1978) and 445 (1979) were geared to reaffirming and reinforcing the sanctions against Southern Rhodesia, resolution 460 (1979) brought the termination of the programme of sanctions and the dissolution of the Committee established in pursuance of resolution 253 (1968).

⁶² Resolution 484 (1980), para. 2, in connection with the same item.

⁶³ Resolution 379 (1975), para. 2, in connection with the situation concerning Western Sahara; resolution 385 (1976), para. 12, in connection with the situation in Namibia; and resolution 391 (1976), para. 6, in connection with the complaint by Zambia against South Africa.

⁶⁴ Resolution 428 (1978), para. 8, and resolution 475 (1980), para. 7, in connection with the complaint by Angola against South Africa; resolution 439 (1978), para. 6, in connection with the situation in Namibia; resolution 461 (1979), para. 6, in connection with the letter dated 22 December 1979 from the representative of the United States; and resolution 466 (1980), para. 3, in connection with the complaint by Zambia against South Africa.

⁶⁵ S/12310, para. 5, *OR*, 32nd yr., *Suppl. for Jan.-March 1977*. The draft resolution was sponsored by Benin, Libyan Arab Republic and Mauritius. The President drew the attention of the members to the draft resolution at the 1998th meeting, on 30 March 1977. Its paragraph 5 reads as follows: "5. *Decides* that, in case of non-compliance with paragraph 3 of the present resolution, the Security Council will consider appropriate action under all the provisions of the Charter, including Articles 39 to 46 of Chapter VII."

⁶⁶ For the vote on the revised draft resolution (S/12310/Rev.1, *OR*, 32nd yr., *Suppl. for Oct.-Dec. 1977*), whose paragraph 5 remained unchanged, see 2045th meeting held on 31 October 1977, para. 53.

⁶⁷ Resolution 409 (1977), para. 3, in connection with the situation in Southern Rhodesia. For resolution 461 (1979), para. 6, see case I below.

⁶⁸ Resolutions 232 (1966) and 277 (1970). Resolution 253 (1968), which set up the policy of sanctions, did not invoke Article 41 explicitly.

⁶⁹ The resolutions in question were resolutions 388 (1976), 409 (1977), 437 (1978), 445 (1979) and 460 (1979).

⁷⁰ Resolution 409 (1977) of 27 May 1977 was adopted unanimously without vote, at the 2011th meeting. Its para. 3 reads as follows: "3. *Decides* to meet not later than 11 November 1977 to consider the application of further measures under Article 41 of the Charter, and meanwhile requests the Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia to examine, in addition to its other functions, the application of further measures under Article 41 and to report to the Council thereon as soon as possible."

Throughout the period under review, the Council Committee administering the economic sanctions carried out its mandate of monitoring the application of the measures under Article 41 by Member States and by States not members of the Organization. There were several occasions when the Committee dealt extensively with Article 41 and its application with a view to strengthening and expanding the sanctions against the illegal régime. When the Committee considered these constitutional issues, it issued special reports⁷¹ about its deliberations with numerous references to Article 41.

Following agreement at the conference held at Lancaster House in London about the Constitution for a free and independent Zimbabwe providing for genuine majority rule, the Council once more took up the situation in Southern Rhodesia and decided to call upon Member States to terminate the measures taken against Southern Rhodesia under Chapter VII of the Charter and to dissolve the Committee established in pursuance of resolution 253 (1968) in accordance with rule 28 of the provisional rules of procedure of the Council.⁷²

In 1977, the Council acted under Article 41, when it imposed a mandatory arms embargo against South Africa. This decision represented the first instance of sanctions against a Member State of the United Nations.⁷³ Resolution 418 (1977) of 4 November 1977, which was unanimously adopted after extensive consideration of the question of South Africa,⁷⁴ transformed the voluntary arms embargo imposed under resolution 181 (1963) into a mandatory measure in accordance with the provisions of Article 41. Acting under Chapter VII of the Charter, the Council decided that all States should cease forthwith any provision to South Africa of arms and related *matériel* of all types, including the sale or transfer of weapons and ammunition, military vehicles and equipment, paramilitary police equipment, and spare parts for the aforementioned, and should cease as well the provision of all types of equipment and supplies and grants of licensing arrangements for the manufacture or maintenance of the aforementioned, and adopted steps to facilitate the implementation of the mandatory arms embargo against South Africa.⁷⁵

Although the deliberations of the Council prior to the imposition of the mandatory arms embargo contained urgent calls for forceful sanctions against South Africa and a number of explicit references to Article 41,⁷⁶ no constitutional discussion developed regarding the application of these provisions.

On 9 December 1977, the Council adopted resolution 421 (1977) setting up a committee to oversee the

⁷¹ During the period under review, the Committee submitted five special reports: S/11913, *OR*, 30th yr., *Suppl. for Oct.-Dec. 1975*; S/12296, *ibid.*, 32nd yr., *Suppl. for Jan.-March 1977*; S/12450, *ibid.*, *Suppl. for Oct.-Dec. 1977*; S/13191, *ibid.*, 34th yr., *Suppl. for Jan.-March 1979*; and S/13296, *ibid.*, *Suppl. for April-June 1979*. Since its establishment in 1968, the Committee also submitted 11 regular reports covering its work for the period of one year each.

⁷² See resolution 460 (1979), paras. 2 and 3. The resolution was adopted at the 2181st meeting, on 21 December 1979, by 13 votes to none, with 2 abstentions. For the dissolution of the Committee, see also chapter V in the present *Supplement*.

⁷³ In the case of Southern Rhodesia, the economic sanctions were applied against a dependent territory in rebellion.

⁷⁴ In 1977, the Council met twice for extended periods to consider the question of South Africa. The first period comprised the 1988th to 1992nd, 1994th, 1996th, 1998th and 1999th meetings between 21 and 31 March 1977; the second period comprised the 2036th to 2040th and 2042nd to 2046th meetings from 24 October to 4 November 1977.

⁷⁵ Resolution 418 (1977), tenth preambular para., paras. 2-5.

⁷⁶ For explicit references to Article 41, see 1989th mtg.: Liberia, para. 33; 1991st mtg.: Madagascar, para. 84; and 2039th mtg.: Senegal, para. 36. Since the deliberations focused on the question of whether and how sanctions should be applied, the discussion as a whole related to Article 41.

implementation of resolution 418 (1977). The Committee was instructed to see to it that the provisions of resolution 418 (1977) be effectively implemented and to study ways and means by which the mandatory arms embargo could be made more effective.⁷⁷

At its 2231st meeting, on 13 June 1980, the Council adopted resolution 473 (1980) in connection with the question of South Africa; under that resolution, the Council issued a request to the Committee established by resolution 421 (1977) "to redouble its efforts to secure full implementation of the arms embargo against South Africa by recommending by 15 September 1980 measures to close all loop-holes in the arms embargo, reinforce and make it more comprehensive".⁷⁸

During the period under review, the Council adopted several resolutions that contained implicit references to Article 41, concerning related developments in South Africa. Resolution 411 (1977) was adopted in connection with a complaint by Mozambique about Southern Rhodesian attacks and dealt with the problem of implementing the sanctions against the illegal minority régime.⁷⁹ Similarly, the Council adopted resolution 424 (1978) in response to a complaint by Zambia against a series of Southern Rhodesian acts of aggression and issued the warning that it would consider further measures under Chapter VII if the racist régime of Southern Rhodesia continued to defy the sanctions imposed by the Council.⁸⁰

In connection with the complaint by Angola against South Africa, the Council took also decisions that had a bearing on Article 41: resolution 447 (1979) of 28 March 1979 condemned the invasion of Angolan territory and, referring explicitly to Chapter VII of the Charter, requested the Secretary-General to submit further information in order to enable the Council to determine the most effective sanctions in accordance with the Charter to bring about an end to South African aggression against Angola and other front-line States.⁸¹ In 1980, the Council was seized with the same issue and adopted resolution 475 (1980) of 27 June 1980 in which it was decided to consider effective measures under Chapter VII of the Charter if South Africa violated Angola's sovereignty and territorial integrity once more.⁸² When the Council considered similar violations of Zambia's territorial integrity and sovereignty by the South African régime, it adopted resolution 466 (1980) of 11 April 1980 in which it warned South Africa that, in the event of any further armed incursions against the Republic of Zambia, it would meet to consider further appropriate action under the provisions of the Charter, including Chapter VII thereof.⁸³

During the period under review, the Council considered a number of draft resolutions referring to Article 41; three of them contained explicit invocations of the Article.⁸⁴

These draft resolutions either were not put to a vote or failed to be adopted.

When the Council resumed consideration of the situation in Namibia at its 1954th and 1956th to 1963rd meetings on 31 August and 28 September to 19 October 1976, a draft resolution⁸⁵ was submitted calling for the Council to act under Chapter VII of the Charter and to impose on South Africa a comprehensive mandatory arms embargo. This proposal was voted upon at the 1963rd meeting and failed to be adopted owing to the negative votes of three permanent members of the Council.⁸⁶

During the subsequent examination of the question of South Africa, the Council was faced with several draft resolutions referring explicitly or implicitly to Article 41. At the 1998th meeting, following extensive debate of the issue at the 1988th to 1992nd, 1994th and 1996th meetings, the President called attention to four draft resolutions,⁸⁷ three of which contained references to Article 41: one⁸⁸ invoked Chapter VII and Articles 39 and 46 and called upon South Africa to abide by the resolutions of the Council; the second⁸⁹ sought a mandatory arms embargo; the third⁹⁰ called for an economic embargo against South Africa. The Council concluded its debate at the 1999th meeting, without putting the four draft resolutions to the vote.

The Council resumed its discussion of the question of South Africa at its 2036th to 2040th and 2042nd to 2046th meetings, between 24 October and 4 November 1977. The four above-mentioned draft resolutions, which had undergone some revisions not affecting the invocation of, or reference to, Article 41, were discussed in some detail and then voted on; S/12310/Rev.1, S/12311/Rev.1 and S/12312/Rev.1 each received 10 votes to 5 and failed to be adopted, owing to the negative votes of three permanent members.⁹¹

Following the defeat of the three draft resolutions, another draft resolution⁹² was submitted calling for the imposition of a mandatory arms embargo under the provisions of Chapter VII of the Charter. At the 2046th meeting, on 4 November 1977, the President announced that the draft had been withdrawn by its sponsors and drew attention to a new text,⁹³ which had been prepared in the course of intensive consultations and was adopted unanimously at the same meeting as resolution 418 (1977).⁹⁴

When the Council was convened in August 1980 to consider the situation in the Middle East, especially recent developments with regard to the status of Jerusalem, the President drew the attention of the members to a draft

⁷⁷ Resolution 421 (1977) was adopted at the 2052nd meeting. Paragraphs 1-3 deal with the establishment and mandate of the committee.

⁷⁸ Resolution 473 (1980), para. 11.

⁷⁹ Resolution 411 (1977) of 30 June 1977, adopted unanimously at the 2019th meeting. The ninth, tenth, eleventh and thirteenth preambular paras. and paras. 6 and 12 focused on the sanctions against Southern Rhodesia.

⁸⁰ Resolution 424 (1978) of 17 March 1978, adopted unanimously at the 2070th meeting. The warning was issued in its para. 5.

⁸¹ Resolution 447 (1979) of 28 March 1979, adopted at the 2139th meeting by 12 votes to none, with three abstentions. See especially the fifth preambular para. and para. 7 for implicit references to Article 41.

⁸² Resolution 473 (1980) of 27 June 1980, adopted at the 2240th meeting, by 12 votes to none, with 3 abstentions. See paras. 4 and especially 7 for the relevant passages.

⁸³ Resolution 466 (1980) of 11 April 1980, adopted unanimously at the 2211th meeting. See especially para. 3 for the implicit reference to Article 41.

⁸⁴ One draft resolution with an explicit reference to Article 41 is dealt with in case 1 below.

⁸⁵ S/12211, OR, 31st yr., Suppl. for Oct.-Dec. 1976. The draft was sponsored by Benin, Guyana, Libyan Arab Republic, Pakistan, Panama, Romania and the United Republic of Tanzania and called, *inter alia*, for a complete ban on military collaboration with South Africa and for an end to arms licensing and information.

⁸⁶ The draft resolution received 10 votes to 3, with 2 abstentions.
⁸⁷ S/12309, S/12310, S/12311 and S/12312, OR, 32nd yr., Suppl. for Jan.-March 1977. All four draft resolutions were submitted by Benin, Libyan Arab Republic and Mauritius.

⁸⁸ S/12310, para. 5, OR, 32nd yr., Suppl. for Jan.-March 1977.

⁸⁹ S/12311, *ibid.* See especially the fifth preambular para. for the invocation of Chapter VII of the Charter, and paras. 1 and 2 for the detailed decisions on the arms embargo.

⁹⁰ S/12312, OR, 32nd yr., Suppl. for Jan.-March 1977. See especially para. 1 for the scope of economic sanctions proposed.

⁹¹ For the vote see 2045th meeting, on 31 October 1977. S/12309/Rev.1 was unanimously adopted as resolution 417 (1977).

⁹² S/12433, OR, 32nd yr., Suppl. for Oct.-Dec. 1977. The draft resolution was sponsored by Canada and the Federal Republic of Germany.

⁹³ S/12436, adopted without change as resolution 418 (1977).

⁹⁴ See footnotes 74 and 75 above.

resolution⁹⁵ sponsored by 35 Member States; the text provided for a condemnation of Israel's attempt to change the status of Jerusalem and, in paragraph 6, included a call upon all Member States to apply measures against Israel, as provided in Article 41 of the Charter, including the interruption of economic and military relations with Israel.⁹⁶ The draft resolution was not put to the vote, but another draft resolution prepared in the course of consultations among members of the Council was adopted by 14 votes to none, with 1 abstention, as resolution 478 (1980).⁹⁷ That text contained neither explicit nor implicit references to Article 41.

During the period under review, Article 41 was explicitly referred to in the Council in connection with the situation in Namibia,⁹⁸ the request by Mozambique under Article 50 of the Charter,⁹⁹ the situation in Southern Rhodesia,¹⁰⁰ the complaint by Zambia against South Africa,¹⁰¹ the situation in the occupied Arab territories,¹⁰² the complaint by Botswana,¹⁰³ the question of South Africa,¹⁰⁴ the complaint by Mozambique,¹⁰⁵ the situation in Cyprus¹⁰⁶ and the complaint by Zambia.¹⁰⁷ 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. However, in connection with the question of South Africa, a draft resolution was submitted to the Council that referred explicitly to Article 42, together with Articles 39-41 and 43-46.¹⁰⁸ The first draft was not put to the vote, and when it was resubmitted in revised form, it failed to be adopted owing to the negative votes of three members of the Council.¹⁰⁹ There was no constitutional discussion about this particular submission. But

on several occasions Article 42 was invoked explicitly¹¹⁰ and implicitly with suggestions for the use of force by the Organization.

CASE I

Letter dated 22 December 1979 from the Permanent Representative of the United States

(In connection with a draft resolution (S/13711/Rev.1) sponsored by the United States, voted upon and adopted as resolution 461 (1979); and another draft resolution (S/13735) sponsored by the United States, voted upon and not adopted, owing to the negative vote of a permanent member of the Council)

Following extensive efforts by the Council and the Secretary-General to assist the United States in obtaining the release of its diplomatic personnel from detention in the Iranian capital through peaceful means in accordance with Chapter VI of the Charter of the United Nations, together with the pursuit of judicial settlement through the International Court of Justice, the Government of the United States sought to invoke punitive measures under Chapter VII of the Charter, especially Articles 39 and 41. The initial step to issue a warning that measures under Chapter VII would be considered if Iran did not heed the urgent call for the unconditional release of the detainees found support in a resolution of the Council, but when the representative of the United States moved for the imposition of sanctions against Iran, the discussion in the Council showed a deep gap between those who thought the time had come to press for a solution through the application of various sanctions under Article 41, and those who felt that the issue should and could only be solved through peaceful means as stipulated under Article 33. Those who were not willing to approve of mandatory measures, as sought by the United States, were concerned that the international response should be commensurate with the gravity of the Iranian violation and that it should not become an impediment to an eventual resolution of the conflict.¹¹¹

When the Council resumed consideration of the detention of United States diplomatic personnel in Teheran, at the 2182nd meeting, the request by the United States for the meeting mentioned measures that should be taken to induce Iran to comply with its international obligations. At the 2184th meeting, on 31 December 1979, the President drew attention to a draft resolution¹¹²

⁹⁵S/14106, *OR*, 35th yr., *Suppl. for July-Sept. 1980*. The sponsors were Algeria, Bahrain, Bangladesh, Chad, Democratic Yemen, Djibouti, Gambia, Guinea, Guinea-Bissau, Indonesia, Iran, Iraq, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Morocco, Niger, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Somalia, Sudan, Syrian Arab Republic, Tunisia, Turkey, United Arab Emirates, Upper Volta and Yemen.

⁹⁶See S/14106, paras. 1-6, especially para. 6, with the explicit reference to Article 41.

⁹⁷S/14113, adopted without change as resolution 478 (1980). The draft was put to the vote after the discussion at the 2245th meeting, on 20 August 1980.

⁹⁸1824th mtg.: India, para. 80; 2082nd mtg.: USSR, para. 182; 2092nd mtg.: Burundi, paras. 92 and 96; 2094th mtg.: Ghana, para. 38.

⁹⁹1890th mtg.: Jamaica, paras. 42 and 45.

¹⁰⁰1907th mtg.: Benin, para. 113; Guyana, para. 51; Japan, para. 96; Romania, para. 65; USSR, para. 43; United Republic of Tanzania, para. 7; 2011th mtg.: Benin, para. 100; Libyan Arab Jamahiriya, para. 29; Mauritius, paras. 6 and 12; Pakistan, paras. 19, 20 and 23; Panama, para. 87; Romania, paras. 45-47; USSR, paras. 36-38; United Kingdom, para. 63; United States, para. 71; 2121st mtg.: Sri Lanka, para. 32; and Yugoslavia, para. 17. When the Council terminated the sanctions during the 2181st meeting, the discussion contained many implicit references to Article 41.

¹⁰¹1945th mtg.: Madagascar, para. 166.

¹⁰²1966th mtg.: Syrian Arab Republic, paras. 160-161.

¹⁰³1984th mtg.: United Republic of Tanzania, para. 103.

¹⁰⁴1989th mtg.: Liberia, para. 33; 1991st mtg.: Madagascar, para. 84;

and 2039th mtg.: Senegal, para. 36.

¹⁰⁵2014th mtg.: United Republic of Tanzania, para. 85; 2015th mtg.: Benin, para. 59; 2017th mtg.: USSR, paras. 38 and 39; 2018th mtg.: Botswana, para. 31; and Pakistan, para. 71; and 2019th mtg.: Benin, para. 88.

¹⁰⁶2055th mtg.: Cyprus, paras. 144 and 145; Panama, para. 121; 2081st mtg.: Cyprus, paras. 25 and 240; 2099th mtg.: Cyprus, paras. 13 and 14; and 2100th mtg.: Cyprus, para. 99.

¹⁰⁷2068th mtg.: United Republic of Tanzania, para. 75; 2069th mtg.: Kuwait, para. 113; and 2171st mtg.: Nigeria, para. 40.

¹⁰⁸S/12310. See footnote 88 above for details.

¹⁰⁹For details, see footnote 91 above.

¹¹⁰In connection with the situation in Namibia, 1824th mtg.: India, para. 80; 2094th mtg.: Ghana, para. 38; and 2096th mtg.: Saudi Arabia, para. 31; in connection with the situation in the occupied Arab territories, 1966th mtg.: Syrian Arab Republic, paras. 160 and 161; in connection with the question of South Africa, 1991st mtg.: Madagascar, para. 84; and 2039th mtg.: Senegal, para. 36; in connection with the complaint by Mozambique, 2018th mtg.: Pakistan, para. 71; and in connection with the situation in Cyprus, 2055th mtg.: Cyprus, paras. 144 and 145; Panama, para. 121; and 2081st mtg.: Cyprus, paras. 25 and 240.

¹¹¹For the relevant statements, see 2182nd mtg.: Australia, para. 94; France, para. 60; Federal Republic of Germany, para. 70; Norway, paras. 43 and 44; Portugal, para. 54; United States, paras. 18-20; 2183rd mtg.: Bolivia, paras. 36 and 39; Czechoslovakia, para. 13; Jamaica, paras. 33 and 34; Nigeria, para. 8; and Zambia, paras. 22 and 24; 2184th mtg.: Bangladesh, para. 17; Gabon, para. 5; Kuwait, paras. 41-43; USSR, paras. 34 and 35; and Zambia, para. 56; and 2191st mtg. and Add.1: German Democratic Republic, paras. 79 and 80; Jamaica, para. 85; Mexico, para. 63; Niger, paras. 100 and 101; President (France), para. 133; USSR, paras. 48 and 52; United States, paras. 5, 27, 28, 157 and 160; Zambia, para. 114-116. Most of these statements involved explicit references to Articles 39 and 41, Chapter VII and occasional mention of Chapter VI, especially Article 33, and Articles 2 (4) and 24.

¹¹²S/13711/Rev.1, adopted without change at the same meeting as resolution 461 (1979).

sponsored by the United States. The text was put to the vote at the same meeting and adopted by 11 votes to none, with 4 abstentions, as resolution 461 (1979).¹¹³ It reads, *inter alia*, as follows:

The Security Council,

...
Recalling also the letter dated 25 November 1979 (S/13646) stating that, in his opinion, the present crisis between the Islamic Republic of Iran and the United States of America poses a serious threat to international peace and security,

- ...
 1. *Reaffirms* its resolution 457 (1979) in all its aspects;
 2. *Deplores* the continued detention of the hostages contrary to its resolution 457 (1979) and the Order of the International Court of Justice of 15 December 1979;
 3. *Urgently calls once again* on the Government of the Islamic Republic of Iran to release immediately all persons of United States nationality being held as hostages in Iran, to provide them with protection and to allow them to leave the country;
 ...
 6. *Decides* to meet on 7 January 1980 in order to review the situation and, in the event of non-compliance with the present resolution, to adopt effective measures under Articles 39 and 41 of the Charter of the United Nations.

At the first part of the 2191st meeting, on 11 January 1980, when the Council resumed its deliberations on the issue, the President drew attention to a draft resolution¹¹⁴ submitted by the United States, which provided for the Council, bearing in mind that the continued detention of the hostages constituted a continuing threat

¹¹³For the detailed procedural history of this case, see chapter VIII, part II, under the same title.

¹¹⁴S/13733, OR, 35th yr., Suppl. for Jan.-March 1980.

to international peace and security, to act in accordance with Articles 39 and 41 of the Charter and to ask, until the release of the hostages, that all Member States prevent the sale or supply of all items, commodities, or products, except food, medicine and medical supplies, to Iran, prevent the shipment of such goods to Iran, deny to Iran any new credits or loans or other financial services, prevent shipment of embargoed goods on Iranian vessels or aircraft, reduce to a minimum the personnel of Iranian diplomatic missions accredited to them, prevent their nationals or firms located in their territories from engaging in new service contracts in support of industrial projects in Iran, other than those concerned with medical care, and prevent their nationals or any person or body in their territories from engaging in any activity evading the decisions set out in this draft. Under the draft resolution, the Council would further decide that all Members should give immediate effect to the decisions of the Council and carry them out in accordance with Article 25 of the Charter, and urge, under Article 2, paragraph 6, States not members of the United Nations to join in implementing these decisions of the Council.¹¹⁵

Following a suspension of the meeting, the Council, at the resumed 2191st meeting, on 13 January 1980, voted on the draft resolution, which received 10 votes to 2, with 2 abstentions, and was not adopted owing to the negative vote of a permanent member; one member did not participate in the voting.¹¹⁶

¹¹⁵See especially the twelfth and thirteenth preambular paras. and para. 2 (a)-(g) and 3 to 6 of the draft resolution for the provisions falling under Articles 39 and 41 of the Charter.

¹¹⁶For the detailed procedural history, see chapter VIII, part II, under the same title.

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. On one occasion, however, when the Council considered the question of South Africa, in March 1977, the representatives of Benin, the Libyan Arab Republic and Mauritius submitted four draft resolutions, one of which¹¹⁷ invoked in its paragraph 5 Articles 43-46, together with Articles 39-42 and Chapter VII. This draft was not put to the vote. When the Council resumed consideration of the item, in October 1977, the draft resolution, in revised form,¹¹⁸ but with the invocation of the Articles unchanged, was put to the vote and failed to be adopted, owing to the negative votes of three permanent members of the Council.¹¹⁹

¹¹⁷S/12310, OR, 32nd yr., Suppl. for Jan.-March 1977.

¹¹⁸S/12310/Rev.1, *ibid.*

¹¹⁹Article 43 was referred to explicitly by Senegal (2039th mtg.: para. 36). For procedural details of the case see chapter VIII, part II, under the title "Question of South Africa".

Part III

CONSIDERATION OF THE PROVISIONS OF ARTICLES 48-51 OF THE CHARTER

NOTE

During the period under review, the Council adopted one resolution with explicit references to Articles 49 and 50. This resolution was adopted in connection with the request by Mozambique under Article 50 of the

Charter¹²⁰ in relation to a situation that had arisen as a result of its decision to impose sanctions against Southern

¹²⁰The telegram from the Minister of Foreign Affairs of Mozambique requesting the President of the Council to convene an urgent meeting to consider the question contained an explicit reference to Article 50 (S/12009, OR, 31st yr., Suppl. for Jan.-March 1976).

Rhodesia in accordance with the relevant decisions of the Council. Under resolution 386 (1976) of 17 March 1976, which was unanimously adopted at the 1892nd meeting,¹²¹ the Council, "recognizing that the action of the Government of Mozambique is in accordance with resolution 353 (1968)" and "bearing in mind the provisions of Articles 49 and 50 of the Charter of the United Nations",¹²² commended the Government of Mozambique for its efforts to implement the sanctions against the illegal régime of Southern Rhodesia and provided for an international assistance programme to enable Mozambique to overcome the economic difficulties arising from its application of these sanctions.¹²³

The deliberations in the Council with regard to the request by Mozambique showed unanimous support for an appropriate programme of international assistance in conformity with the provisions of Articles 49 and 50.¹²⁴

The Council adopted a number of other resolutions that contained implicit references to Articles 49 and 50; these resolutions involved the question of assistance to Angola,¹²⁵ Lesotho,¹²⁶ Mozambique¹²⁷ and Zambia,¹²⁸ member States that had suffered losses and damages as a result of their adherence to Security Council and General Assembly decisions against Southern Rhodesia¹²⁹ or South Africa.

None of these decisions was preceded by any in-depth consideration of the application of Articles 49 and 50, but several incidental explicit references to these Articles occurred during the Council proceedings.¹³⁰

During the period under review none of the resolutions adopted by the Council contained an explicit reference to Article 51. Resolution 403 (1977) of 14 January 1977, which was adopted in connection with the complaint by

Botswana, contained a provision that might be considered as an implicit reference to Article 51.¹³¹

In the course of deliberations in the Council, various issues occasioned pertinent arguments relating to the interpretation of the principle of self-defence, which, however, did not culminate in constitutional arguments. In connection with the complaint by the Prime Minister of Mauritius,¹³² the point was emphasized that self-defence could not be invoked to justify a premeditated act of aggression violating the sovereignty and territorial integrity of a Member State. The argument that the so-called principle of pre-emptive self-defence negated the provisions of Article 51 was made in connection with the complaint by Mozambique.¹³³ In connection with the question of South Africa,¹³⁴ specifically with regard to the institution of the mandatory arms embargo, it was argued that while in strictly legal terms no country could be denied the right of self-defence in accordance with Article 51, the intention in imposing the arms embargo was to protest against the stockpiling of weapons for purposes of internal repression. The consideration of the situation in the Middle East¹³⁵ brought forth new exchanges regarding the interpretation of the principle of self-defence as stipulated by Article 51. Israel claimed that its duty to take all the measures necessary to protect the lives and safety of its citizens extended to incursions of armed bands and other acts of terrorism from the territory of another State; the right under Article 51 applied to all those situations. Various Arab representatives denied the validity of such a broad definition and emphasized that self-defence was permitted only against armed attacks; moreover, the exercise of self-defence was subject to certain limitations affecting the measure and degree of the use of force.

When the Council considered the letters dated 13 and 15 June 1979 from the representative of Morocco,¹³⁶ the representatives of Algeria and Madagascar rejected Morocco's interpretation of the right to self-defence as justification of its measures against the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO) and argued that the issue should be viewed as a question of self-determination and that the use of force, including so-called "hot pursuit", was incompatible with the provisions of Article 51. In connection with the letter dated 3 January 1980 from 52 Member States,¹³⁷ it was maintained on the one hand

¹²¹The draft resolution (S/12013) was sponsored by Benin, Guyana, Italy, Japan, the Libyan Arab Republic, Pakistan, Panama, Romania, Sweden, the United Kingdom and the United Republic of Tanzania.

¹²²Resolution 386 (1976), ninth and tenth preambular paras.

¹²³Resolution 386 (1976), paras. 1-6.

¹²⁴For the relevant statements, including explicit references to Articles 50 and 49, see 1890th mtg.: Egypt, paras. 121, 125 and 132; Jamaica, paras. 35, 40, 46 and 48; United Kingdom, para. 110; and United Republic of Tanzania, paras. 94, 101 and 102; 1891st mtg.: Guyana, para. 8; and Sweden, para. 33; 1892nd mtg.: Japan, para. 35; United States, paras. 45-47; and Secretary-General, para. 85.

¹²⁵See resolution 447 (1979) of 28 March 1979, adopted at the 2139th meeting by 12 votes to none, with 3 abstentions, especially para. 5; resolution 454 (1979) of 2 November 1979, adopted at the 2170th meeting by 12 votes to none, with 3 abstentions, especially para. 5; and resolution 475 (1980) of 27 June 1980, adopted at the 2240th meeting by 12 votes to none, with 3 abstentions, especially para. 5.

¹²⁶See resolution 402 (1976) of 22 December 1976, adopted at the 1982nd meeting by consensus, especially paras. 5-7; and resolution 407 (1977) of 25 May 1977, adopted unanimously without a vote at the 2009th meeting, especially paras. 5-7.

¹²⁷Resolution 411 (1977) of 30 June 1977, adopted unanimously at the 2019th meeting in response to a complaint by Mozambique; see especially paras. 9-11.

¹²⁸Resolution 455 (1979) of 23 November 1979, adopted at the 2171st meeting by consensus, especially para. 6.

¹²⁹Two resolutions adopted in connection with the situation in Southern Rhodesia also contained what might be interpreted as implicit references to Articles 49 and 50 in calling for assistance to the front-line States to strengthen their defence capability and to allow them to reconstruct their economies and to repatriate refugees. See resolutions 445 (1979) of 8 March 1979, para. 5, and 460 (1979) of 21 December 1979, para. 5.

¹³⁰For explicit references see 1981st mtg.: Madagascar, para. 47; 1982nd mtg.: Guyana, para. 108, in connection with the complaint by Lesotho against South Africa; also 2017th mtg.: Mauritius, para. 72, in connection with the complaint by Mozambique. During the deliberations leading to the adoption of the resolutions listed above, Articles 49 and 50 were frequently referred to implicitly

¹³¹In resolution 403 (1977), para. 5, the Council took cognizance of the special economic hardship confronting Botswana as a result of the imperative need to divert funds from ongoing and planned development projects to hitherto unplanned and unbudgeted security measures necessitated by the urgent need effectively to defend itself against attacks and threats by the illegal régime in Southern Rhodesia.

¹³²For references to Article 51 in connection with the "act of aggression" by Israel against the Republic of Uganda, see 1941st mtg.: United Republic of Tanzania, para. 105; 1942nd mtg.: India, para. 145; Panama, paras. 22-31; and Romania, paras. 39-44; and 1943rd mtg.: Uganda, para. 112.

¹³³2015th mtg.: Lesotho, para. 39; 2017th mtg.: Mauritius, paras. 70 and 71; and 2018th mtg.: India, para. 78.

¹³⁴2044th mtg.: France, para. 39.

¹³⁵2113th mtg.: Israel, para. 249; 2146th mtg.: Israel, paras. 50 and 51; 2147th mtg.: Kuwait, para. 44; 2148th mtg.: Egypt, paras. 9 and 10; 2149th mtg.: Israel, paras. 48 and 49; and 2213th mtg.: Israeli, para. 72. Other speakers referred to Article 51 implicitly and suggested that acts of reprisal were not permitted under that Article of the Charter.

¹³⁶For explicit references, see 2151st mtg.: Morocco, para. 35; 2152nd mtg.: Algeria, paras. 27 and 28; and 2153rd mtg.: Madagascar, paras. 25-28.

¹³⁷For explicit references to Article 51, see 2185th mtg.: Afghanistan, paras. 103 and 104; Japan, para. 121; USSR, para. 13; 2186th mtg.: Poland, para. 119; USSR, para. 19; 2187th mtg.: Liberia, paras. 120-128; United States, para. 21; 2188th mtg.: Netherlands, para. 55; Viet Nam, paras. 79 and 90; 2189th mtg.: Federal Republic of Germany, para. 66; Lao People's Democratic Republic, para. 108; and Mongolia, para. 33; and 2190th mtg.: Afghanistan, para. 89; President (France), para. 129; and USSR, para. 111.

that the military action of the USSR in support of the Government of Afghanistan was an exercise in collective self-defence in accordance with Article 51; on the other hand, that interpretation of the right to self-defence was rejected and it was demanded that the foreign troops leave Afghan territory and that the population be allowed to exercise its right to self-determination in conformity with the Charter and international law.

Explicit references to Article 51 occurred during other proceedings without giving rise to further discussion.¹³⁸

¹³⁸ See 2006th mtg.: Mauritius, para. 19, in connection with the complaint by Botswana; and 2226th mtg.: Israel, para. 146, in connection with the situation in the occupied Arab territories.

Article 51 was also invoked in communications from the United States concerning an incident in the Gulf of Siam¹³⁹ and an attempt to rescue the United States hostages held in Teheran.¹⁴⁰

During the period under review, the Council took no decision under Article 48 of the Charter, nor was the Article explicitly referred to during the Council's deliberations.

¹³⁹ Letter dated 14 May 1975 from the representative of the United States (S/11689, OR, 30th yr., Suppl. for April-June 1975).

¹⁴⁰ Letter dated 25 April 1980 from the representative of the United States (S/13908, OR, 35th yr., Suppl. for April-June 1980).

Part IV

CONSIDERATION OF THE PROVISIONS OF CHAPTER VII OF THE CHARTER IN GENERAL

NOTE

During the period under review, the Council adopted a number of resolutions with explicit references to Chapter VII. In connection with the situation in Southern Rhodesia, the Council invoked Chapter VII explicitly in three cases: in resolutions 388 (1976) of 6 April 1976 and 409 (1977) of 27 May 1977, the reference to Chapter VII was linked to a decision to affirm and expand the sanctions against the illegal régime in Southern Rhodesia;¹⁴¹ but in resolution 460 (1979), Chapter VII was explicitly invoked in lifting the mandatory sanctions against the rebellious colony at the moment when it was returned to British authority.¹⁴²

In 1977, the Council adopted resolution 418 (1977) imposing a mandatory arms embargo against South Africa. This resolution contained an explicit invocation of Chapter VII and the detailed list of measures to be taken under this Chapter.¹⁴³

There were additional instances where the Council included explicit references to Chapter VII in its resolutions: this was the case in resolution 424 (1978) regarding the complaint by Zambia against the régime in Southern Rhodesia,¹⁴⁴ in resolutions 428 (1978), 447 (1979) and 475 (1980) concerning complaints by Angola against South Africa,¹⁴⁵ in resolution 439 (1978) in connection with the situation in Namibia¹⁴⁶ and in resolution 466 (1980) regarding a complaint by Zambia against South Africa.¹⁴⁷ These references involved a warning to Southern Rhodesia, in resolution 424 (1978), and in the other cases to South Africa to consider further measures under

Chapter VII, if the decisions of the Council were not implemented.

During the period under review, the Council considered a number of draft resolutions containing explicit references to Chapter VII, which, however, either were not voted upon or failed to be adopted. Such draft resolutions were submitted in connection with the situation in Namibia,¹⁴⁸ and the question of South Africa.¹⁴⁹ None of these drafts gave rise to a constitutional discussion, but they were frequently accompanied by invocations of Chapter VII or by statements employing the language of that Chapter.

On one occasion, Chapter VII was explicitly invoked in a letter requesting the Council to convene a meeting regarding the situation in Namibia.¹⁵⁰

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 Cyprus; the situation in the Middle East; the Middle East problem including the Palestinian question; the situation in the occupied Arab territories; the question of the exercise by the Palestinian people of its inalienable rights; the situation in Namibia; the situation in the Comoros; request by Mozambique under Article 50 of the Charter; complaint by Kenya concerning aggression by South Africa against Angola; the situation in Southern Rhodesia; the situation in South Africa; complaint by Mauritius, current Chairman of OAU, of the "act of

¹⁴¹ For the reference to Chapter VII see resolution 388 (1976), fifth preambular para. ("Acting under Chapter VII of the Charter of the United Nations"), and resolution 409 (1977), fifth preambular para. (same text).

¹⁴² See resolution 460 (1979), para. 2: "Decides, having regard to the agreement reached at the Lancaster House conference, to call upon Member States to terminate the measures taken against Southern Rhodesia under Chapter VII of the Charter pursuant to resolutions 232 (1966), 253 (1968) and subsequent related resolutions on the situation in Southern Rhodesia."

¹⁴³ Resolution 418 (1977) was adopted unanimously on 4 November 1977 at the 2046th meeting. See the tenth preambular para. for the explicit reference to Chapter VII ("Acting therefore under Chapter VII . . .") and paras. 2-4 for the measures to be taken by all States. For further details, see chapter VIII, part II, under the title "Question of South Africa" and part I of the present chapter.

¹⁴⁴ Resolution 424 (1978), para. 5.

¹⁴⁵ Resolution 428 (1978), para. 8; resolution 447 (1979), sixth preambular para. (recalling resolution 428 (1978)), and resolution 475 (1980), para. 7.

¹⁴⁶ Resolution 439 (1978), para. 6.

¹⁴⁷ Resolution 466 (1980), para. 3.

¹⁴⁸ S/11713, para. 9, OR, 30th yr., Suppl. for April-June 1975 ("Acting under Chapter VII . . ."). The draft resolution was submitted by Guyana, Iraq, Mauritania, the United Republic of Cameroon and the United Republic of Tanzania, and failed to be adopted owing to the negative votes of three permanent members. S/12211, para. 11, OR, 31st yr., Suppl. for Oct.-Dec. 1976 ("Acting under Chapter VII . . ."). The draft resolution was submitted by Benin, Guyana, the Libyan Arab Republic, Pakistan, Panama, Romania and the United Republic of Tanzania and failed to be adopted owing to the negative votes of three permanent members.

¹⁴⁹ S/12310, seventh preambular para., operative para. 5; S/12311, fifth preambular para.; OR, 32nd yr., Suppl. for Jan.-March 1977. Both draft resolutions were submitted by Benin, Libyan Arab Republic and Mauritius, and revised, but failed to be adopted owing to the negative votes of three permanent members. S/12433, seventh preambular para., OR, 32nd yr., Suppl. for Oct.-Dec. 1977 ("Acting therefore under Chapter VII . . ."). The draft resolution was submitted by Canada and the Federal Republic of Germany, and subsequently withdrawn. S/12548, sixth preambular para., OR, 33rd yr., Suppl. for Jan.-March 1978. The draft resolution was submitted by Gabon, Mauritius and Nigeria, but was not put to the vote.

¹⁵⁰ S/14133, letter dated 28 August 1980 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. See chapter X, part III, tabulation entry 39 for details.

aggression" by Israel against Uganda; complaint by Zambia against South Africa; complaint by Botswana; the question of South Africa; complaint by Mozambique; complaint by Zambia; complaint by Angola against South Africa; telegram dated 3 January 1979 from the Deputy Prime Minister in charge of Foreign Affairs of Democratic Kampuchea; letter dated 25 November 1979 from

the Secretary-General and letter dated 22 December 1979 from the representative of the United States.¹³¹

¹³¹ The listing shows the wide range of Chapter VII references, too numerous to be listed individually. There were many more implicit references to Chapter VII throughout the period under review.

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

"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, none of the resolutions adopted by the Council contained an explicit reference to Article 1, paragraph 2, of the Charter. Some of the decisions and deliberations of the Council reflected, however, the significance of the Charter provision regarding the right to self-determination of peoples. This principle of self-determination was implicitly invoked in resolutions 384 (1975) of 22 December 1975 and 389 (1976) of 22 April 1976 regarding the situation in Timor; resolution 386 (1976) of 17 March 1976 in connection with the request by Mozambique under Article 50 of the Charter; resolution 403 (1977) of 14 January 1977 relating to the complaint by Botswana; resolution 411 (1977) of 30 June 1977 in connection with the complaint by Mozambique; resolutions 424 (1978) of 17 March 1978 and 455 (1979) of 23 November 1979 regarding the complaint by Zambia; resolutions 428 (1978) of 6 May 1978 and 447 (1979) of 28 March 1979 pertaining to the complaint by Angola against South Africa; and resolutions 423 (1978) of 14 March 1978, 445 (1979) of 8 March 1979, 448 (1979) of 30 April 1979 and 463 (1980) of 2 February 1980 relating to the situation in Southern Rhodesia.

In several of these cases² the text contained references to General Assembly resolution 1514 (XV) of 14 December 1960 entitled "Declaration on the Granting of Independence to Colonial Countries and Peoples".

¹For observations on the methods adopted in compilation of the chapter, see *Repertoire of the Practice of the Security Council, 1946-1957*, introductory note to chapter VIII, part II; and the arrangement of chapters X-XII.

²Resolutions 384 (1975), fourth preambular para. and para. 1; 389 (1976), fifth preambular para. and para. 1; 386 (1976) fourth preambular para.; 403 (1977), third preambular para.; 411 (1977), sixth preambular para. and para. 5; 424 (1978), fourth preambular para.; 428 (1978), ninth preambular para.; 423 (1978), para. 5; 445 (1979), eighth preambular para.; 448 (1979), seventh preambular para.; 460 (1979), second and fourth preambular paras. and para. 1; and 463 (1980), fourth preambular para. and para. 1.

The Council also considered a few draft resolutions invoking the principle of self-determination, which either were not voted upon or failed to be adopted: one draft resolution was submitted in connection with the situation in Namibia;³ another one in connection with the Middle East problem including the Palestinian question,⁴ three drafts were introduced regarding the question of the exercise by the Palestinian people of its inalienable rights,⁵ and one draft resolution was before the Council in connection with the letter dated 3 January 1980 from 52 Member States regarding Afghanistan.⁶

On two occasions, Council proceedings focused on the tension between basic Charter principles, in these instances involving the norms of territorial integrity and of self-determination; some representatives stipulated that self-determination preceded territorial integrity while

³S/11713, *OR*, 30th yr., *Suppl. for April-June 1975*. This draft resolution was submitted by Guyana, Iraq, Mauritania, the United Republic of Cameroon and the United Republic of Tanzania at the 1829th meeting and failed to be adopted owing to the negative votes of three permanent members. The draft reaffirmed the inalienable right of the Namibian people to self-determination (ninth preambular para.).

⁴S/11940, *OR*, 31st yr., *Suppl. for Jan.-March 1976*. The draft resolution was sponsored by Benin, Guyana, Pakistan, Romania and the United Republic of Tanzania and introduced at the 1879th meeting; it failed to be adopted owing to the negative vote of a permanent member. The text would have affirmed that the Palestinian people should be enabled to exercise its inalienable national right to self-determination, including the right to establish an independent state in Palestine.

⁵S/12119, *OR*, 31st yr., *Suppl. for April-June 1976*. The draft resolution was submitted by Guyana, Pakistan, Panama and the United Republic of Tanzania at the 1938th meeting and failed to be adopted owing to the negative vote of a permanent member. Also S/13514, *OR*, 34th yr., *Suppl. for July-Sept. 1979*. This draft resolution was submitted by Senegal at the 2162nd meeting and was not put to the vote. Further, S/13911, *OR*, 35th yr., *Suppl. for April-June 1980*. This text was submitted by Tunisia at the 2220th meeting and was not adopted owing to the negative vote of a permanent member. All three texts invoked in the operative part the inalienable rights of the Palestinian people to self-determination.

⁶S/13729, *OR*, 35th yr., *Suppl. for Jan.-March 1980*. The draft resolution was submitted by Bangladesh, Jamaica, Niger, Philippines, Tunisia and Zambia at the 2188th meeting. It was put to the vote at the 2190th meeting and was not adopted owing to the negative vote of a permanent member. The right of all peoples to determine their own future free from outside interference was reaffirmed in the third preambular paragraph of the text.

others held the opposite to hold true.⁷ These constitutional arguments were, however, not reflected in the draft resolutions that were submitted for the Council's consideration. In the course of the Council's deliberations with regard to the situation in Timor⁸ and the letter dated

3 January 1980 from 52 Member States regarding Afghanistan⁹ the principle of self-determination was frequently invoked without giving rise to a constitutional discussion.

In a few cases, Article 1, paragraph 2, was explicitly referred to, without giving rise to a constitutional discussion.¹⁰

⁷Such arguments were made in connection with the situation concerning Western Sahara (see especially 1849th mtg.: Morocco, paras. 53 and 54; Spain, para. 88; and 1850th mtg.: Algeria, para. 11; Mauritania, paras. 77-90; Morocco, paras. 96-106 and United Republic of Tanzania, paras. 50 and 52); and the situation in the Comoros (1886th mtg.: Algeria, paras. 87 and 88; France, paras. 20-22; Guinea-Bissau, para. 45; Libyan Arab Republic, para. 65; United Republic of Tanzania, paras. 128, 129, 142, 146 and 147; 1887th mtg.: Benin, paras. 116 and 117; France, paras. 92 and 93; Kenya, paras. 64 and 65; and 1888th mtg.: Guyana, paras. 16 and 17).

⁸See 1910th mtg.: Japan, para. 25; 1912th mtg.: Italy, para. 56; and 1913th mtg.: Guyana, paras. 6-10. None of these references were explicit.

⁹See 2185th mtg.: Egypt, para. 148; 2186th mtg.: Saudi Arabia, para. 110; 2187th mtg.: Costa Rica, paras. 97-99; Liberia, para. 130; Spain, para. 62; United States, para. 20; 2190th mtg.: Panama, para. 29. None of these references were explicit.

¹⁰In connection with the situation in Namibia, 1828th mtg.: Senegal, para. 12; in connection with the Middle East problem including the Palestinian question, 1876th mtg.: India, para. 79; in connection with the question of South Africa, 1991st mtg.: Mr. Thompson, para. 54 (Article 1 was invoked with reference to the principle of self-determination); and in connection with the question of the exercise by the Palestinian people of its inalienable rights, 2161st mtg.: PLO, para. 105. In addition to those mentioned above, there were also other implicit references to the principle of self-determination, but they are often incidental and too numerous to be listed here.

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

During the period under review, none of the resolutions adopted by the Council contained an explicit reference to Article 2, paragraph 4 of the Charter. Many of the decisions and deliberations of the Council reflected, however, the significance of this provision of the Charter with its concomitant principles and obligations. Of the 40 resolutions referring to Article 2, paragraph 4, 7¹¹ used language taken from this Charter provision, while 38¹² contained other implicit references to it. Two statements of the President on behalf of the Council also

referred to Article 2, paragraph 4: one¹³ invoked the language of the Charter, whereas the other¹⁴ referred implicitly to the Article. Twenty-three draft resolutions, which either failed to be adopted or were not put to the vote, also contained references to Article 2, paragraph 4: six¹⁵ of these employed the language of the Charter;

and para. 1; 434 (1978), second preambular para.; 436 (1978), para. 1; 444 (1979), eighth preambular para.; 445 (1979), eighth preambular para. and para. 1; 447 (1979), fourth, fifth, sixth and ninth preambular paras. and paras. 1 and 3; 448 (1979), seventh preambular para.; 450 (1979), fifth preambular para. and para. 2; 454 (1979), fourth preambular para. and paras. 1 and 3; 455 (1979), third and seventh preambular paras. and para. 1; 459 (1979), seventh preambular para.; 466 (1980), third preambular para. and paras. 1 and 2; 467 (1980), para. 2 (a)-(c); 473 (1980), sixth preambular para. and para. 4; 474 (1980), fifth preambular para.; 475 (1980), third and fourth preambular paras. and paras. 1 and 3; 476 (1980), second preambular para.; 478 (1980), second preambular para.; 479 (1980), para. 1; and 483 (1980), fifth preambular para.

¹³S/14244, issued on 5 November 1980, regarding the situation between Iran and Iraq, *OR, 35th yr., Resolutions and Decisions of the Security Council, 1980*.

¹⁴S/13272, issued on 26 April 1979, regarding the situation in the Middle East, *OR, 34th yr., Resolutions and Decisions of the Security Council, 1979*.

¹⁵In connection with the complaint by Mauritius, current Chairman of the OAU, of the "act of aggression" by Israel against Uganda, draft resolution S/12139, fifth preambular para., *OR, 31st yr., Suppl. for July-Sept. 1976*; in connection with the complaint by Benin, draft resolution S/12282, third preambular para., *OR, 32nd yr., Suppl. for Jan.-March 1977*; in connection with the telegram dated 3 January 1979 from the Deputy Prime Minister in charge of Foreign Affairs of Democratic Kampuchea, draft resolution S/13022, third preambular para., *OR, 34th yr., Suppl. for Jan.-March 1979*; in connection with the situation in South-East Asia and its implication for international peace and security, draft resolution S/13162, fifth preambular para., *OR, 34th yr., Suppl. for Jan.-March 1979*; in connection with the letter dated 3 January 1980 from 52 Member States regarding Afghanistan, draft resolution S/13729, fourth preambular para., *OR, 35th yr., Suppl. for Jan.-March 1980*; and in connection with the letter dated 25 November 1979 from the Secretary-General, draft resolution S/13735, eighth preambular para., *OR, 35th yr., Suppl. for Jan.-March 1980*.

¹¹Resolutions 387 (1976), fifth preambular para.; 393 (1976), ninth preambular para.; 404 (1977), third preambular para.; 428 (1978), fourth preambular para.; 457 (1979), sixth preambular para.; 461 (1979), ninth preambular para.; and 479 (1980), third preambular para.

¹²Resolutions 367 (1975), para. 1; 384 (1975), eighth preambular para. and para. 1; 385 (1976), eighth preambular para. and paras. 1 and 9; 386 (1976), third and fourth preambular paras. and para. 2; 387 (1976), sixth preambular para. and paras. 1 and 2; 389 (1976), para. 1; 392 (1976), para. 4; 393 (1976), third and fifth and eighth preambular paras. and paras. 1 and 2; 403 (1977), third and ninth preambular paras. and para. 1; 404 (1977), para. 1; 405 (1977), second preambular para. and paras. 2 and 6; 406 (1977), para. 1; 411 (1977), fourth, sixth, eighth and sixteenth preambular paras. and paras. 1 and 7; 417 (1977), fifth preambular para. and para. 1; 419 (1977), para. 1; 424 (1978), third and fourth preambular paras. and paras. 1 and 5; 425 (1978), paras. 1 and 2; 428 (1978), sixth, seventh, tenth and twelfth preambular paras. and paras. 1, 4, 5 and 8; 432 (1978), second preambular para.

twenty-two draft resolutions¹⁶ contained other implicit references to Article 2, paragraph 4.

In the instances indicated above,¹⁷ the Council invoked the principle of the prohibition of the threat or use of force in international relations against the territorial integrity or political independence of any State. In a few other cases,¹⁸ the Council affirmed the principle that the acquisition of territory by use of force was inadmissible. In other paragraphs, the Council expressed concern about, or censured, violations of the territorial integrity and sovereignty of States and Territories¹⁹ and

demanded respect for their territorial integrity and political independence.²⁰ Furthermore, the Council explicitly affirmed the territorial integrity²¹ and political independence of States,²² condemned armed invasions, acts of aggression and similar transgressions²³ or expressed concern about them;²⁴ it also condemned all acts of violence²⁵ and called upon parties to cease armed invasions or acts of aggression,²⁶ to cease acts against the territorial integrity²⁷ or political independence²⁸ of States, or to refrain from the use of force²⁹ or from further military acts against neighbouring countries.³⁰ In one instance, the Council was asked to condemn the illegal occupation of a territory.³¹ In a number of cases, the Council acknowledged the legitimacy of the struggle of peoples for their right to self-determination.³²

¹⁶In connection with the situation in Namibia, draft resolutions S/11713, ninth preambular para. and para. 4, *OR, 30th yr., Suppl. for April-June 1975*, and S/12211, eighth preambular para., *ibid.*, 31st yr., *Suppl. for Oct.-Dec. 1976*; in connection with the situation in the Middle East, draft resolutions S/11898, seventh preambular para. and paras. 1 and 2, *ibid.*, 30th yr., *Suppl. for Oct.-Dec. 1975*; S/13897, para. 2, and S/13897/Rev.1, para. 2 (a)-(c), *OR, 35th yr., Suppl. for April-June 1980*, and S/14106, third preambular para., *ibid.*, *Suppl. for July-Sept. 1980*; in connection with the Middle East problem including the Palestinian question, draft resolution S/11940, fifth preambular para. and para. 1 (d), *OR, 31st yr., Suppl. for Jan.-March 1976*; in connection with the situation in the Comoros, draft resolution S/11967, third and fifth preambular paras. and paras. 3 and 4, *OR, 31st yr., Suppl. for Jan.-March 1976*, p. 85; in connection with the situation in the occupied Arab territories, draft resolution S/12022, fourth preambular para., *OR, 31st yr., Suppl. for Jan.-March 1976*; in connection with the complaint by Mauritius, current Chairman of the OAU, of the "act of aggression" by Israel against Uganda, draft resolutions S/12138, para. 3, and S/12139, sixth preambular para. and para. 1, *OR, 31st yr., Suppl. for July-Sept. 1976*; in connection with the complaint by Benin, draft resolution S/12282, para. 1, *OR, 32nd yr., Suppl. for Jan.-March 1977*; in connection with the question of South Africa, draft resolutions S/12309, fifth preambular para., *OR, 32nd yr., Suppl. for Jan.-March 1977*, S/12310, fourth preambular para., *OR, 32nd yr., Suppl. for Jan.-March 1977*, and S/12433, third preambular para., *OR, 32nd yr., Suppl. for Oct.-Dec. 1977*; in connection with the telegram dated 3 January 1979 from the Deputy Prime Minister in charge of Foreign Affairs of Democratic Kampuchea, draft resolution S/13022, fourth preambular para. and paras. 1, 2 and 4, *OR, 34th yr., Suppl. for Jan.-March 1979*, and S/13027, para. 1, *OR, 34th yr., Suppl. for Jan.-March 1979*; in connection with the situation in South-East Asia and its implications for international peace and security, draft resolutions S/13117, second preambular para. and paras. 1 and 4, *OR, 34th yr., Suppl. for Jan.-March 1979*, S/13119, paras. 1-3, *OR, 34th yr., Suppl. for Jan.-March 1979*, and S/13162, para. 4, *OR, 34th yr., Suppl. for Jan.-March 1979*; in connection with the question of the exercise by the Palestinian people of its inalienable rights, draft resolutions S/13514, sixth preambular paras., *OR, 34th yr., Suppl. for July-Sept. 1979*, and S/13911, seventh preambular para., *OR, 35th yr., Suppl. for April-June 1980*; and in connection with the letter dated 3 January 1980 from 52 Member States regarding Afghanistan, draft resolution S/13729, paras. 1 and 3, *ibid.*, *Suppl. for Jan.-March 1980*.

¹⁷See the references under notes 11, 13 and 15 above for those cases where the language of Article 2, para. 4, was used.

¹⁸See resolutions 476 (1980), second preambular para., and 478 (1980), second preambular para. See also draft resolutions S/11940 (see note 16 above), fifth preambular para.; S/12022 (see note 16), fourth preambular para.; S/13514 (see note 16), sixth preambular para.; S/13911 (see note 16), seventh preambular para.; and S/14106 (see note 16), third preambular para.

¹⁹Resolutions 385 (1976), eighth preambular para.; 386 (1976), third preambular para.; 387 (1976), sixth preambular para.; 393 (1976), para. 1; 405 (1977), second preambular para.; 411 (1977), eighth preambular para.; 419 (1977), para. 1; 424 (1978), third preambular para. and para. 1; 428 (1978), sixth preambular para. and paras. 1 and 8; 445 (1979), para. 1; 447 (1979) fifth and sixth preambular paras. and para. 1; 454 (1979), fourth preambular para.; 455 (1979), third and seventh preambular paras. and para. 3; 466 (1980), third preambular para. and para. 1; and 467 (1980), fourth preambular para. and para. 1. Further, see draft resolutions S/11713 (see note 16), para. 4; S/11898 (see note 16), seventh preambular para.; S/11967 (see note 16), fifth preambular para. and para. 3; S/12139 (see note 16), eighth preambular para.; S/13897 (see note 16), para. 2; and S/13897/Rev.1 (see note 16), para. 2 (c).

²⁰Resolutions 367 (1975), para. 1; 384 (1975), para. 1; 387 (1976), para. 2; 389 (1976), para. 1; 393 (1976), para. 2; 404 (1977), para. 1; 411 (1977), para. 1; 425 (1978), para. 1; 428 (1978), fifth preambular para. and para. 4; 434 (1978), second preambular para.; 444 (1979), eighth preambular para.; 447 (1979), fourth preambular para. and para. 3; 450 (1979), fifth preambular para.; 454 (1979), third preambular para. and para. 3; 459 (1979), seventh preambular para.; 466 (1980), para. 2; 474 (1980), fifth preambular para.; 475 (1980), para. 3; and 483 (1980), fifth preambular para. See also the statement of the President (S/13272) dated 26 April 1979 (see note 14), para. 4. See further draft resolutions S/11967 (see note 16), fourth preambular para. and paras. 3 and 5; S/12138 (see note 16), para. 3; S/12282 (see note 15), para. 1; S/13022 (see note 15), para. 1; S/13117 (see note 16), para. 4; S/13119 (see note 16), para. 3; S/13162 (see note 15), para. 4; and S/13729 (see note 15), para. 3.

²¹Resolutions 385 (1976), para. 9; 403 (1977), ninth preambular para.; 406 (1977), para. 1; 411 (1977), sixteenth preambular para.; 432 (1978), para. 1; and 436 (1978), para. 1. Furthermore, see draft resolutions S/11713 (see note 16), tenth preambular para.; S/11940 (see note 16), para. 1 (d); S/11967 (see note 16), third preambular para. and para. 4; S/13027 (see note 16), para. 1; and S/13729 (see note 16), para. 1.

²²Resolutions 403 (1977), ninth preambular para., 406 (1977), para. 1; 411 (1977), sixteenth preambular para.; and 436 (1978), para. 1. See also draft resolutions S/11940 (see note 16), para. 1 (d); S/11967 (see note 16), para. 3; S/13027 (see note 16), para. 1; and S/13729 (see note 16), para. 1.

²³Resolutions 385 (1976), para. 1; 387 (1976), para. 1; 393 (1976), para. 1; 403 (1977), para. 2; 405 (1977), para. 2; 411 (1977), para. 1; 419 (1977), para. 1; 424 (1978), para. 1; 428 (1978), para. 1; 445 (1979), para. 1; 454 (1979), para. 1; 455 (1979), seventh preambular para. and paras. 1 and 2; 466 (1980), para. 1; 467 (1980), para. 2 (b); and 475 (1980), para. 1. Further, see draft resolutions S/11898 (see note 16), para. 1; S/12139 (see note 15), para. 1; S/12433 (see note 16), third preambular para.; S/13022 (see note 15), para. 2; S/13117 (see note 16), para. 1; S/13119 (see note 16), para. 1; and S/13897 (see note 16), para. 2.

²⁴Resolutions 384 (1975), eighth preambular para.; 387 (1976), sixth preambular para.; 393 (1976), third preambular para.; 411 (1977), fourth preambular para.; 424 (1978), third preambular para.; 428 (1978), sixth preambular para.; 454 (1979), fourth preambular para.; and 475 (1980), fourth preambular para. See also draft resolutions S/12139 (see note 15), sixth preambular para.; S/13022 (see also note 15), fourth preambular para.; and S/13117 (see note 16), second preambular para.

²⁵Resolutions 403 (1977), para. 1; 417 (1977), para. 1; and 467 (1980), para. 2 (c).

²⁶Resolutions 447 (1979), para. 3; 466 (1980), para. 2; and 475 (1980), para. 3. See also draft resolutions S/11898 (see note 16), para. 2; S/13022 (see note 15), para. 4; S/13119 (see note 16), para. 2; and S/13162 (see note 15), para. 1.

²⁷Resolutions 425 (1978), para. 2; and 450 (1979), para. 2. See also draft resolution S/11967 (see note 16), para. 3.

²⁸Resolution 450 (1979), para. 2. See also draft resolution S/11967 (see note 16), para. 2.

²⁹Resolution 479 (1980), para. 1.

³⁰Resolution 473 (1980), para. 9.

³¹Draft resolution S/12310 (see note 16), fourth preambular para.

³²Resolutions 386 (1976), fourth preambular para.; 392 (1976), para. 4; 393 (1976), fifth preambular para.; 403 (1977), third preambular para.; 411 (1977), sixth preambular para.; 417 (1977), fifth preambular para.; 424 (1978), fourth preambular para.; 428 (1978), ninth preambular para.; 445 (1979), eighth preambular para.; 447 (1979), ninth preambular para.; 448 (1979), seventh preambular para.; and 473 (1980), para. 4. Further, see draft resolution S/12309 (see note 16), fifth preambular para.

Although references of this kind to the provision of Article 2, paragraph 4, were rather frequent, the Council engaged only occasionally in what might be described as some constitutional discussion or at least as clear espousal of the principles of the Charter. Twelve case histories belonging in this category are included below.

On a number of occasions,³¹ Article 2, paragraph 4, was explicitly invoked, but usually did not give rise to a constitutional discussion.

CASE I

The situation in Timor

(In connection with a draft resolution prepared as a result of consultations among the members of the Council and adopted on 22 December 1975 and another draft resolution submitted by Guyana and the United Republic of Tanzania, voted upon and adopted on 22 April 1976)

During the Council's deliberation of the situation in Timor, it was argued, on the one hand, that the Indonesian invasion of the Territory of East Timor constituted a clear violation of the principle of the non-use of force spelled out in Article 2, paragraph 4, and denied to the people of East Timor the fundamental right to self-determination to which they were entitled under the Charter of the United Nations; the necessity was underlined in this critical situation for Indonesia to relinquish control over East Timor and to allow for a peaceful negotiated transition from Portuguese colonial administration to self-determination and independence. On the other hand, it was alleged that various groups in East Timor had asked the Indonesian Government to assist the people of Timor against the terror of a small organization that had usurped political power and declared an independent republic; it was suggested that Indonesia's military presence was required to prevent East Timor from sliding into factional bloodshed and anarchy and to restore public order and that the integration of East Timor into the state of Indonesia fulfilled the principle of self-determination and the destiny of their common history.³⁴

³¹In connection with the situation concerning Western Sahara, 1854th mtg.: Morocco, para. 3; in connection with the situation in Timor, 1864th mtg.: Portugal, para. 48; in connection with the complaint by Kenya concerning aggression by South Africa against Angola, 1906th mtg.: United Republic of Tanzania, para. 139; in connection with the complaint by the Prime Minister of Mauritius, current Chairman of the OAU, of the "act of aggression" by Israel against Uganda, 1939th mtg.: Israel, para. 108; Mauritania, para. 47; United Republic of Cameroon, para. 217; 1940th mtg.: Guyana, para. 80; Sweden, para. 119; 1941st mtg.: USSR, para. 162; 1942nd mtg.: India, para. 146; Israel, para. 103; Panama, para. 23; 1943rd mtg.: Cuba, para. 83; Uganda, para. 112; in connection with the complaint by Zambia against South Africa, 1945th mtg.: Madagascar, para. 160; in connection with the complaint by Benin, 1987th mtg.: India, para. 64; 2005th mtg.: Equatorial Guinea, para. 48; 2049th mtg.: Equatorial Guinea, para. 48; in connection with the situation in the occupied Arab territories, 2134th mtg.: Israel, para. 67; in connection with the situation in the Middle East, 2147th mtg.: Israel, para. 79; Kuwait, para. 109; 2149th mtg.: Bolivia, para. 164; in connection with the letter dated 3 January 1980 from 52 Member States regarding Afghanistan, 2185th mtg.: Egypt, para. 132; 2190th mtg.: Panama, paras. 17 and 19; Zaire, para. 44; and in connection with the situation between Iran and Iraq, 2254th mtg.: USSR, para. 94. The implicit references are too numerous to be listed here.

³⁴For the texts of relevant statements see 1864th mtg.: Mr. Horta, paras. 96-137; Indonesia, paras. 67-94; Portugal, paras. 7-64; 1865th mtg.: China, paras. 3-9; 1867th mtg.: Japan, paras. 49-54; Portugal, paras. 56-67; USSR, paras. 41-46; United Republic of Tanzania, paras. 5-26; 1908th mtg.: Mr. Horta, paras. 14-76; Portugal, paras. 78-107; 1912th mtg.: Italy, paras. 56-64; and 1915th mtg.: Sweden, paras. 33-40.

At the 1869th meeting, on 22 December 1975, the Council unanimously adopted a draft resolution that had been prepared as a result of consultations among the members, as resolution 384 (1975).³⁵ It reads, *inter alia*, as follows:

The Security Council,

...

Gravely concerned at the deterioration of the situation in East Timor, *Gravely concerned also* at the loss of life and conscious of the urgent need to avoid further bloodshed in East Timor,

Deploing the intervention of the armed forces of Indonesia in East Timor,

...

1. *Calls upon* all States to respect the territorial integrity of East Timor as well as the inalienable right of its people to self-determination in accordance with General Assembly resolution 1514 (XV);

2. *Calls upon* the Government of Indonesia to withdraw without delay all its forces from the Territory;

...

5. *Requests* the Secretary-General to send urgently a special representative to East Timor for the purpose of making an on-the-spot assessment of the existing situation ...;

...

When the Council resumed consideration of the issue and included in its agenda the report of the Secretary-General in pursuance of resolution 384 (1975), the representatives of Guyana and the United Republic of Tanzania submitted a draft resolution at the 1913th meeting, on 12 April 1976. At the 1914th meeting, on 22 April 1976, following the rejection of a small amendment submitted by Japan, the Council adopted by 12 votes to none, with 2 abstentions, the draft resolution as resolution 389 (1976); one member did not participate in the vote.³⁶ Resolution 389 (1976) reads, *inter alia*, as follows:

The Security Council,

...

1. *Calls upon* all States to respect the territorial integrity of East Timor, as well as the inalienable right of its people to self-determination in accordance with General Assembly resolution 1514 (XV);

2. *Calls upon* the Government of Indonesia to withdraw without further delay all its forces from the Territory;

...

CASE 2

Complaint by Kenya concerning the act of aggression by South Africa against Angola

(In connection with the draft resolution sponsored by Benin, Guyana, the Libyan Arab Republic, Panama, Romania and the United Republic of Tanzania, voted upon and adopted on 31 March 1976)

During the deliberations of the Council, Article 2, paragraph 4, and relevant provisions of the Definition of Aggression (General Assembly resolution 3314 (XXIX)) were invoked to show their direct bearing on the South African aggression against Angola and to demand appropriate measures against the aggressor.³⁷

At the 1906th meeting, on 31 March 1976, the representative of the United Republic of Tanzania introduced a draft resolution sponsored by Benin, Guyana, the

³⁵For the vote on the draft resolution (S/11915), see 1869th mtg., para. 12.

³⁶For the votes on the amendment (S/12057) and the draft resolution (S/12056), see 1914th mtg., paras. 41 and 42. For the detailed procedural history of this case, see chapter VIII, part II, under the same title.

³⁷For the texts of the relevant statements, see 1903rd mtg.: Sierra Leone, paras. 19-37; 1905th mtg.: Romania, paras. 17-31; and 1906th mtg.: Mali, paras. 26-41, and United Republic of Tanzania, paras. 120-145.

Libyan Arab Republic, Panama, Romania and the United Republic of Tanzania. The six-Power draft resolution was put to the vote at the same meeting and adopted, by 9 votes to none, with 5 abstentions, as resolution 387 (1976); one member did not participate in the vote.³⁸ Resolution 387 (1976) reads, *inter alia*, as follows:

The Security Council,

...
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 in any other manner inconsistent with the purposes of the United Nations,

Gravely concerned at the acts of aggression committed by South Africa against the People's Republic of Angola and the violation of its sovereignty and territorial integrity,

Condemning the utilization by South Africa of the international Territory of Namibia to mount that aggression,

Gravely concerned also at the damage and destruction done by the South African invading forces in Angola and by their seizure of Angolan equipment and materials,

- ...
1. *Condemns* South Africa's aggression against the People's Republic of Angola;
 2. *Demands* that South Africa scrupulously respect the independence, sovereignty and territorial integrity of the People's Republic of Angola;
 3. *Demands also* that South Africa desist from the utilization of the international Territory of Namibia to mount provocative or aggressive acts against the People's Republic of Angola or any other neighbouring African State;
- ...

CASE 3

Complaint by Mauritius, current Chairman of the OAU, of the "act of aggression" by Israel against Uganda

(In connection with a draft resolution sponsored by the United Kingdom and the United States, voted upon and not adopted on 14 July 1976, and another draft resolution submitted by Benin, the Libyan Arab Republic and Mauritius, not voted upon)

During the deliberations in the Council a major constitutional discussion arose over the nature of the Israeli operation in rescuing hostages held by hijackers at the Entebbe international airport in Uganda. One side argued that the Israeli action was in clear violation of the fundamental precepts of Article 2, paragraph 4, and that the seizure of the hijackers and hostages on Ugandan soil constituted a breach of Uganda's territorial integrity and sovereignty; it was argued that self-defence could not be claimed by Israel in that the airliner and most of its crew and passengers were not from Israel, and the use of force could therefore not be condoned. On the other side, it was asserted that the practice of hijacking had grown into a major menace to international security and that the Israeli decision to liberate the victims from their grave predicament at Entebbe airport was to be applauded as long as the international community had not yet established a viable system of protection for international civil aviation; the rescue of innocent air passengers from injury or death could not be called an "act of aggression", but instead helped focus the international legal

and political debate on ways to overcome the new disease of hijacking.³⁹

At the 1940th meeting, on 12 July 1976, the representative of the United Kingdom submitted to the Council a draft resolution⁴⁰ co-sponsored by the United States, under which the Council would have condemned the hijacking, deplored the loss of life, reaffirmed the need to respect the sovereignty and territorial integrity of all States and called upon the international community to strengthen further the safety and reliability of international civil aviation.

At the 1941st meeting, on the same day, the representative of the United Republic of Tanzania introduced a second draft resolution⁴¹ sponsored by Benin, the Libyan Arab Republic and the United Republic of Tanzania, under which the Council would have invoked the text of Article 2, paragraph 4, expressed concern at the premeditated Israeli raid and the loss of life as well as the extensive property damage, condemned Israel's flagrant violation of Uganda's sovereignty and territorial integrity and asked for full compensation for the damage and destruction inflicted upon Uganda.

At the 1943rd meeting, on 14 July 1976, the two-Power draft resolution was put to the vote and not adopted, having received 6 votes to none, with 2 abstentions; seven members did not participate in the vote. The second draft resolution was not put to the vote.⁴²

CASE 4

Complaint by Zambia against South Africa

(In connection with the draft resolution sponsored by Benin, Guyana, the Libyan Arab Republic, Pakistan, Panama, Romania and the United Republic of Tanzania, voted upon and adopted on 30 July 1976)

The deliberations of the Council revealed strong disapproval of South Africa's aggressive acts as being in violation of the principle of Article 2, paragraph 4, and showed support for measures to protect the territory and independence of Zambia.⁴³

At the 1947th meeting, on 30 July 1976, the representative of Guyana introduced a draft resolution sponsored by Benin, Guyana, the Libyan Arab Republic, Pakistan, Panama, Romania and the United Republic of Tanzania. This seven-Power draft resolution was put to the vote at the 1948th meeting, on the same day, and adopted by 14 votes to none, with 1 abstention, as resolution 393 (1976).⁴⁴ The resolution reads, *inter alia*, as follows:

³⁹For the texts of the relevant statements see 1939th mtg.: France, paras. 181-204; Israel, paras. 56-138; Mauritania, paras. 43-53; United Republic of Cameroon, paras. 210-222; 1940th mtg.: Guyana, paras. 75-89; Sweden, paras. 113-124; and United Kingdom, paras. 92-109; 1941st mtg.: Pakistan, paras. 125-142; USSR, paras. 149-170; United Republic of Tanzania, paras. 100-120; and United States, paras. 74-96; 1942nd mtg.: India, paras. 138-149; Israel, paras. 76-131; Panama, paras. 10-33; and Romania, paras. 38-47; and 1943rd mtg.: Cuba, paras. 81-89; France, paras. 41-52; and Uganda, paras. 103-136.

⁴⁰S/12138, *OR*, 31st yr., *Suppl. for July-Sept. 1976*.

⁴¹S/12139, *ibid*.

⁴²For the vote on the draft resolution (S/12138), see 1943rd mtg., para. 162. For the detailed procedural history of this case, see chapter VIII, part II, under the same title.

⁴³For the texts of the relevant statements, see 1944th mtg.: Mauritania, paras. 71-89; South Africa, paras. 48-69; Zambia, paras. 12-43; 1945th mtg.: Madagascar, paras. 157-173; 1947th mtg.: Guyana, paras. 28-50; and 1948th mtg.: Sweden, paras. 13-18.

⁴⁴For the vote on the draft resolution (S/12158), see 1948th mtg., para. 127. For the detailed procedural history of this case, see chapter VIII, part II, under the same title.

³⁸For the vote on the draft resolution (S/12030), see 1906th mtg., para. 240. For the detailed procedural history of this case, see chapter VIII, part II, under the same title.

The Security Council,

Gravely concerned at the numerous hostile and unprovoked acts by South Africa violating the sovereignty, air space and territorial integrity of the Republic of Zambia resulting in death and injury of innocent people as well as in the destruction of property and culminating on 11 July 1976 in an armed attack which resulted in the regrettable loss of 24 innocent lives and the injury of 45 other persons,

Gravely concerned at South Africa's use of the international Territory of Namibia as a base for attacking neighbouring African countries,

Reaffirming the legitimacy of the struggle of the people of Namibia to liberate their country from the illegal occupation of the racist régime of South Africa,

Recalling its resolution 300 (1971) of 12 October 1971, which, *inter alia*, called upon South Africa to respect fully the sovereignty and territorial integrity of Zambia,

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 in any other manner inconsistent with the purposes of the United Nations,

1. *Strongly condemns* the armed attack of South Africa against the Republic of Zambia, which constitutes a flagrant violation of the sovereignty and territorial integrity of Zambia;

2. *Demands* that South Africa scrupulously respect the independence, sovereignty, air space and territorial integrity of the Republic of Zambia;

3. *Demands* that South Africa desist forthwith from the use of the international Territory of Namibia as a base for launching armed attacks against the Republic of Zambia and other African countries;

6. *Further declares* that, in the event of South Africa committing further acts of violation of the sovereignty and territorial integrity of Zambia, the Security Council will meet again to consider the adoption of effective measures, in accordance with the appropriate provisions of the Charter of the United Nations.

CASE 5

Complaint by Benin

(In connection with a draft resolution sponsored by Benin, Libyan Arab Republic and Mauritius, revised and adopted by consensus, without a vote, on 8 February 1977, another draft resolution sponsored by Benin, India, the Libyan Arab Jamahiriya, Mauritius and Panama, adopted by consensus, without a vote, on 14 April 1977, and a third draft resolution submitted by Benin, the Libyan Arab Jamahiriya and Mauritius, revised and adopted without a vote on 24 November 1977)

During the discussions regarding the complaint by Benin, the role of mercenaries in acts of aggression and breaches of the peace was the subject of considerable debate. It was argued by a large number of representatives that a mercenary attack against a sovereign State constituted an infringement of territorial integrity, sovereignty and independence and thus stood in direct violation of Article 2, paragraph 4. It was strongly recommended to regulate this dimension of international disturbances in order to ensure that the irregular transgressions of mercenaries were put clearly and effectively under the prohibition of the relevant Charter provisions. Other members of the Council did not accept this interpretation of the Charter.⁴⁵

⁴⁵For the texts of relevant statements see 1986th mtg.: Benin, paras. 10-41; Madagascar, paras. 66-90; and Rwanda, paras. 55-62; 1987th mtg.: India, paras. 58-65; 2000th mtg.: Mauritius, paras. 89-116; and Panama, paras. 18-35; 2001st mtg.: USSR, paras. 7-17; 2004th mtg.: Somalia, paras. 27-54; 2005th mtg.: Equatorial Guinea, paras. 45-53; and Mali, paras. 58-90; 2047th mtg.: Benin, paras. 8-31; and 2049th mtg.: Equatorial Guinea, paras. 44-51.

At the 1986th meeting, on 7 February 1977, the representative of Mauritius introduced a draft resolution sponsored by Benin, the Libyan Arab Republic and Mauritius. At the 1987th meeting, on 8 February 1977, a revised draft was circulated, in which paragraph 2 had been modified and a new paragraph 4 had been inserted. At the same meeting, this text was adopted by consensus, without a vote, as resolution 404 (1977).⁴⁶ The resolution reads, *inter alia*, as follows:

The Security Council,

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 in any other manner inconsistent with the purposes of the United Nations,

1. *Affirms* that the territorial integrity and political independence of the People's Republic of Benin must be respected;

2. *Decides* to send a Special Mission composed of three members of the Security Council to the People's Republic of Benin in order to investigate the events of 16 January 1977 at Cotonou and report not later than the end of February 1977;

At the 2000th meeting, on 6 April 1977, the Council included the report of the Special Mission⁴⁷ in its agenda and resumed consideration of the issue. At the 2004th meeting, on 14 April 1977, the representative of Mauritius introduced a draft resolution submitted by Benin, the Libyan Arab Jamahiriya and Mauritius.

At the 2005th meeting, on the same day, the draft resolution was adopted by consensus, without a vote, as resolution 405 (1977).⁴⁸ It reads, *inter alia*, as follows:

The Security Council,

Gravely concerned at the violation of the territorial integrity, independence and sovereignty of the State of Benin,

2. *Strongly condemns* the act of armed aggression perpetrated against the People's Republic of Benin on 16 January 1977;

3. *Reaffirms* its resolution 239 (1967) of 10 July 1967, by which, *inter alia*, it condemns any State which persists in permitting or tolerating the recruitment of mercenaries and the provision of facilities to them, with the objective of overthrowing the Governments of Member States;

4. *Calls upon* all States to exercise the utmost vigilance against the danger posed by international mercenaries and to ensure that their territory and other territories under their control, as well as their nationals, are not used for the planning of subversion and recruitment, training and transit of mercenaries designed to overthrow the Government of any Member State;

5. *Further calls upon* all States to consider taking necessary measures to prohibit, under their respective domestic laws, the recruitment, training and transit of mercenaries on their territory and other territories under their control;

6. *Condemns* all forms of external interference in the internal affairs of Member States, including the use of international mercenaries to destabilize States and/or to violate their territorial integrity, sovereignty and independence.

At its 2047th meeting, on 22 November 1977, the Council resumed consideration of the item. Benin, the Libyan Arab Jamahiriya and Mauritius submitted a draft resolution, which was introduced at the 2048th meeting. At the 2049th meeting, on 24 November 1977, the Council

⁴⁶For the adoption of the revised draft resolution (S/12282/Rev.1), see 1987th mtg., para. 123. For the detailed procedural history of this case, see chapter VIII, part II, under the same title.

⁴⁷S/12294 and Add.1, replaced by S/12294/Rev.1, OR, 32nd yr., Special Supplement No. 3.

⁴⁸For the adoption of the draft resolution (S/12322), see 2005th mtg., para. 207. For further details regarding this case, see chapter VIII, part II, under the same title.

adopted the draft resolution, slightly revised,⁴⁹ without a vote as resolution 419 (1977).⁵⁰ It reads, *inter alia*, as follows:

The Security Council,

...
Deeply concerned over the danger which international mercenaries represent for all States, in particular the smaller ones,

...
 1. *Reaffirms its resolution 405 (1977), in which it had, among other provisions, taken note of the report of the Security Council Special Mission to the People's Republic of Benin established under resolution 404 (1977) of 8 February 1977 and strongly condemned the act of armed aggression perpetrated against the People's Republic of Benin on 16 January 1977 and all forms of external interference in the internal affairs of Member States, including the use of international mercenaries to destabilize States and/or to violate their territorial integrity, sovereignty and independence;*

CASE 6

The situation in the Middle East

(In connection with a draft resolution submitted by the United States, voted upon and adopted on 19 March 1978, and another draft resolution prepared during consultations among the members of the Council, voted upon and adopted on 14 June 1979)

During the Council's consideration of complaints by Lebanon and Israel in 1978 leading to the establishment of the United Nations Interim Force in Lebanon (UNIFIL) and of a new complaint by Lebanon in 1979, most speakers invoked explicitly or implicitly Article 2, paragraph 4, declared that the use of force against the territory of another State was inadmissible, rejected the Israeli claim to a right of reprisal in retaliation against terrorist attacks and expressed the view that the Government of Lebanon could not be held accountable for the movements and actions of Palestinians resisting the Israeli occupation of their native land. Speaking in defence of retaliatory measures, other speakers asserted that under international law every Government was bound to refrain from the use of force and to prevent anybody from using its territory for threats and attacks against another country; it was suggested that the right to self-defence under Article 51 had to be seen in the light of every Government's foremost duty to protect its citizens from all external attacks.⁵¹

At the 2073rd meeting, on 18 March 1978, the representative of the United States introduced the draft resolution submitted by his delegation. This draft was put to the vote at the 2074th meeting, on 19 March 1978, and adopted, by 12 votes to none, with 2 abstentions, as

resolution 425 (1978); one member did not participate in the voting.⁵² Resolution 425 (1978) reads, *inter alia*, as follows:

The Security Council,

...
 1. *Calls for strict respect for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries;*

2. *Calls upon Israel immediately to cease its military action against Lebanese territorial integrity and withdraw forthwith its forces from all Lebanese territory;*

...
 At the 2149th meeting, on 14 June 1979, the President drew attention to a draft resolution that had been prepared during consultations among members of the Council. This draft was put to the vote at the same meeting and adopted by 12 votes to none, with 2 abstentions, as resolution 450 (1979); one member did not participate in the voting.⁵³ Resolution 450 (1979) reads, *inter alia*, as follows:

The Security Council,

...
Reaffirming its call for the strict respect for the territorial integrity, unity, sovereignty and political independence of Lebanon within its internationally recognized boundaries,

1. *Strongly deploras acts of violence against Lebanon that have led to the displacement of civilians, including Palestinians, and brought about destruction and loss of innocent lives;*

2. *Calls upon Israel to cease forthwith its acts against the territorial integrity, unity, sovereignty and political independence of Lebanon, in particular its incursions into Lebanon and the assistance it continues to lend to irresponsible armed groups;*

CASE 7

Complaint by Angola against South Africa

(In connection with the draft resolution sponsored by Bolivia, Gabon, India, Kuwait, Mauritius, Nigeria and Venezuela, voted upon and adopted on 6 May 1978)

During the Council's deliberations regarding the complaint by Angola, which had suffered acts of aggression and invasion from South Africa, the members were unanimous in condemning the South African aggressive acts as violations of the principles of Article 2, paragraph 4, and related Charter provisions, but whereas a large group demanded forceful punitive measures under Chapter VII of the Charter, several representatives warned against excessive reactions and called for restraint on all sides to allow efforts to continue whereby Namibia would eventually gain its independence.⁵⁴

At the 2077th meeting on 5 May 1978, the representative of Mauritius introduced the draft resolution co-sponsored by Bolivia, Gabon, India, Kuwait, Mauritius,

⁴⁹The changes were purely editorial.

⁵⁰For the adoption of the revised draft resolution (S/12454/Rev.1), see 2049th mtg., para. 96. For further details regarding this case, see chapter VIII, part II, under the same title.

⁵¹For the texts of the relevant statements, see 2071st mtg.: Israel, paras. 20-70; Jordan, paras. 73-83; Lebanon, paras. 11-17; and Syrian Arab Republic, paras. 87-104; 2072nd mtg.: Egypt, paras. 7-25; France, paras. 47-50; Kuwait, paras. 27-46; and Nigeria, paras. 51-63; 2073rd mtg.: Federal Republic of Germany, paras. 19-23; USSR, paras. 33-49; United States, paras. 11-23; 2146th mtg.: Israel, paras. 39-54; and Lebanon, paras. 20-35; 2147th mtg.: Israel, paras. 74-100; Kuwait, paras. 30-57, 102-121; and Libyan Arab Jamahiriya, paras. 126-150; 2148th mtg.: Egypt, paras. 6-17; France, paras. 52-57; Iran, paras. 83-91; Jordan, paras. 73-80; Syrian Arab Republic, paras. 95-113; and United Kingdom, paras. 30-39; 2149th mtg.: Bolivia, paras. 162-167; Israel, paras. 20-57; President (USSR), paras. 126-146; and United States, paras. 78-89.

⁵²For the vote on the draft resolutions (S/12610) setting up UNIFIL, see 2074th mtg., para. 41. For the detailed procedural history of this case, see chapter VIII, part II, under the same title.

⁵³For the vote on the draft resolution (S/13392), see 2149th mtg., para. 148. For the detailed procedural history of this case, see chapter VIII, part II, under the same title.

⁵⁴For the texts of the relevant statements, see 2077th mtg.: Angola, paras. 5-21; Mauritius, paras. 68-89; United Republic of Tanzania, paras. 57-67; Zambia, paras. 38-55; Mr. Nujoma, paras. 25-36; 2078th mtg.: Algeria, paras. 147-154; Canada, paras. 17-23; China, paras. 39-43; Czechoslovakia, paras. 24-38; France, paras. 44-49; India, paras. 102-107; Kuwait, paras. 10-16; Mauritius, paras. 81-101; Nigeria, paras. 50-65; USSR, paras. 66-80; United Kingdom, paras. 113-118; and United States, paras. 125-129.

Nigeria and Venezuela. At the 2078th meeting, on 6 May 1978, the draft resolution was put to the vote and unanimously adopted as resolution 428 (1978).⁵⁵ It reads, *inter alia*, as follows:

The Security Council,

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 Charter of the United Nations,

Recalling its resolution 387 (1976) of 31 March 1976 in which, *inter alia*, it 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 the People's Republic of Angola,

Gravely concerned at the armed invasions committed by South Africa in violation of the sovereignty, air space and territorial integrity of the People's Republic of Angola and in particular the armed invasion of Angola carried out on 4 May 1978,

Reaffirming the inalienable right of the people of Namibia to self-determination and independence in accordance with General Assembly resolution 1514 (XV) of 14 December 1960 and the legitimacy of their struggle to secure the enjoyment of such rights as set forth in the Charter,

Reiterating its grave concern at South Africa's brutal repression of the Namibian people and its persistent violation of their human rights as well as its efforts to destroy the national unity and territorial integrity of Namibia and its aggressive military build-up in the area,

1. *Strongly condemns* the latest armed invasion perpetrated by the South African racist régime against the People's Republic of Angola, which constitutes a flagrant violation of the sovereignty and territorial integrity of Angola;

2. *Condemns equally strongly* South Africa's utilization of the international Territory of Namibia as a springboard for armed invasions of the People's Republic of Angola;

4. *Further demands* that South Africa scrupulously respect the independence, sovereignty and territorial integrity of the People's Republic of Angola;

5. *Reaffirms* its support for the just and legitimate struggle of the people of Namibia for the attainment of their freedom and independence and for the maintenance of the territorial integrity of their country;

8. *Decides* to meet again in the event of further acts of violation of the sovereignty and territorial integrity of the People's Republic of Angola by the South African racist régime in order to consider the adoption of more effective measures, in accordance with the appropriate provisions of the Charter of the United Nations, including Chapter VII thereof.

CASE 8

Telegram dated 3 January 1979 from the Deputy Prime Minister in Charge of Foreign Affairs of Democratic Kampuchea

(In connection with a draft resolution submitted by China and not voted upon, and another draft resolution sponsored by Bangladesh, Bolivia, Gabon, Jamaica, Nigeria and Zambia, voted upon and not adopted on 15 January 1979)

During the Council's deliberations regarding the charges brought by the Government of Democratic Kampuchea against Viet Nam, one side viewed the actions

⁵⁵For the vote on the draft resolution (S/12692), see 2078th mtg., para. 6. Subsequent discussions and resolutions in connection with the complaints by Angola against South Africa reflect the same line of reasoning about South African acts of aggression as in the case of resolution 428 (1978). For the detailed procedural history of this case, see chapter VIII, part II, under the same title.

taken by the Government of Viet Nam as use of force as prohibited by Article 2, paragraph 4, of the Charter and charged that the political independence and territorial integrity of Democratic Kampuchea had been violated; it was further argued that this Vietnamese action amounted to interference in the internal affairs of Democratic Kampuchea which was also prohibited under the Charter. The other side suggested that the charges by the no longer functioning Pol Pot régime were unfounded in that the Kampuchean people, with the help of their Vietnamese neighbours, had thrown off the yoke of the brutal and inhuman clique and begun to resume a new existence in security and tranquillity; the appeal to the Council was described as unwarranted, and the concern shown by the Council and the international community was dismissed as interference in strictly domestic matters of the new Kampuchean society.⁵⁶

At the 2108th meeting, on 11 January 1979, the representative of China introduced a draft resolution under which the Council would have, *inter alia*, restated the provision of Article 2, paragraph 4, expressed its grave concern about Viet Nam's military invasion of Democratic Kampuchea in violation of the Charter, and, in the operative part, stressed that the independence, sovereignty and territorial integrity of Democratic Kampuchea had to be strictly respected in accordance with the purposes and principles of the Charter and strongly condemned Viet Nam for its acts of armed invasion and aggression against Democratic Kampuchea, acts that constituted a flagrant violation of the independence, sovereignty and territorial integrity of Democratic Kampuchea and caused serious damage to the lives and property of the Kampuchean people.⁵⁷

At the 2111th meeting, on 15 January 1979, the representative of Kuwait submitted a draft resolution sponsored by Bangladesh, Bolivia, Gabon, Jamaica, Kuwait, Nigeria and Zambia, under which the Council would have, *inter alia*, reaffirmed anew its conviction that the preservation of sovereignty, territorial integrity and political independence of every State was a fundamental principle of the Charter, any violation of which was inconsistent with its aims and purposes.⁵⁸

At the 2112th meeting, on 15 January 1979, the President announced that the Chinese delegation would not press for a vote on its draft resolution at that stage.⁵⁹ Then the seven-Power draft resolution was put to the vote, received 13 votes to 2, and was not adopted owing to the negative vote of a permanent member of the Council.⁶⁰

⁵⁶For the texts of the relevant statements, see 2108th mtg.: China, paras. 17-22 and 97-109; Cuba, paras. 173-193; Democratic Kampuchea, paras. 73-92; USSR, paras. 9-15, 34, 35, 40-45, 69, 146-170; and Viet Nam, paras. 113-144; 2109th mtg.: Bangladesh, paras. 43-51; Bolivia, paras. 53-63; Czechoslovakia, paras. 20-27; France, paras. 33-37; German Democratic Republic, paras. 66-76; Kuwait, paras. 6-13; Norway, paras. 16-19; and Sudan, paras. 90-94; 2110th mtg.: Gabon, paras. 15-18; Malaysia, paras. 36-44; New Zealand, paras. 57-60; Portugal, paras. 22-32; United Kingdom, paras. 63-68; United States, paras. 72-84; and Zambia, paras. 8-11; 2111th mtg.: Australia, paras. 24-29; Indonesia, paras. 66-74; Japan, paras. 16-21; Nigeria, paras. 31-37; Philippines, paras. 92-103; Poland, paras. 77-90; President (Jamaica), paras. 144-150; Thailand, paras. 40-46; USSR, paras. 151-154; Viet Nam, paras. 163-178; and Yugoslavia, paras. 124-135.

⁵⁷S/13022, OR, 34th yr., Suppl. for Jan.-March 1979; see especially the third and fourth preambular paras. and paras. 1 and 2.

⁵⁸S/13027, OR, 34th yr., Suppl. for Jan.-March 1979, especially para. 1.

⁵⁹2112th mtg.: President, para. 3.

⁶⁰2112th mtg., para. 4. For the detailed procedural history of this case, see chapter VIII, part II, under the same title.

CASE 9

The situation in the occupied Arab territories

(In connection with a draft resolution sponsored by Bangladesh, Kuwait, Nigeria and Zambia, twice revised and adopted on 22 March 1979)

The Council focused in its deliberations on the inadmissibility of the acquisition of territory by war and on the legal and political consequences deriving from that principle for the administration of the occupied territories by Israel. The wide support for the validity of the principle clearly espoused in the language of Article 2, paragraph 4, of the Charter was opposed by the argument that a common negotiating procedure under relevant resolutions of the Council would be more promising than a restatement of familiar charges.⁶¹

At the 2128th meeting, on 16 March 1979, the representative of Kuwait introduced a draft resolution sponsored by Bangladesh, Kuwait, Nigeria and Zambia, under which the Council would have, *inter alia*, expressed grave anxiety and concern over the serious situation in the occupied Arab territories and the ominous and accelerating erosion of the status of Jerusalem and the rest of the occupied territories as a result of the Israeli occupation authorities' systematic, relentless and deliberate policy and practice of settlements and colonization of those territories; determined that all such policy and practices taken by Israel in the Palestinian and other Arab territories occupied since 1967 had no legal validity and constituted a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East; and expressed its indignation at the persistence of Israel in carrying out such policy and practices, in particular the establishment of settlements and the massive expropriation of lands, water and other resources in the Palestinian and other occupied territories.⁶²

The draft resolution was subsequently twice revised,⁶³ and, at the 2134th meeting, on 22 March 1979, adopted by 12 votes to none, with 3 abstentions, as resolution 446 (1979).⁶⁴ Its paragraph 1 reads as follows:

The Security Council,

1. *Determines* that the policy and practices of Israel in establishing settlements in the Palestinian and other Arab territories occupied since 1967 have no legal validity and constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East;

CASE 10

Letter dated 25 November 1979 from the Secretary-General

(In connection with a draft resolution prepared in the course of consultations and adopted unanimously on 4 December 1979)

During the Council's consideration of the situation resulting from the detention of United States diplomatic

⁶¹ For the texts of the relevant statements, see 2125th mtg.: Israel and PLO; 2127th mtg.: Bangladesh, para. 16; Hungary, para. 107; and Jamaica, para. 59; 2131st mtg.: Gabon, para. 17; Romania, para. 71; and 2134th mtg.: Israel, para. 67.

⁶² S/13171, *OR*, 34th yr., *Suppl. for Jan.-March 1979*, third preambular para. and paras. 1 and 2.

⁶³ The third preambular para. and para. 2 were deleted; para. 1 was reworded as reflected in the text of resolution 446 (1979), para. 1.

⁶⁴ For the vote on the draft resolution (S/13171/Rev.2), see 2134th mtg., para. 113. For the detailed procedural history, see chapter VIII, part II, under the same title.

personnel in Teheran, a number of Charter principles were underlined and emphasized by many speakers, giving special attention to the principle of peaceful settlement of disputes and the concomitant prohibition of the threat or use of force under Article 2, paragraph 4. Appeals were made to adhere to these norms in the United States-Iranian relationship rather than to seek mandatory punitive measures.⁶⁵

At the 2178th meeting, on 4 December 1979, the President drew attention to a draft resolution that had been prepared in the course of consultations among members of the Council. At the same meeting, the draft was put to the vote and unanimously adopted as resolution 457 (1979).⁶⁶ The sixth preambular paragraph of the resolution reads as follows:

The Security Council,

Conscious of the responsibility of 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 in any other manner inconsistent with the purposes of the United Nations,⁶⁷

CASE 11

Letter dated 3 January 1980 from 52 Member States regarding Afghanistan

(In connection with a draft resolution sponsored by Bangladesh, Jamaica, Niger, the Philippines, Tunisia and Zambia, put to the vote and not adopted on 7 January 1980)

During the extensive discussion of the developments in Afghanistan, members of the Council and other speakers condemned the intervention of foreign troops in internal political conflicts in Afghanistan as a grave violation of Article 2, paragraph 4, and other pertinent provisions of the Charter; they called for an end to foreign interference and the withdrawal of all foreign troops from Afghan soil. Other representatives rejected these accusations regarding the use of force and intervention and suggested that the Afghan authorities had requested the assistance of the foreign troops.⁶⁸

At the 2189th meeting, on 7 January 1980, the representative of Bangladesh introduced a draft resolution sponsored by Bangladesh, Jamaica, Niger, the Philippines,

⁶⁵ For the texts of the relevant statements, see 2175th mtg.: Czechoslovakia, para. 114; France, para. 65; Gabon, para. 57; USSR, para. 90; United States, paras. 22-24; Zaire, para. 145; Zambia, para. 96; 2176th mtg.: Kuwait, para. 6; and Yugoslavia, paras. 115-117. During these meetings and subsequent sessions devoted to the same question, there were numerous references to Articles 33 and 2, paragraph 7, and to the provisions of Chapter VI of the Charter.

⁶⁶ For the vote on the draft resolution (S/13677), see 2178th mtg., para. 12. For the detailed procedural history of this case, see chapter VIII, part II, under the same title.

⁶⁷ This citation of Article 2, paragraph 4, was reiterated in resolution 461 (1979), ninth preambular paragraph, and in the United States draft resolution S/13735, eighth preambular para.; for the text, see *OR*, 35th yr., *Suppl. for Jan.-March 1980*.

⁶⁸ For the texts of relevant statements, see 2187th mtg.: Australia, paras. 30-35; Costa Rica, paras. 92-100; Italy, paras. 104-110; Liberia, paras. 112-133; Norway, paras. 52-56; Singapore, paras. 38-48; Somalia, paras. 72-80; Spain, para. 59-68; and United States, paras. 6-27; 2188th mtg.: German Democratic Republic, paras. 5-21; Jamaica, paras. 97-102; Netherlands, paras. 51-59; Portugal, paras. 24-27; Venezuela, paras. 30-38; and Viet Nam, paras. 62-93; 2189th mtg.: Bangladesh, paras. 41-49; Federal Republic of Germany, paras. 63-75; Lao People's Democratic Republic, paras. 101-112; Mongolia, paras. 21-37; Yugoslavia, paras. 80-97; and Zambia, paras. 6-17; 2190th mtg. and Corr. I and Add. I: Afghanistan, paras. 87-102; Canada, paras. 62-72; Chile, paras. 75-84; German Democratic Republic, paras. 135-139; Panama, paras. 10-34; President (France), paras. 125-131; USSR, paras. 110-123; Zaire, paras. 39-59; Mexico, paras. 160-165; and Philippines, paras. 145-156. There were numerous invocations of Articles 2, paragraph 7, and 51 in addition to references to Article 2, paragraph 4.

Tunisia and Zambia. Under this draft, the Council, mindful of the obligations of Member States to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations, would, *inter alia*, have reaffirmed anew its conviction that the preservation of the sovereignty, territorial integrity and political independence of every State was a fundamental principle of the Charter of the United Nations, any violation of which on any pretext whatsoever was contrary to its aims and purposes; deeply deplored the armed intervention in Afghanistan, which was inconsistent with that principle; affirmed that the sovereignty, territorial integrity, political independence and non-aligned status of Afghanistan must be fully respected; and called for the immediate and unconditional withdrawal of all foreign troops from Afghanistan in order to enable its people to determine their own form of government and choose their economic, political and social systems free from outside intervention, coercion or constraint of any kind whatsoever.⁶⁹

At the 2190th meeting, also on 7 January 1980, the draft resolution was put to the vote, received 13 votes to 2, and was not adopted owing to the negative vote of a permanent member of the Council.⁷⁰

CASE 12

The situation between Iran and Iraq

(In connection with a draft resolution sponsored by Mexico, voted upon and adopted on 28 September 1980, and a statement of the President of the Council issued on 5 November 1980)

During the first phase of the Council's deliberations on the situation between Iran and Iraq in fall 1980, the principle of non-use of force was endorsed by a unanimous Council and the two war parties were strongly urged

⁶⁹S/13729, OR, 35th yr., Suppl. for Jan.-March 1980; fourth pre-ambular para. and paras. 1-4.

⁷⁰For the vote on the draft resolution (S/13729), see 2190th mtg. and Corr. I and Add. I, para. 140. For the detailed procedural history of this case, see chapter VIII, part II, under the same title.

to abandon the battle and to seek a solution through peaceful means.⁷¹

At the 2248th meeting, on 28 September 1980, the President drew attention to a draft resolution sponsored by Mexico that had been prepared in the course of lengthy consultations. The draft was put to the vote at the same meeting and unanimously adopted as resolution 479 (1980).⁷² It reads, *inter alia*, as follows:

The Security Council,

Mindful as well that all Member States are obliged to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State,

1. *Calls upon Iran and Iraq to refrain immediately from any further use of force and to settle their dispute by peaceful means and in conformity with principles of justice and international law;*

The Council held further meetings and consultations on the evolving conflict between the two countries. On 5 November 1980, the President of the Council issued a statement⁷³ on behalf of the members, which reads, *inter alia*, as follows:

Members of the Council are deeply concerned that hostilities continue, with resulting loss of life and material damage. They continue to urge that all concerned be guided by Member States' obligations under the Charter to settle their international disputes by peaceful means and in such a manner that international peace and security and justice are not endangered and to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State.

⁷¹For the texts of relevant statements, see 2248th mtg.: Bangladesh, paras. 85-91; 2252nd mtg.: United States, paras. 33-46; 2253rd mtg.: United Kingdom, paras. 3-11; 2254th mtg.: France, paras. 3-20; Jamaica, paras. 23-32; Tunisia, paras. 58-72. There were also many references to Articles 24 and 33.

⁷²For the vote on the draft resolution (S/14201), see 2248th mtg., para. 11.

⁷³For the full text of the statement (S/14244), see OR, 35th yr., Resolutions and Decisions of the Security Council, 1980, pp. 23 and 24. For the detailed procedural history of this case, see chapter VIII, part II, under the same title.

B. ARTICLE 2, PARAGRAPH 5

"All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any State against which the United Nations is taking preventive or enforcement action."

NOTE

During the period under review, no constitutional discussion arose in connection with Article 2, paragraph 5 of the Charter. The Council, however, adopted a number of resolutions containing provisions which might be described as implicit references to the principle in that paragraph of Article 2.⁷⁴ There were no explicit references to Article 2, paragraph 5 during any of the Council debates.

⁷⁴Resolution 388 (1976), para. 2, in connection with the situation in Southern Rhodesia; resolution 444 (1979), para. 6; resolution 450 (1979), para. 8, and resolution 467 (1980), para. 9 in connection with the situation in the Middle East; and the statement of the President, on behalf of the Council, para. 6 (S/12958), OR, 33rd yr., Resolutions and Decisions of the Security Council, 1978, pp. 8 and 9; also in connection with the situation in the Middle East. All these references could also be linked to Article 25, which states the principle of Article 2, paragraph 5, in a narrower and more specific manner. For the consideration of the provisions of Article 25, see part IV below.

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 so far as may be necessary for the maintenance of international peace and security."

NOTE

During the period under review, the Council adopted two resolutions⁷⁵ that contained explicit references to article 2, paragraph 6. Neither of these resolutions gave rise to a constitutional discussion nor did members refer to the Article during the deliberations of the Council.

Several resolutions contained provisions that might be interpreted as implicit references to Article 2, paragraph 6.⁷⁶ A number of draft resolutions also referred

⁷⁵Resolutions 388 (1976), para. 3 (Article 2 invoked) and 409 (1977), para. 2, in connection with the situation in Southern Rhodesia.

⁷⁶Resolutions 384 (1975), para. 4, and 389 (1976), para. 5, in connection with the situation in Timor; resolutions 405 (1977), paras. 4 and 5, and 419 (1977), para. 3, in connection with the complaint by Benin; resolution 411 (1977), para. 8, in connection with the complaint by Mozambique; resolutions 417 (1977), para. 4, 418 (1977), paras. 2-5, and 421 (1977), para. 2, in connection with the question of South Africa; and resolution 465 (1980), para. 7, in connection with the situation in the occupied Arab territories.

to the Charter provision, one of them explicitly.⁷⁷ But the Council members did not engage in any constitutional argument nor did they invoke the principle during the deliberations.

⁷⁷S/12211, *OR*, 31st yr., *Suppl. for Oct.-Nov. 1976*, paras. 11 (b)-(e) and 12, in connection with the situation in Namibia (the draft resolution was not adopted, owing to the negative votes of 3 permanent members); S/12433, *OR*, 32nd yr., *Suppl. for Oct.-Dec. 1977*, paras. 2 and 3, in connection with the question of South Africa (the draft resolution was withdrawn by the sponsors); S/12548, *OR*, 33rd yr., *Suppl. for Jan.-March 1978*, para. 1, also in connection with the question of South Africa (the draft resolution was not put to the vote); and S/13735, *OR*, 33th yr., *Suppl. for Jan.-March 1980*, para. 5 (with explicit reference to Article 2) in connection with the letter dated 22 December 1979 from the representative of the United States regarding Iran (the draft resolution was not adopted, owing to the negative vote of a permanent member).

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."

NOTE

The principle of non-interference in domestic affairs was frequently mentioned in Council proceedings, but the Council did not adopt any decision that invoked the provisions of Article 2, paragraph 7 implicitly or explicitly. In one case,⁷⁸ a draft resolution with a reference to the principle of non-interference in the internal affairs of States failed to be adopted, owing to the negative vote of a permanent member.

In a number of instances the deliberations of the Council contained significant exchanges of views pertaining to the relevance of non-interference in political as well as constitutional terms. During the consideration of the situation in South Africa, several delegations explained their support for resolution 392 (1976) whereby the Council strongly condemned the South African Government for its resort to massive violence against and killings of the African people, with the argument that Article 2, paragraph 7, had not been violated, as the Council had not imposed measures under Chapter VII but had protested violations of human rights as stipulated in Articles 55 and 56 of the Charter.⁷⁹

When the Council considered the letter dated 25 November 1979 from the Secretary-General to the President of the Council and the letter dated 22 December 1979 from the representative of the United States regarding Iran, the Charter principle of non-interference was frequently invoked by delegations warning against interventionist measures against Iran, which had detained United States diplomatic personnel in violation of international law; instead, most speakers suggested that only peaceful settlement procedures be used to resolve this dangerous situation.⁸⁰

During the Council's deliberations on the letter dated 3 January 1980 from 52 Member States regarding Afghanistan, the principle of non-interference was invoked by representatives holding opposing views on the merits of the case; a number of delegates condemned the interference by foreign troops in the internal affairs of Afghanistan, whereas others held that the sovereign right of the Afghan people to determine on their own their social and political development had been impinged upon by foreign Powers, which were abrogating the principle of domestic

⁷⁸See case 13 below.

⁷⁹See 1930th mtg.: United Kingdom, paras. 301 and 302; and United States, paras. 289-292. See also 1930th mtg.: South Africa, para. 150, for a statement alleging interference of the Council.

⁸⁰See 2175th mtg.: President (China), para. 119; USSR, para. 90; and United States, para. 22; 2176th mtg.: Federal Republic of Germany, para. 43; Kuwait, para. 6; Spain, para. 125; and Yugoslavia, para. 116; 2177th mtg.: Belgium, para. 26; and 2182nd mtg.: United Kingdom, para. 34. Most of the references did not go beyond a general restatement of this principle, together with other basic norms of the Charter; none of them invoked Article 2, paragraph 7, explicitly.

jurisdiction, including the right of the Government to seek outside assistance.⁸¹

In connection with the situation between Iran and Iraq, members of the Council emphasized certain Charter provisions, including the principle of non-interference in internal matters of States, as keys to a solution in this violent conflict between neighbouring countries.⁸²

When the Council considered the situation in the Comoros, the deliberations did not touch upon Article 2, paragraph 7, but a draft resolution was submitted that contained a clear, though implicit, reference to the principle of non-interference.⁸³ The draft resolution was put to the vote and not adopted owing to the negative vote of a permanent member.⁸⁴

Article 2, paragraph 7, was explicitly referred to in two other instances of the Council's deliberations,⁸⁵ and both explicitly⁸⁶ and implicitly⁸⁷ in a number of

communications from Member States addressed to the United Nations.

CASE 13

Telegram dated 3 January 1979 from the Deputy Prime Minister in charge of Foreign Affairs of Democratic Kampuchea

(In connection with a draft resolution submitted by Bangladesh, Bolivia, Gabon, Jamaica, Kuwait, Nigeria and Zambia, voted upon and not adopted on 15 January 1979)

During the Council's consideration of the developments in Democratic Kampuchea, the speakers engaged in what could be called a constitutional discussion regarding the protection or violation of Article 2, paragraph 7; some saw the role of the troops from neighbouring Viet Nam as interference in the internal affairs of Democratic Kampuchea, whereas others argued that the request by the new Kampuchean Government for military and other assistance from Viet Nam against the remnant forces of the Pol Pot régime was a matter of domestic jurisdiction and did not warrant outside clamouring for international intervention; both sides stressed the principal relevance of the provisions of Article 2, paragraph 7.⁸⁸

At the 2111th meeting, on 15 January 1979, the representative of Kuwait introduced a draft resolution⁸⁹ jointly submitted by Bangladesh, Bolivia, Gabon, Jamaica, Kuwait, Nigeria and Zambia, under which the Council would, *inter alia*, have demanded that the parties concerned adhere strictly to the principle of non-interference in the internal affairs of States, so as to create an atmosphere conducive to the stability of the region.

At the 2112th meeting, on the same day, the draft resolution was put to the vote, received 13 votes to 2, and was not adopted, owing to the negative vote of a permanent member of the Council.⁹⁰

⁸¹2185th mtg.: Afghanistan, paras. 86-116 (explicit); Egypt, paras. 126-149; German Democratic Republic, paras. 29-33; Japan, paras. 119-123; Pakistan, paras. 66-83; Philippines, paras. 53-59; USSR, paras. 11-20; 2186th mtg.: China, paras. 35-44; New Zealand, paras. 129-133; Poland, paras. 118-126 (explicit); Saudi Arabia, paras. 109-115; Turkey, paras. 138-142; USSR, paras. 3-33; United Kingdom, paras. 48-55; 2187th mtg.: Australia, paras. 30-35; Costa Rica, paras. 92-100; Hungary, paras. 136-147; Italy, paras. 104-110; Liberia, paras. 112-133 (explicit); Malaysia, paras. 86-90; Norway, paras. 52-56; Singapore, paras. 38-49; Somalia, paras. 72-80; Spain, paras. 59-68; United States, paras. 6-27; 2188th mtg.: German Democratic Republic, paras. 6-21; Jamaica, paras. 97-102; Netherlands, paras. 51-59; Portugal, paras. 24-27; Venezuela, paras. 29-38 (explicit); Viet Nam, paras. 62-93; 2189th mtg.: Bangladesh, paras. 41-49; Federal Republic of Germany, paras. 63-76; Lao People's Democratic Republic, paras. 101-112 (explicit); Mongolia, paras. 21-37 (explicit); Niger, paras. 53-57; Yugoslavia, paras. 80-97; Zambia, paras. 6-18; 2190th mtg. and Corr. 1 and Add. 1: Afghanistan, paras. 86-102; Canada, paras. 62-72; Chile, paras. 75-84; German Democratic Republic, paras. 135-139; Panama, paras. 10-34; President (France), paras. 126-131; Tunisia, paras. 105-108, p. 41; USSR, paras. 110-123; Zaire, paras. 39-59; German Democratic Republic, paras. 175-177; Mexico, paras. 160-165; Philippines, paras. 145-156; USSR, paras. 166-169 (explicit). Article 2, paragraph 7, was, however, not referred to in the draft resolution that was submitted to the Council.

⁸²2252nd mtg.: United States, paras. 29-41, p. 16; 2253rd mtg.: United Kingdom, paras. 3-11; 2254th mtg.: France, paras. 5-20; Jamaica, paras. 23-32; Tunisia, paras. 58-72; USSR, paras. 84-94.

⁸³S/11967, *OR*, 31st yr., *Suppl. for Jan.-March 1976*, para. 1. The draft resolution was sponsored by Benin, Guyana, the Libyan Arab Republic, Panama and the United Republic of Tanzania. The Council considered the issue at its 1886th to 1888th meetings, from 4 to 6 February 1976.

⁸⁴For the procedural history of this instance, see chapter VIII, part II, under the same title "Situation in the Comoros".

⁸⁵1863rd mtg.: Greece, paras. 215 and 219, in connection with the situation in Cyprus; 1989th mtg.: Liberia, para. 59, in connection with the question of South Africa.

⁸⁶S/11835, *OR*, 30th yr., *Suppl. for July-Sept. 1975* (a letter from Spain to the Secretary-General); and S/13986, *OR*, 35th yr., *Suppl. for April-June 1980* (a letter from South Africa to the President of the Council).

⁸⁷S/11838, *OR*, 30th yr., *Suppl. for Oct.-Dec. 1975* (a letter from Spain to the Secretary-General); and S/13725, *OR*, 35th yr., *Suppl. for Jan.-March 1980* (a letter from Afghanistan to the President of the Council). For similar implicit references to Article 2, paragraph 7, in communications from Member States, see case 13 below.

⁸⁸For the texts of relevant statements, see 2108th mtg.: Cuba, para. 177; Czechoslovakia, para. 26; USSR, paras. 10 and 146; Viet Nam, para. 113 (explicit); 2109th mtg.: Bolivia, para. 59; German Democratic Republic, para. 66; Kuwait, para. 10; Norway, para. 17; Sudan, para. 94; 2110th mtg.: Gabon, para. 16; Portugal, paras. 26 and 31; Singapore, paras. 48 and 51; United States, para. 72; Zambia, para. 10; 2111th mtg.: Nigeria, para. 35; Poland, para. 77; President (Jamaica), para. 147; USSR, para. 154; Viet Nam, para. 167. For implicit references to Article 2, paragraph 7, see also S/13011 (letter dated 8 January 1979 from Viet Nam), *OR*, 34th yr., *Suppl. for Jan.-March 1979*, in connection with this question.

⁸⁹S/13027, *OR*, 34th yr., *Suppl. for Jan.-March 1979*, para. 3.
⁹⁰For the vote on the draft resolution, see 2112th mtg.: para. 4. For the detailed procedural history of this case, see chapter VIII, part II.

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, the Council, while discussing the situation between Iran and Iraq, adopted a resolution⁹¹ that explicitly invoked Article 24. During the Council's consideration of the situation in South-East Asia and its implications for international peace and security, two draft resolutions were submitted, which referred to the Article implicitly; one of these draft resolutions was not put to the vote; the other was not adopted, owing to the negative vote of a permanent member.⁹²

In connection with the question of South Africa, the Council adopted resolution 417 (1977) of 31 October 1977 which, in its preambular part, contained an implicit reference to Article 24.⁹³ The consideration and adoption of this resolution did not involve any constitutional discussion.

There were a number of explicit references to Article 24, other than those listed in cases 14 and 15, in the course of the Council debates, but no constitutional discussion ensued.⁹⁴ Article 24 was also explicitly invoked in a letter⁹⁵ from the representative of Israel to the Secretary-General.

CASE 14

The situation in South-East Asia and its implications for international peace and security

(In connection with a draft resolution sponsored by Czechoslovakia and the USSR, not put to the vote, and another draft resolution sponsored by Indonesia, Malaysia, the Philippines, Singapore and Thailand, put to the vote and not adopted on 16 March 1979)

The responsibility of the Council for the maintenance of international peace and security was stressed by most speakers, but while some wanted the Council to focus exclusively on the conflict between Viet Nam and China, others considered it necessary to view the recent crisis involving Viet Nam and Democratic Kampuchea together

with the violent clashes between the Chinese and Vietnamese troops.⁹⁶

At the 2114th meeting, on 23 February 1979, the representative of the USSR introduced a draft resolution jointly sponsored by Czechoslovakia and the USSR, which, in its preambular part,⁹⁷ referred to the Council's responsibility under the Charter for the maintenance of international peace and security. This draft resolution was not put to the vote.⁹⁸

At the 2129th meeting, on 16 March 1979, the representative of Thailand introduced another draft resolution, which was sponsored by Indonesia, Malaysia, the Philippines, Singapore and Thailand and which also recognized the Council's responsibility under Article 24 of the Charter.⁹⁹ The draft resolution was put to the vote at the same meeting, received 13 votes to 2, and was not adopted, owing to the negative vote of permanent member.¹⁰⁰

CASE 15

The situation between Iran and Iraq

(In connection with the draft resolution sponsored by Mexico, put to the vote and unanimously adopted on 28 September 1980)

During the deliberations in the Council concerning the first phase of the widening war between Iran and Iraq, the speakers were unanimous in calling for energetic efforts by the Council, under its Charter mandate, for the maintenance of international peace and security, and by the Secretary-General to bring about a speedy and equitable end to the fighting and to restore peace and good neighbourly relations.¹⁰¹

At the 2248th meeting, on 28 September 1980, the President drew attention to a draft resolution sponsored by Mexico.¹⁰² At the same meeting, the draft resolution, which had been prepared during the course of lengthy consultations, was put to the vote and unanimously

⁹¹Resolution 479 (1980). See case 15 below.
⁹²See case 14 below.
⁹³Resolution 417 (1977), seventh preambular para.
⁹⁴In connection with the Middle East problem including the Palestinian question, see 1871st mtg.: Syrian Arab Republic, para. 88; 1878th mtg.: Democratic Yemen, para. 10; in connection with the request by Mozambique under Article 50 of the Charter, see 1891st mtg.: Sweden, para. 33; in connection with the situation in the occupied Arab territories, see 1922nd mtg.: Syrian Arab Republic, para. 106; 1966th mtg.: Syrian Arab Republic, para. 159; in connection with the complaint by Benin, see 1987th mtg.: Pakistan, para. 50; in connection with the situation in the Middle East, see 2071st mtg.: Israel, para. 22; in connection with the telegram dated 3 January 1979 from the Deputy Prime Minister in charge of Foreign Affairs of Democratic Kampuchea, 2111th mtg.: Poland, para. 77; and in connection with the letter dated 3 January 1980 from 52 Member States regarding Afghanistan, see 2186th mtg.: Poland, para. 119. Implicit references to Article 24 are too numerous to be listed here.

⁹⁵S/12028, *OR, 31st yr., Suppl. for Jan.-March 1976*. The letter protested the election of the Libyan Arab Republic to a non permanent seat in the Council.

⁹⁶For the texts of the relevant statements, see 2114th mtg.: China, paras. 92 and 123; USSR, paras. 9, 69 and 70; United States, paras. 32 (explicit) and 33; 2115th mtg.: Australia, para. 191; Bangladesh, para. 43; Canada, para. 136; France, para. 6; India, para. 178 (explicit); Jamaica, para. 54; Poland, para. 212; United Kingdom, para. 14; Zambia, paras. 26 (explicit) and 36; 2116th mtg.: Indonesia, paras. 5 and 12 (explicit); Japan, para. 26; Philippines, para. 86; 2117th mtg.: Nigeria, para. 11 (explicit); 2129th mtg.: New Zealand, para. 135; United States, para. 90.

⁹⁷S/13117, *OR, 34th yr., Suppl. for Jan.-March 1979*; fourth preambular para.

⁹⁸For further details, see chapter VIII, part II, under the same title.

⁹⁹S/13162, *OR, 34th yr., Suppl. for Jan.-March 1979*; sixth preambular para.

¹⁰⁰For the vote on the draft resolution (S/13162), see 2129th mtg., para. 72. For the detailed procedural history of this case, see chapter VIII, part II, under the same title.

¹⁰¹For the texts of relevant statements, see 2247th mtg.: Mexico, paras. 16-26; Norway, paras. 29-33; Secretary-General, paras. 5-13; 2248th mtg.: France, paras. 54-60; Philippines, paras. 113-118; United States, paras. 32-46 (explicit); 2250th mtg.: Cuba, paras. 51-58, 2251st mtg.: United States, paras. 69-73; 2253rd mtg.: Philippines, paras. 14-24; 2254th mtg.: Jamaica, paras. 23-32; Portugal, paras. 75-82; USSR, paras. 84-94.

¹⁰²S/14201, adopted without change as resolution 479 (1980)

adopted as resolution 479 (1980).¹⁰¹ The fourth preambular paragraph reads as follows:

¹⁰¹ For the adoption of the draft resolution (S/14201), see 2248th mtg., para. 11. For the detailed procedural history of this case, see chapter VIII, part II, under the same title.

The Security Council.

Recalling that under Article 24 of the Charter the Security Council has primary responsibility for the maintenance of international peace and security,

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, the Council adopted two resolutions¹⁰⁴ in which Article 25 of the Charter was explicitly invoked. In one of these cases,¹⁰⁵ the Council engaged in what might be called a constitutional discussion concerning the termination of sanctions under the Charter.

Article 25 was also explicitly referred to in two draft resolutions, both of which were voted upon and not adopted.¹⁰⁶

A large number of resolutions¹⁰⁷ and several draft resolutions, which either were not brought to a vote or

failed of adoption,¹⁰⁸ contained paragraphs that could be considered as implicit references to Article 25.

There were also explicit references to Article 25 and to its binding nature during the debates in the Council, usually in connection with decisions previously taken by the Council.¹⁰⁹ With the exception of one case, the

in the occupied Arab territories, resolutions 446 (1979), para. 2; and 471 (1980), para. 4.

¹⁰⁴ In connection with the situation in Namibia, draft resolution S/12211, *OR, 31st yr., Suppl. for Oct.-Dec. 1976*, seventh preambular para. and paras. 1, 6, 9 and 12 (it was put to the vote at the 1963rd meeting, on 19 October 1976, and was not adopted, owing to the negative votes of three permanent members); in connection with the question of South Africa, draft resolution S/12547, *OR, 33rd yr., Suppl. for Jan.-March 1978*, fourth and sixth preambular paras. and para. 2 (it was not put to the vote); in connection with the situation in Cyprus, draft resolution S/12927, *OR, 33rd yr., Suppl. for Oct.-Dec. 1978*, third preambular para. and paras. 2 and 4 (it was not put to the vote); in connection with the question of the exercise by the Palestinian people of its inalienable rights, draft resolutions S/13514, *OR, 34th yr., Suppl. for July-Sept. 1979*, fourth, fifth and seventh preambular paras. and para. 1 (a) (this draft was not put to the vote); and S/13911, *OR, 35th yr., Suppl. for April-June 1980*, fifth and sixth preambular paras. and para. 6 (this draft was put to the vote and was not adopted, owing to the negative vote of a permanent member of the Council); and in connection with the situation in the Middle East, draft resolution S/14106, *OR, 35th yr., Suppl. for July-Sept. 1980*, fifth and sixth preambular paras. and paras. 1, 5 and 6 (the draft resolution was not put to the vote).

¹⁰⁹ In connection with the situation in Namibia, 1824th mtg.: Ghana, para. 58 and 63; 1827th mtg.: USSR, para. 93; 1880th mtg.: Algeria, para. 71; 1957th mtg.: Kenya, para. 97; 1959th mtg.: United Republic of Tanzania, para. 65; 1961st mtg.: USSR, para. 40; 1963rd mtg.: Panama, para. 65; and 2092nd mtg.: Burundi, para. 92; in connection with the Middle East problem including the Palestinian question, 1871st mtg.: Syrian Arab Republic, para. 90; in connection with the situation in the Comoros, 1888th mtg.: United Republic of Tanzania, para. 30; in connection with the request by Mozambique under Article 50 of the Charter, 1890th mtg.: Egypt, para. 125; and Jamaica, para. 45; in connection with the request by the Libyan Arab Republic and Pakistan for consideration of the situation arising from developments in the occupied Arab territories, 1894th mtg.: Pakistan, para. 147; in connection with the exercise by the Palestinian people of its inalienable rights, 1924th mtg.: Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian people, para. 36; 2160th mtg.: PLO, para. 69; in connection with the complaint by Mauritius, current Chairman of OAU, of the "act of aggression" by Israel against Uganda, 1942nd mtg.: Panama, para. 20; in connection with the question of South Africa, 1989th mtg.: Liberia, para. 43; in connection with the situation in the Middle East, 2085th mtg.: United States, para. 23; 2180th mtg.: Nigeria, para. 103; in connection with the situation in Southern Rhodesia (other than the 2181st meeting), 2090th mtg.: Nigeria, para. 74; USSR, paras. 39 and 41; 2120th mtg.: Ghana, para. 133; 2143rd mtg.: Czechoslovakia, para. 71; Kuwait, para. 114; United Kingdom, para. 141; United States, para. 118; in connection with the situation in the occupied Arab territories, 2157th mtg.: Kuwait, para. 7; 2199th mtg.: PLO, para. 158; 2200th mtg.: Tunisia, para. 66; 2203rd mtg.: PLO, para. 60; 2221st mtg.: PLO, paras. 60 and 90; and 2226th mtg.: PLO, para. 120; in connection with the complaint by Zambia, 2171st mtg.: Nigeria, para. 40; and in connection with the letter dated 22 December 1979 from the representative of the United States, 2191st mtg. and Add. I: United States, para. 28. Implicit references to Article 25 were too numerous to be listed here.

¹⁰⁴ Resolutions 437 (1978), para. 2, and 460 (1979), para. 4, both in connection with the situation in Southern Rhodesia.

¹⁰⁵ Resolution 460 (1979), see case 16 below.

¹⁰⁶ In connection with the question of South Africa, S/12310, *OR, 32nd yr., Suppl. for Jan.-March 1977*, seventh preambular para., revised as S/12310/Rev.1, *ibid., Suppl. for Oct.-Dec. 1977*, seventh preambular para., voted upon and not adopted, owing to the negative votes of three permanent members; and in connection with the letter dated 22 December 1979 from the representative of the United States, S/13735, *OR, 35th yr., Suppl. for Jan.-March 1980*, para. 4, voted upon and not adopted, owing to the negative vote of a permanent member.

¹⁰⁷ In connection with the situation in Cyprus, resolutions 367 (1975), para. 4; 370 (1975), paras. 1-3; 383 (1975), paras. 1-3; 391 (1976), paras. 1-3; 401 (1976), paras. 1-3; 410 (1977), paras. 1-3; 414 (1977), paras. 2 and 3; 422 (1977), paras. 1-3; and 440 (1978), paras. 1-3; in connection with the situation in the Middle East, resolutions 368 (1975), operative para. (a); 369 (1975), fourth preambular para., operative para. (a); 371 (1975), para. 1; 378 (1975), para. 1 (a); 390 (1976), operative para. (a); 396 (1976), para. 1 (a); 398 (1976), operative para. (a); S/12218, statement dated 11 November 1976 by the President on behalf of the Council, para. 4 (*OR, 31st yr., Resolutions and Decisions of the Security Council, 1976*; resolutions 408 (1977), operative para. (a); 416 (1977), para. 1 (a); 420 (1977), operative para. (a); 429 (1978), operative para. (a); 434 (1978), para. 2; 441 (1978), operative para. (a); S/12958, statement dated 8 December 1978 by the President on behalf of the Council, paras. 3 and 5 (*OR, 33rd yr., Resolutions and Decisions of the Security Council, 1978*; resolutions 444 (1979), para. 7; 449 (1979), operative para. (a); 450 (1979), para. 9; 456 (1979), operative para. (a); 459 (1979), para. 10; 467 (1980), paras. 1 and 10; 470 (1980), operative para. (a); 474 (1980), para. 6; 476 (1980), paras. 2, 5 and 6; 478 (1980), fifth preambular para. and para. 1; 481 (1980), operative para. (a); and 483 (1980), para. 7; in connection with the situation in Namibia, resolutions 385 (1976), seventh preambular para. and paras. 5, 9, 10 and 12; 435 (1978), paras. 2, 5 and 6; and 439 (1978), paras. 1, 5 and 6; in connection with the situation in Southern Rhodesia, resolutions 388 (1976), para. 1 (a)-(c); 437 (1978), second preambular para. and paras. 1 and 3; 445 (1979), tenth and eleventh preambular paras.; and 448 (1979), fourth and eighth preambular paras.; in connection with the complaint by Botswana, resolution 403 (1977), para. 3; in connection with the complaint by Lesotho, resolution 407 (1977), fifth preambular para.; in connection with the complaint by Mozambique, resolution 411 (1977), tenth, thirteenth and fourteenth preambular paras. and paras. 3, 6, 8, 10 and 12; in connection with the question of South Africa, resolutions 417 (1977), second preambular para. and para. 4; 418 (1977), para. 5; 421 (1977), paras. 1 (a) and 2; and 473 (1980), paras. 1, 10 and 11; in connection with the complaint by Zambia, resolution 424 (1978), fifth preambular para.; in connection with the complaint by Angola against South Africa, resolutions 428 (1978), para. 7, and 475 (1980), para. 4; and in connection with the situation

Council did not engage in any constitutional discussion concerning Article 25 that represented more than a reaffirmation of long-held views about its interpretation and application.

Article 25 was explicitly invoked in a letter¹¹⁰ dated 23 March 1979 from the Chairman of the Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia to the President of the Council and in letters¹¹¹ dated 12 and 14 December 1979 from the representatives of the United Kingdom and Madagascar to the President of the Council regarding the lifting of sanctions against Southern Rhodesia.

CASE 16

Situation in Southern Rhodesia

(In connection with the draft resolution prepared in the course of consultations, put to the vote and adopted on 21 December 1979)

At the 2181st meeting, on 21 December 1979, when the Council took up the announcement by the United Kingdom regarding the lifting of the sanctions against Southern Rhodesia,¹¹² the disagreement revolved around the question whether a Member State had the right unilaterally to cease to discharge its obligations with regard to a mandatory decision taken by the Security Council in accordance with Article 25 of the Charter. Several representatives held that the termination of the sanctions was untimely and hasty as well as in violation of the principles

of the legal framework established by the United Nations and international law and demanded that the authority of the Council be fully upheld in this matter. Others suggested that the changed situation in Southern Rhodesia, following the resumption of formal British rule over the territory, did indeed warrant the cancellation of all mandatory sanctions against the rebellious régime.¹¹³

At the 2181st meeting, on 21 December 1979, the President drew attention to a draft resolution that had been prepared in the course of prior consultations. At the same meeting, the draft resolution was put to the vote, and was adopted by 13 votes to none, with 2 abstentions, as resolution 460 (1979).¹¹⁴ It reads, *inter alia*, as follows:

The Security Council,

Recalling its resolutions 232 (1966) of 16 December 1966, 253 (1968) of 29 May 1968 and subsequent resolutions on the situation in Southern Rhodesia,

2. *Decides*, having regard to the agreement reached at the Lancaster House conference, to call upon Member States to terminate the measures taken against Southern Rhodesia under Chapter VII of the Charter pursuant to resolutions 232 (1966), 253 (1968) and subsequent related resolutions on the situation in Southern Rhodesia;

3. *Further decides* to dissolve the Committee established in pursuance of resolution 253 (1968) in accordance with rule 28 of the provisional rules of procedure of the Security Council;

4. *Commends* Member States, particularly the front-line States, for their implementation of its resolutions on sanctions against Southern Rhodesia in accordance with their obligation under Article 25 of the Charter;

¹¹⁰S/13191, *OR*, 34th yr., *Suppl. for Jan.-March 1979*.

¹¹¹S/13688 and S/13693, *ibid.*, *Suppl. for Oct.-Dec. 1979*.

¹¹²See the letter dated 12 December 1979 from the representative of the United Kingdom, stating the British position regarding the termination of the sanctions (S/13688, *OR*, 34th yr., *Suppl. for Oct.-Dec. 1979*), and the letter dated 14 December 1979 from the representative of Madagascar, in his capacity of Chairman of the African Group for the month of December protesting against the British announcement as completely unacceptable and illegal (S/13693, *OR*, 34th yr., *Suppl. for Oct.-Dec. 1979*). Both letters invoked Article 25 explicitly.

¹¹³For the texts of the relevant statements, see 2181st mtg.: Botswana, para. 251 (explicit); Czechoslovakia, para. 119; Liberia, para. 232; Nigeria, para. 51 (explicit); USSR, para. 135; United Republic of Tanzania, paras. 194 and 205 (explicit); United States, para. 75; and Zambia, paras. 30 and 34.

¹¹⁴For the vote on the draft resolution (S/13699), see 2181st mtg., para. 4. For the detailed procedural history of this case, see chapter VIII, part II, under the same title.

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."

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 1975 to 1980 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

- (i) Dated 29 July 1975: transmitting the text of a resolution adopted on the same date by the Sixteenth Meeting of Consultation of Ministers of Foreign Affairs of OAS.¹¹⁵
- (ii) Dated 2 August 1976: transmitting the text of a resolution adopted on 31 July by the Thirteenth Meeting of Consultation of Ministers of Foreign Affairs of OAS.¹¹⁶
- (iii) Dated 18 September 1978: transmitting the text of a resolution adopted on the same date by the Permanent Council of OAS.¹¹⁷
- (iv) Dated 23 September 1978: transmitting the text of a resolution adopted the same date by the Seventeenth Meeting of Consultation of Ministers of Foreign Affairs of OAS.¹¹⁸
- (v) Dated 9 November 1978: transmitting the text of a resolution adopted on 16 October by the Permanent Council of OAS.¹¹⁹
- (vi) Dated 29 December 1978: transmitting the text of a resolution adopted on the same date by the Permanent Council of OAS.¹²⁰
- (vii) Dated 2 January 1979: transmitting the text of a resolution adopted on 30 December 1978 by the Permanent Council of OAS.¹²¹
- (viii) Dated 23 June 1979: transmitting the text of a resolution adopted on the same date by the Seventeenth Meeting of Consultation of Ministers of Foreign Affairs of OAS.¹²²

C. COMMUNICATIONS FROM STATES PARTIES TO DISPUTES OR SITUATIONS

- (i) Dated 4 July 1976: Sudan, requesting a meeting of the Council to consider an act of aggression by the Libyan Arab Republic.¹²³
- (ii) Dated 7 July 1976: Libyan Arab Republic, rejecting Sudanese allegations and warning that the request by Sudan would undermine efforts by OAU and the League of Arab States.¹²⁴
- (iii) Dated 26 November 1976: Democratic Yemen, charging violations of its air space by Iranian fighter planes stationed inside Oman.¹²⁵
- (iv) Dated 26 November 1976: Iran, charging an act of aggression against Iranian aircraft stationed in Oman from across the border by Democratic Yemen and warning that that action was designed to sabotage the Foreign Ministers' Conference of the Persian Gulf Littoral States which was in session in the capital of Oman.¹²⁶
- (v) Dated 29 November 1976: Oman, also charging an act of aggression by Democratic Yemen against unarmed Iranian Air Force plane in Oman and an attempt by the aggressor to undermine the Foreign Ministers' Conference held in Oman.¹²⁷
- (vi) Dated 28 March 1979: Uganda, requesting a meeting of the Council to consider aggression by the United Republic of Tanzania.¹²⁸
- (vii) Dated 5 April 1979: Uganda, withdrawing its request for a meeting, since it had accepted an appeal of the Group of African States at the United Nations not to have a meeting at that stage.¹²⁹
- (viii) Dated 12 May 1980: Bahamas, charging the violation of its air space and an attack upon a Bahamian patrol vessel resulting in the sinking of the boat by Cuban military aircraft.¹³⁰
- (ix) Dated 13 May 1980: Cuba, expressing regret if the vessel was indeed a Bahamian control boat and alleging pirate attacks on Cuban fishing boats.¹³¹

¹¹⁵S/11786, *OR*, 30th yr., *Suppl. for July-Sept. 1975*.

¹¹⁶S/12163, *ibid.*, 31st yr., *Suppl. for July-Sept. 1976*.

¹¹⁷S/12852, *ibid.*, 33rd yr., *Suppl. for July-Sept. 1978*.

¹¹⁸S/12861, *ibid.*

¹¹⁹S/12955, *ibid.*, *Suppl. for Oct.-Dec. 1978*.

¹²⁰S/12993, *ibid.*, 34th yr., *Suppl. for Jan.-March 1979*.

¹²¹S/13004, *ibid.*

¹²²S/13451, *ibid.*, *Suppl. for July-Sept. 1979*.

¹²³S/12122, *ibid.*, 31st yr., *Suppl. for July-Sept. 1976*.

¹²⁴S/12129, *ibid.*

¹²⁵S/12242, *ibid.*, *Suppl. for Oct.-Dec. 1976*.

¹²⁶S/12244, *ibid.*

¹²⁷S/12248, *ibid.*

¹²⁸S/13204, *ibid.*, 34th yr., *Suppl. for Jan.-March 1979*.

¹²⁹S/13228, *ibid.*, *Suppl. for April-June 1979*.

¹³⁰S/13937, *ibid.*, 35th yr., *Suppl. for April-June 1980*.

¹³¹S/13939, *ibid.*, 35th yr., *Suppl. for April-June 1980*

- (x) Dated 16 May 1980: Bahamas, rejecting Cuban explanations and insisting on apology and compensation.¹³²
- (xi) Dated 21 May 1980: Cuba, reiterating that attacks on Cuban fishing boats had confused the Cuban Air Force, leading to the attack on the Bahamian vessel.¹³³
- (xii) Dated 23 May 1980: Bahamas, accepting Cuban apologies, acknowledgements and assurances as solution for both Governments.¹³⁴
- (xiii) Dated 27 May 1980: Bahamas, expressing regret that Cuba had not yet replied to its letter offering a mutually satisfactory solution.¹³⁵
- (xiv) Dated 2 June 1980: Bahamas, announcing agreement between Cuba and Bahamian Governments regarding a formula for a solution.¹³⁶

D. COMMUNICATIONS FROM OTHER STATES CONCERNING MATTERS BEFORE REGIONAL ORGANIZATIONS

- (i) Dated 17 March 1977: Egypt, transmitting the text of the Political Declaration of the first Afro-Arab Summit Conference, held at Cairo from 7 to 9 March 1977.¹³⁷

In addition to circulating these communications to the representatives on the Council, it has been the practice to include summary accounts of some of them in the annual reports of the Council to the General Assembly.¹³⁸

During the period under review, the question of the respective responsibilities of the Security Council and the regional agencies concerning matters before the Council was not the subject of constitutional arguments nor were the provisions of Chapter VIII explicitly invoked.¹³⁹

¹³⁷S/12298, *ibid.*, 32nd yr., *Suppl. for Jan.-March 1977*.

¹³⁸See the reports of the Council to the General Assembly, 1975/76 (GAOR, 31st sess., *Suppl. No. 2*), p. 59; 1976/77 (GAOR, 32nd sess., *Suppl. No. 2*), pp. 46 and 47, 48 and 49, and 51; 1978/79 (GAOR, 34th sess., *Suppl. No. 2*), pp. 55 and 57; and 1979/80 (GAOR, 35th sess., *Suppl. No. 2*), p. 63.

¹³⁹Article 54 was explicitly invoked in all communications from the OAS listed under B above.

¹³²S/13943, *ibid.*

¹³³S/13955, *ibid.*

¹³⁴S/13959, *ibid.*

¹³⁵S/13964, *ibid.*

¹³⁶S/13974, *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 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, Article 103 was not the subject of any constitutional discussion or argument, but it was explicitly referred to in the course of proceedings of the Council.¹⁴⁰

****Part VIII**

****CONSIDERATION OF THE PROVISIONS OF CHAPTER XVII OF THE CHARTER**

¹⁴⁰In connection with the letter dated 3 January 1980 from 52 Member States regarding Afghanistan, 2190th mtg.: Panama, paras. 14 and 15.